Los Angeles Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: December 29, 2022

Program Type: Fill/Excavation

Reg. Meas. ID:	448648
Place ID:	882406
WDID:	4WQC401220
NWP:	14
USACOE#:	SPL-2022-00283-MWG
R4 File No:	22-056

Project Type: Bridges, Overpasses and Crossings

Project: Westbound State Route 91 Improvement (Project)

Applicant: California Department of Transportation, District 7 (Caltrans)

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If you have any questions, please call the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) Staff listed above or (213) 576-6600 and ask to speak with the Water Quality Certification and Wetlands Unit Program Manager. When corresponding via email, please include our general email: RB4-401Certification@waterboards.ca.gov.

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I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of California Department of Transportation (Caltrans, hereinafter Permittee) for the Project. This Order is for the purpose described in the application and supplemental information submitted by the Permittee. The application was received on June 21, 2022. The application was deemed complete on December 20, 2022.

The Applicant submitted a certification request as defined by 40 CFR section 121.5 concurrently to the Los Angeles Water Board and the U.S. Army Corps of Engineers (Corps) on June 21, 2022. In response to the certification request, the Corps provided a reasonable period of time as defined by 40 CFR 121.6 for the Water Board to act on the request by January 1, 2023.

II. Public Notice

The Los Angeles Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from July 26, 2022 to the effective date of the Order. The Los Angeles Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the proposed project is to create additional lanes on westbound State Route 91 (SR-91) from approximately Artesia Boulevard to Interstate 605 (I-605) and northbound I-605 to Alondra Boulevard in the Cities of Cerritos and Artesia, California.

IV. Project Description

The Caltrans District 7 and the Los Angeles County Metropolitan Transportation Authority (Metro), in collaboration with the Gateway Cities Council of Governments (GCCOG) and the Cities of Cerritos and Artesia, will widen approximately 3 miles of freeway along westbound SR-91 between approximately Artesia Boulevard and the I-605 interchange (Post Miles (PM) R16.9–R19.8), and from the I-605 northbound exit to Alondra Boulevard (PM R5.0–R5.8).

The freeway facilities within the limits of the westbound SR-91 improvement project (project) have inadequate capacity and experience traffic congestion. The need for the project is based on an assessment of the existing and future transportation demand in the project area compared to the available capacity. The westbound SR-91 approaching the connector ramp for northbound and southbound I-605 currently experiences significant congestion, which is forecast to increase in the future absent the proposed physical and operational improvements to the facility. Congestion is a result of insufficient SR-91 freeway mainline capacity; closely spaced freeway entrance and exit ramps, which have previously resulted in a high concentration of accidents; and inadequate capacity of the existing two-lane connector for the westbound SR-91 to northbound and southbound I-605.

Within the project limits, there are 14 drainage features (Drainage Features A through N) delineated as both jurisdictional waters of the United States (WOTUS) and waters of the state (WOTS). Jurisdictional Drainage Features B, C, I, and J will be impacted as a result of project construction. The other 10 drainage features will be protected in place. Specifically, portions of Drainage Features B and C, both of which are open, aboveground concrete channels, will be impacted during grading and other construction activities; however, these two impacted drainage features will be reconstructed and restored to open, aboveground concrete channels following completion of construction activities. Conversely, a portion of Feature I and all of Feature J will be reconfigured from open, aboveground concrete channels to covered, underground concrete culverts.

Temporary Impacts (0.04 acres)

Drainage Feature B:
Construction activities include widening the roadway and constructing a new retaining wall along a portion of the northbound (NB) side of I-605 and all of the Alondra Boulevard off-ramp. This will result in the need to reconstruct the existing concrete-lined channel corresponding to that portion of NB I-605 and the associated Alondra Boulevard off-ramp. This portion of Feature B will be restored to an open, aboveground concrete channel following completion of construction activities. This will result in temporary impacts to 0.03 acre of 404/401 jurisdiction within the project limits. The remainder of Feature B will be protected in place.

Drainage Feature C:
Grading and other construction activities will also impact a small portion of Feature C, an aboveground, concrete channel drainage feature. Following completion of construction activities, the impacted area of Feature C will be reconstructed and restored to an open, aboveground concrete channel. This will result in permanent impacts to 0.01 acre of 404/401 jurisdiction within the project limits.

Permanent Impacts (0.28 acres)

Drainage Feature I:
A portion of Feature I will be reconfigured from an open, aboveground concrete channel to a covered, underground reinforced concrete box culvert to accommodate the realignment of the Bloomfield Avenue on-ramp and the widening of the mainline pavement. This will result in permanent impacts to 0.02 acre of non-wetland WOTUS/WOTS (404/401 jurisdiction) within the project limits. The remainder of Feature I will be protected in place.

Drainage Feature J:
All of Feature J will be reconfigured from an open, aboveground concrete channel to a covered, underground reinforced concrete box culvert to accommodate the widening of the Artesia Boulevard on-ramp and the widening of the mainline pavement. This would result in permanent impacts to 0.26 acre of non-wetland WOTUS/WOTS (404/401 jurisdiction) within the project limits.

The estimated construction start and end dates are June 1, 2023 and June 30, 2026.

V. Project Location

The Project is located along westbound SR-91 between approximately Artesia Boulevard and the I-605 interchange (PM R16.9–R19.8), and from the I-605 northbound exit to Alondra Boulevard (PM R5.0–R5.8) in the Cities of Cerritos and Artesia in southeast Los Angeles County, California. The total length of the project is approximately 3 miles, with the majority of improvements occurring along westbound SR-91.

Latitude	Longitude
33.876569	-118.075583
33.887157	-118.102887
33.873353	-118.058079

Maps showing the Project location and impacts are found in Attachment A of this Order.

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Los Angeles Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable water quality control plan (Basin Plan) for the region and other plans and policies which may be accessed online at: http://www.waterboards.ca.gov/plans_policies/. The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Receiving Water:	Coyote Creek (San Gabriel River Estuary to La Canada Verde Creek) *2 unnamed drainage channels (Features B and C) (nearest downstream waterbody: San Gabriel River) and 2 unnamed drainage channels (Features I and J) (nearest downstream waterbody: Coyote Creek)* (Hydrologic Unit Code: 180701060606)
Designated Beneficial Uses:	MUN*, IND, PROC, GWR, WARM, WILD, RARE, REC-1_m, and REC-2 *Conditional beneficial use m: Access prohibited by Los Angeles County Department in the concrete-channelized areas.

VII. Description of Direct Impacts to Waters of the State

Permanent impacts total 0.28 acres and temporary impacts total 0.04 acres to a concrete lined portion of tributaries to the San Gabriel River.

Total Project fill/excavation quantities for all impacts are summarized in Table 1. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition only.

Table 1: Total Project Fill/Excavation Quantity

Aquatic Resource Type	Temporary Impact[1]			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY[2]	LF	Acres	CY	LF	Acres	CY	LF
Stream Channel	0.04			0.28					

[1] Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

[2] Cubic Yards (CY); Linear Feet (LF)

VIII. Avoidance and Minimization

The project qualified as a tier 2 project and the Project is the least environmentally damaging practicable alternative. (State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State, section IV.A.1.h).

Caltrans and Metro analyzed alternatives and design options, as well as a No Build Alternative, during preparation of the project's environmental documentation and associated technical reports.

The No Build Alternative was deemed infeasible because the project activities could not be located at an alternate location.

The Preferred Alternative will impact more than 0.3 acre of WOTS; however, the four impacted jurisdictional Drainage Features (Features B, C, I, and J) are anticipated to continue functioning with the existing drainage flow patterns once construction is complete. In addition, Best Management Practices for water quality will be implemented to avoid and/or minimize environmental impacts.

Due to the highly constrained urban setting of the proposed project, as well as the proposed project design features that would address existing vehicle capacity and traffic congestion and safety deficiencies along this section of SR-91 and I-605 in light of existing and future traffic demands, there are no practicable alternatives that would be less damaging to the aquatic environment, while still satisfying the project purpose and need, than the Preferred Alternative.

IX. Compensatory Mitigation

The Permittee shall provide compensatory mitigation described in section H for temporary impacts resulting in temporal loss and/or degradation of ecological condition.

Compensatory mitigation is required for direct impacts, as described in section I for permanent impacts.

X. California Environmental Quality Act (CEQA)

Caltrans, as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2018071043) for the Project in January 17, 2019, and filed a Notice of Determination (NOD) at the SCH on January 24, 2019. The Los Angeles Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that Caltrans's adopted environmental document comports with the requirements of CEQA and is valid. (Cal. Code Regs., tit. 14 § 15096(e); Pub. Resources Code, § 21167.2) The Los Angeles Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by Caltrans adequately addresses the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).)

XI. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

XII. Fees Received

The fee amount for the proposed project has been determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as Fill and Excavation Discharges with the dredge and fill fee calculator.

Table 2: Record of Fees Received

Date Received	Check No.	Amount
June 14, 2022	702516	**$6,679.00**
	Total	**$6,679.00**

XIII. Findings

1. This Order is adopted pursuant to section 401 of the Clean Water Act and the California Porter-Cologne Water Quality Control Act (Cal. Water Code § § 13000, et seq.). Discharges to waters of the state are prohibited except when in accordance with Water Code section 13264. Notwithstanding any determinations made by the U.S. Army Corps or other federal agency pursuant to 40 C.F.R. section 121.9, dischargers must comply with the entirety of this Order because the Order also serves as waste discharge requirements in accordance with State Water Board Water Quality General Order No. 2003-0017-DWQ.

2. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.

3. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law.

4. In response to a suspected violation of any condition of this Order, the Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.

5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project.

6. This Order does not provide coverage under the Construction General Permit. As applicable, dischargers shall maintain compliance with conditions described in, and required by, the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002 as amended by Order No. 2010-0014-DWQ, Order No. 2012-0006-DWQ, and any amendments thereto) (General Construction Permit). Enrollment in the Construction General Permit may be required for construction activity resulting in a land disturbance of one acre or more, or less than one acre

but part of a larger common plan of development or sale. For projects with ground disturbing activities that require enrollment in the Construction General Permit, dischargers shall maintain compliance with conditions described in, and required by the Permit. For ground disturbing activities that do not require enrollment in Order No. 2009-0009-DWQ, project plans included with the application shall include appropriate erosion and sediment control measures as described in the *Best Management Practices* Section below.

7. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Wildlife Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a "take" will result from any act authorized under this Order held by the discharger, the discharger must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The discharger is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.

8. This Order includes monitoring and reporting requirements pursuant to Water Code section 13267. The burden of preparing these reports, including costs, are reasonable to the need and benefits of obtaining the reports. The reports confirm that the best management practices required under this Order are sufficient to protect beneficial uses and water quality objectives. The reports related to accidental discharges also ensure that corrective actions, if any, that are necessary to minimize the impact or clean up such discharges can be taken as soon as possible. The anticipated costs are minimal as the reporting obligations require only visual monitoring, in-field measurements, and notification reporting.

XIV. Conditions

The Los Angeles Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watershed of the Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions. This Order provides reasonable assurance that the Project authorized under this Order will comply with state and federally approved water quality requirements, provided that the following conditions are adhered to.

A. Authorization

Impacts to waters of the state shall not exceed quantities shown in Table 1.

B. Reporting and Notification Requirements

Requirements for the content of these reporting and notification types are detailed in Attachment C, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment C, which must be signed by the Permittee or an authorized representative.

1. Project Reporting

a. Annual Reporting: The Permittee shall submit an Annual Report each year on the anniversary of Project effective date. Annual Reporting requirements are detailed in Attachment C. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.

2. **Project Status Notifications**

   a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities.

   b. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to Los Angeles Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Los Angeles Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee, which will end the active discharge period and associated annual fees.

   c. **Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,[3] and no further Project activities will occur. This request shall be submitted to Los Angeles Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, Los Angeles Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

3. **Conditional Notifications and Reports:** The following notifications and reports are required as appropriate.

   a. **Accidental Discharges of Hazardous Materials**[4]

      Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

      i. As soon as (A) the Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
         - first call – 911 (to notify local response agency)
         - then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911
         - Lastly, follow the required OES procedures as set forth in: http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf

[3] Completion of post-construction monitoring shall be determined by Los Angeles Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

[4] "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

ii. Following notification to OES, the Permittee shall notify the Los Angeles Water Board, as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, or delivered written notice.

iii. Within five (5) working days of notification to the Los Angeles Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

b. Violation of Compliance with Water Quality Standards: The Permittee shall notify the Los Angeles Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, e-mail, or delivered written notice.

i. Examples of noncompliance events include: lack of any reporting in a timely manner, lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the state, water contact with uncured concrete, and exceedances of limits for the analytes for *In-Water Work or Diversions* listed below.

ii. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.

c. In-Water Work or Diversion

i. If stream diversion will be necessary, the Permittee shall submit to Los Angeles Water Board staff a Stream Diversion Plan, with a diagram and a narrative description of the method to divert the stream and associated Best Management Practices (BMPs) for acceptance, at least 30 days in advance of any stream diversion.

ii. During stream diversion or in-water work, water quality monitoring shall be conducted. Requirements for water quality monitoring are below.

iii. The Permittee shall notify the Los Angeles Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be via telephone, e-mail, or delivered written notice.

iv. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Los Angeles Water Board staff.

d. Modifications to Project: Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Los Angeles Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Los Angeles Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order.

e. Transfer of Property Ownership: This Order is not transferable in its entirety or in part to any person or organization except after receiving certification for the Project from the Los Angeles Water Board. In addition:

i. The Permittee must notify the Los Angeles Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Los Angeles Water Board at least 30 days prior to the transfer of ownership.

ii. Until such time as a new Order has been issued, the Permittee shall continue to be responsible for all requirements set forth in this Order.

f. **Transfer of Long-Term BMP Maintenance:** If maintenance responsibility for post-construction BMPs such as debris basins is legally transferred, the Permittee must submit to the Los Angeles Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee must provide such notification to the Los Angeles Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

C. Water Quality Monitoring

1. **General:** If surface water is present, continuous visual surface water monitoring shall be conducted to detect accidental discharge of construction related pollutants (e.g., oil and grease, turbidity plume, or uncured concrete).

2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Los Angeles Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

3. **In-Water Work or Diversions:**

   For projects involving planned work in water or stream diversions, a water quality monitoring plan shall be submitted to Los Angeles Water Board staff for acceptance at least 30 days in advance of any discharge to the affected water body. Water quality monitoring shall be conducted in accordance with the approved plan.

   During planned work in water or stream diversions, any discharge(s) to waters of the state shall conform to the following water quality standards:

   a. Oil and Grease. Waters shall not contain oils, greases, waxes or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.

   b. Dissolved Oxygen. At a minimum, the mean annual dissolved oxygen concentration of all waters shall be greater than 7 mg/L, and no single determination shall be less than 5.0 mg/L, except when natural conditions cause lesser concentrations.

      The dissolved oxygen content of all surface waters designated as WARM shall not be depressed below 5 mg/L as a result of waste discharges.

c. pH. The pH of inland surface waters shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharges. Ambient pH levels shall not be changed more than 0.5 units from natural conditions as a result of waste discharge.

d. Turbidity. 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%.

Sampling shall be conducted in accordance with Table 3 sampling parameters.[5]

Table 3: Sample Type and Frequency Requirements

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Oil and Grease	N/A	Visual	Continuous
Dissolved Oxygen	mg/L & % saturation	Grab	Daily for the first week, weekly, thereafter
pH	Standard Units	Grab	Daily for the first week, weekly, thereafter
Turbidity	NTU	Grab	Daily for the first week, weekly, thereafter
Temperature	°F (or as °C)	Grab	Daily for the first week, weekly, thereafter

Baseline sampling shall be conducted at a minimum of one location within the project boundary for each phase. All other sampling shall take place at a minimum of two locations. In streams or flowing water, the sample locations shall be upstream and downstream of the Project. Results of the analyses shall be submitted to the Los Angeles Water 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. A summary of results shall discuss the analysis. Every measurement not meeting the compliance limits shall be accompanied by an explanation, the actions taken to correct the degradation to waters, and addressed in *Violation of Compliance with Water Quality Standards* report described above.

4. **Post-Construction:** Visually inspect the Project site during the rainy season for 5 years to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the Los Angeles Water Board staff member overseeing the Project within three (3) working days. The Los Angeles Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

D. Standard Conditions

[5] Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Los Angeles Water Board staff. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, Article 6 commencing with sections 3867-3869, inclusive. Additionally, the Los Angeles Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Los Angeles Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.

2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.

E. General Compliance

1. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Los Angeles Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.

2. Authorization under this General Order is granted based on the application information submitted, including engineering plans, specifications, and technical reports. Water Code section 13264 prohibits any discharge that is not specifically authorized in this General Order.

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment B of this Order.

2. The Permittee shall grant Los Angeles Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:

    a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.

    b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.

    c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.

    d. Sample or monitor for the purposes of assuring Order compliance.

3. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.

4. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

5. Lake and Streambed Alteration Agreement - The Permittee shall submit a signed copy of the Department of Fish and Wildlife's lake and streambed alteration agreement to the Los Angeles Water Board immediately upon execution and prior to any discharge to waters of the state.

6. This Order shall expire **five (5) years** from date of this Order. The Applicant shall submit a complete application at least 90 days prior to termination of this Order if renewal is requested.

G. Best Management Practices

1. Site Management

a. Staging, storing, or refueling of any equipment shall not occur within the drainage features.

b. All appropriate and necessary containment measures for work over waterways shall be implemented to ensure that no construction materials or debris from construction work enters the drainage features.

c. All drain inlets shall be protected prior to the start of construction to prevent construction materials and debris from entering drainages.

d. Spill and leak prevention procedures for chemicals and hazardous substances shall be implemented at the site. Spills shall be prevented from entering stormwater runoff before and during cleanup activities. Spills shall not be buried or washed with water. Spill procedures shall be implemented for minor spills, semi-significant spills, and significant spills.

e. Materials shall be stored in their original containers with the original labels maintained in legible condition. Damaged or illegible labels shall be immediately replaced. Bagged or boxed material shall be stored on pallets and protected from wind and rain during non–working days and whenever precipitation is forecasted.

f. Stockpiling of materials shall be minimized at the site. Soil, sediment, or other debris from stockpiles shall not enter storm drains, open drainages, or watercourses. Linear sediment barriers and covers shall be repaired as needed to keep them functioning properly. If sediment accumulates to 1/3 of the linear sediment barrier's height, the accumulated sediment shall be removed.

g. All equipment shall be maintained in good working order and routinely inspected for leaks. All vehicle and equipment refueling shall occur offsite or in designated areas outside of any waterways and all equipment shall be thoroughly power washed prior to entering the construction site to ensure it is clear of debris and any seeds that could potentially contaminate the site.

h. Erosion control measures shall be installed, including for wind erosion control, prior to and during construction.

i. Temporary stockpiles, if required, shall occur onsite within the Caltrans right-of-way or within temporary construction easements but not within any waterways.

j. All equipment maintenance, staging, and dispensing of fuel, oil, or any other such activities shall occur in developed or designated non-sensitive upland habitat areas. The designated upland areas shall be located to prevent runoff from any spills or other discharge from entering waters of the state.

2. Hazardous Materials

a. Construction materials or waste storage areas shall be cleaned, well organized, and equipped with enough cleanup supplies for the material being stored. Hazardous materials stored and used at the site shall be properly stored and handled to ensure that hazardous materials are not discharged.

3. Invasives Species and Soil Borne Pathogens

a. Any plants removed or soil disturbed during the course of construction shall be contained and properly disposed of off the site.

b. All mulch, topsoil, seed mixes, or other plantings used during landscaping activities and erosion-control BMPs shall be implemented to be free of invasive plant species seeds or propagules. No vegetation listed on the California Invasive Plant Council (Cal-IPC) Invasive Plant Inventory shall be installed on the proposed project. All plant palettes proposed for the project shall be reviewed by a Qualified Biologist during the Plans, Specifications, and Estimates phase. The project shall also adhere to local tree planting requirements.

4. Sediment Control and Stabilization/Erosion Control

a. The Permittee shall sweep by hand or mechanical methods, such as vacuuming, but not use mechanical kick brooms. Paved areas and roadways shall be monitored within the project. Sweeping shall be conducted within 1 hour if sediment or debris is observed during activities requiring sweeping or 24 hours if sediment or debris is observed during activities not requiring sweeping.

5. Wildlife and Special Status Species

a. All vegetation removal shall occur outside of bird nesting season, which is from February 15 to September 1. Should vegetation need to be removed during this period, the District Biologist shall be notified 2 weeks prior to the start of construction to determine whether nesting birds are present. In the event that nesting birds are observed, the Resident Engineer (RE) shall stop work until a Qualified Biologist has determined that fledglings have left the nest. If this is not possible, the RE shall coordinate with the District Biologist to minimize the risk of violating the Migratory Bird Treaty Act (MBTA). Potential protective measures include establishing a buffer of 150 feet (ft) for songbirds and a buffer of 500 ft for raptors during all phases of construction. Other measures to protect nesting birds include:

i. Flagging, stakes, and/or construction fencing shall be used to demarcate the inside boundary of the buffer between the project activities and the nest. Caltrans personnel, including all contractors working on site, shall be instructed on the sensitivity of the area. Caltrans shall document the results of the recommended protective measures described above to demonstrate compliance with applicable State and federal laws pertaining to the protection of birds.

ii. The Biological Monitor shall be present on site during all clearing and grubbing of vegetation to ensure that these activities remain within the project footprint (i.e., outside the demarcated buffer); to ensure that the flagging/stakes/fencing is

being maintained; and to minimize the likelihood that active nests are abandoned or fail due to project construction activities. The Biological Monitor shall send weekly monitoring reports to Caltrans and shall notify Caltrans immediately if project activities take, possess, or needlessly destroy any active bird nests or eggs of species. Caltrans shall notify the United States Fish and Wildlife Service (USFWS)/California Department of Fish and Wildlife (CDFW) within 48 hours if damage to an active nest or eggs or death or injury of birds protected under State law or the MBTA is observed.

b. Nighttime exit counts and acoustic surveys shall be performed by a Qualified Bat Biologist at all structures that contain suitable bat-roosting habitat and that may be subject to project-related impacts. These surveys shall be performed within 2 weeks prior to commencement of construction activities in order to provide adequate time for mitigation planning.

i. Upon confirmation of the presence of bats, construction shall avoid structures where bat day and night roosts have been confirmed to the maximum extent feasible. Where maternity roosting has been confirmed, demolition and pile-driving activities shall avoid the recognized bat maternity season (April 1–August 31) to prevent potential mortality of flightless young bats.

ii. Upon confirmation of the presence of bats, construction activities at structures housing maternity colonies shall be coordinated with a Qualified Bat Biologist and the CDFW.

iii. Upon confirmation of the presence of bats, if direct impacts to bat-roosting habitat are anticipated, humane evictions and exclusions of roosting bats shall be performed under the supervision of a Qualified Bat Biologist in the fall (September or October) prior to any work activities that would result in direct impacts or direct mortality to roosting bats, unless otherwise approved in coordination with CDFW. This action shall be performed in coordination with the CDFW. To avoid potential mortality of flightless juvenile bats, evictions and exclusions of bats shall not be performed during the maternity season (April 1–August 31). Winter months (December–February) are also inappropriate for bat eviction because not all individuals in a roost would emerge on any given night and long-distance movements to other roost sites are more difficult during the winter when prey availability is scarce, resulting in high mortality rates of evicted bats.

iv. Upon confirmation of the presence of bats, if permanent, direct impacts to bat roosting habitat are anticipated and a humane eviction/exclusion is performed, alternate roosting habitat shall be provided to ensure no net loss of bat-roosting habitat. This alternate roosting habitat should be installed on the structure prior to the eviction/ exclusion of bats from that structure. This action shall be coordinated with the CDFW and a Qualified Bat Biologist to ensure that the installed habitat will provide adequate mitigation for impacts.

v. At structures where night roosting is suspected or confirmed, work shall be limited to the daylight hours to the greatest extent feasible to avoid potential disruption of night foraging. If night work cannot be avoided, night lighting shall be focused only on the area of direct work, airspace access to and from the roost features of the structure shall not be obstructed, and light spillover into the adjacent foraging areas shall be minimized to the greatest extent feasible.

vi. Foliage-roosting bat species such as western yellow bats and hoary bats may roost in trees throughout the biological study area (BSA). If mature ornamental trees (particularly palm trees) are removed or trimmed for project construction, measures shall be implemented to avoid direct mortality to tree-roosting bats. To reduce potential impacts to tree-roosting bats, tree trimming/removal activities shall be performed outside the bat maternity season (April 1–August 31) to avoid direct impacts to flightless young bats that may roost in trees within the BSA. This period also coincides with the bird nesting season of March 15–September 15.

vii. A Qualified Biologist shall monitor construction activities near suitable bat-roost structures and tree removal/tree trimming during the bat maternity season (April 1–August 31). If bats are encountered, activities shall halt and remain halted until (a) the roost is confirmed to have been vacated by a Qualified Biologist or (b) a Qualified Biologist has coordinated with the CDFW to develop alternative measures up to and including bat removal from the structure(s) or tree(s).

viii. If bird exclusion netting is installed to prevent birds from nesting on the bridge, care shall be taken to ensure that access to the bat-roosting habitat is not obstructed. The bird exclusion netting shall have a mesh size no greater than ½ inch by ½ inch to prevent potential entrapment of bats in the netting.

ix. If swallow nests are removed to prevent swallows from nesting in the project area during construction activities, the nests should be inspected for roosting bats and removed in the fall (September or October) in a manner that ensures they do not fall to the ground before lack of occupancy has been established. To avoid mortality by diurnal predators, any bats discovered in removed nests shall be either housed in temporary shelters by a Qualified Bat Biologist and released that evening on site or, with the approval of the CDFW, released immediately into one of the previously existing or alternative bat roosts installed on site.

6. Stormwater

a. The project shall comply with the local regulations associated with the State Water Board's Municipal Stormwater Permit issued to the Department of Transportation (Caltrans) under NPDES No. CAS000003 and Waste Discharge Requirements Order No. 2012-0011 - DWQ or subsequent order.

b. If not enrolled in the General Construction Permit, the Permittee shall develop and implement a site-specific Storm Water Pollution Prevention Plan (SWPPP) and a Rain Event Action Plan (REAP) as described in the General Construction Permit.

H. On-site Mitigation for Temporary Impacts

1. The Permittee shall restore all areas of temporary impacts to waters of the state.

2. If restoration of temporary impacts to waters of the state is not completed within 90 days of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state.

Table 4: Required Project Mitigation Quantity for Temporary Impacts								
Aquatic Resource Type	Mit. Type[6]	Units	Method[7]					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	PR			0.04				

I. Compensatory Mitigation for Permanent Impacts[8]

1. Compensatory Mitigation Plan

a. The Permittee shall provide a compensatory mitigation plan for impacts to waters of the state, for written acceptance by Los Angeles Water Board staff within 30 days of the issuance of this Order. Impacts to waters of the state are not authorized and shall not occur until a compensatory mitigation plan has been accepted by Los Angeles Water Board staff. Upon acceptance by Los Angeles Water Board staff, the Permittee shall implement the approved plan.

b. Any deviations from, or revisions to, the plan must be pre-approved by Los Angeles Water Board staff.

c. The final compensatory mitigation plan shall include all plan elements as outlined in 40 CFR § 230.94(c)

d. Permittees fulfilling their compensatory mitigation obligations by securing credits from an approved mitigation bank or in-lieu fee program, need only include the items described in 40 CFR § 230.94(c)(5)-(6), and the name of the specific mitigation bank or in-lieu fee program to be used.

2. Permittee-Responsible Compensatory Mitigation Responsibility

a. Permittee responsible compensatory mitigation installation shall be completed within 90 days of authorized impacts.

b. The monitoring period shall continue until the Los Angeles Water Board staff determines that performance standards have been met. This may require the monitoring period to be extended.

[8] Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

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c. The Permittee is responsible for the required compensatory mitigation in perpetuity. However, the Permittee may transfer the compensatory mitigation requirements associated with long-term management when the following conditions have been met:

i. Performance standards are met.

ii. A Transfer Agreement to a third party has been approved by Los Angeles Water Board staff.

iii. An endowment fund has been provided by the Permittee to a third party for management in perpetuity of the mitigation site.

iv. A conservation easement, deed restriction, or other appropriate restrictive covenant for the mitigation site has been recorded and approved by Los Angeles Water Board staff.

d. Transfer of Long-Term Permittee-Responsible Compensatory Mitigation and Management Responsibility

i. A transfer agreement shall be submitted from an authorized representative of the new party (transferee) for acceptance by Los Angeles Water Board staff. This agreement shall demonstrate acceptance and understanding of the responsibility to comply with and fully satisfy the required compensatory mitigation and long-term management conditions. Failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the Los Angeles Water Board under Water Code section 13385, subdivision (a).

ii. Notification of transfer of responsibilities meeting the above condition must be provided to the Los Angeles Water Board staff. A draft transfer agreement is due to Los Angeles Water Board staff no less than thirty (30) days prior to the transfer of the mitigation responsibility. A final transfer agreement is due to Los Angeles Water Board staff within 30 days of the completion of the transfer.

3. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation

a. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Los Angeles Water Board within 90 days of authorized impacts.

b. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Los Angeles Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

4. Total Required Compensatory Mitigation

a. The Permittee is required to provide compensatory mitigation for the authorized permanent impact to stream channel at a minimum 1:1 area replacement ratio (0.28 acres), pertaining to 0.28 acres of stream channels that will be undergrounded.

b. Total required Project compensatory mitigation information for permanent physical loss of area, ecological degradation and temporal loss is summarized in Table 5.

Table 5: Required Project Compensatory Mitigation Quantity								
Aquatic Resource Type	Comp Mit. Type[9]	Units	Method[10]					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	PR	Acres		0.28				

XV. Water Quality Certification

I hereby issue the Order for the Westbound State Route 91 Improvement Project, 4WQC40122056 certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act 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).

This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies.

R Purdy
Digitally signed by R Purdy
Date: 2022.12.29 14:39:00 -08'00'
Water Boards

December 29, 2022

Renee Purdy
Executive Officer
Los Angeles Water Quality Control Board

Date

[9] Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

[10] Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

Figure 1: Impacts to the upper portion of Drainage Feature B.

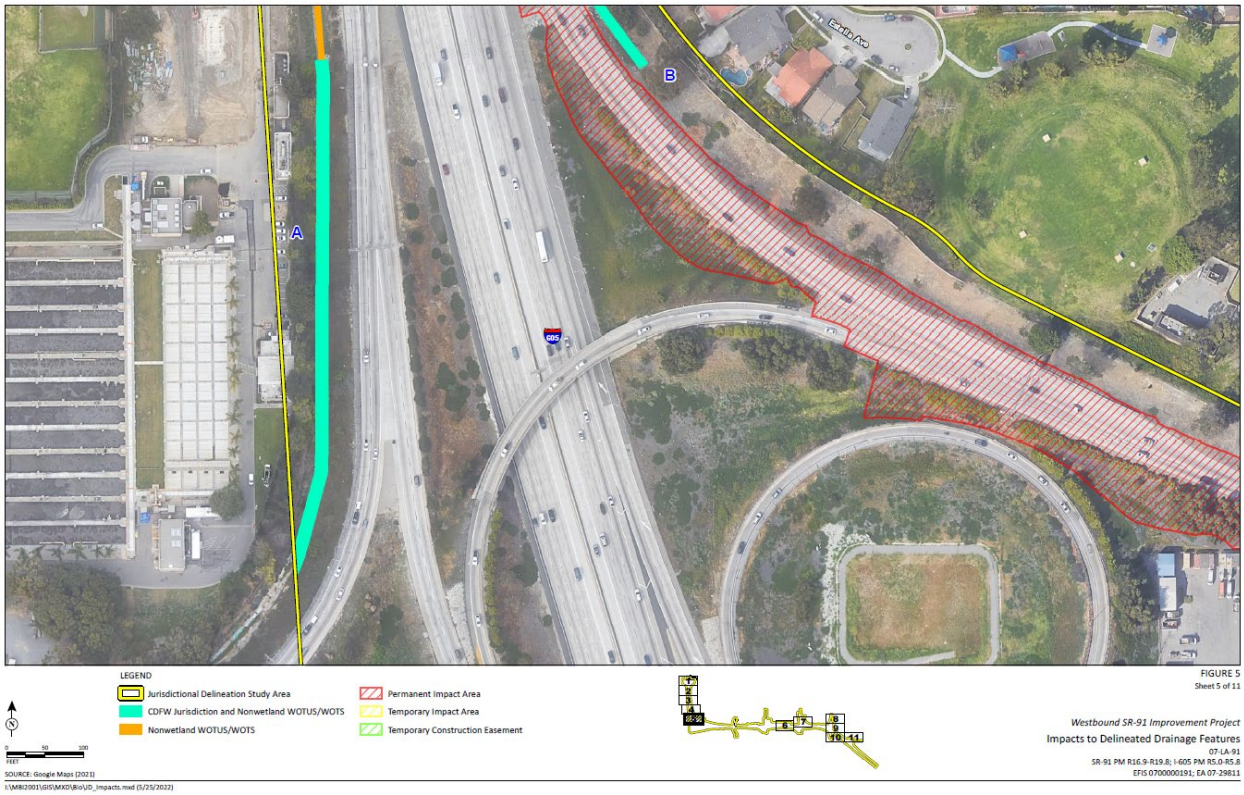

Figure 2: Impacts to the downstream portion of Drainage Feature B.

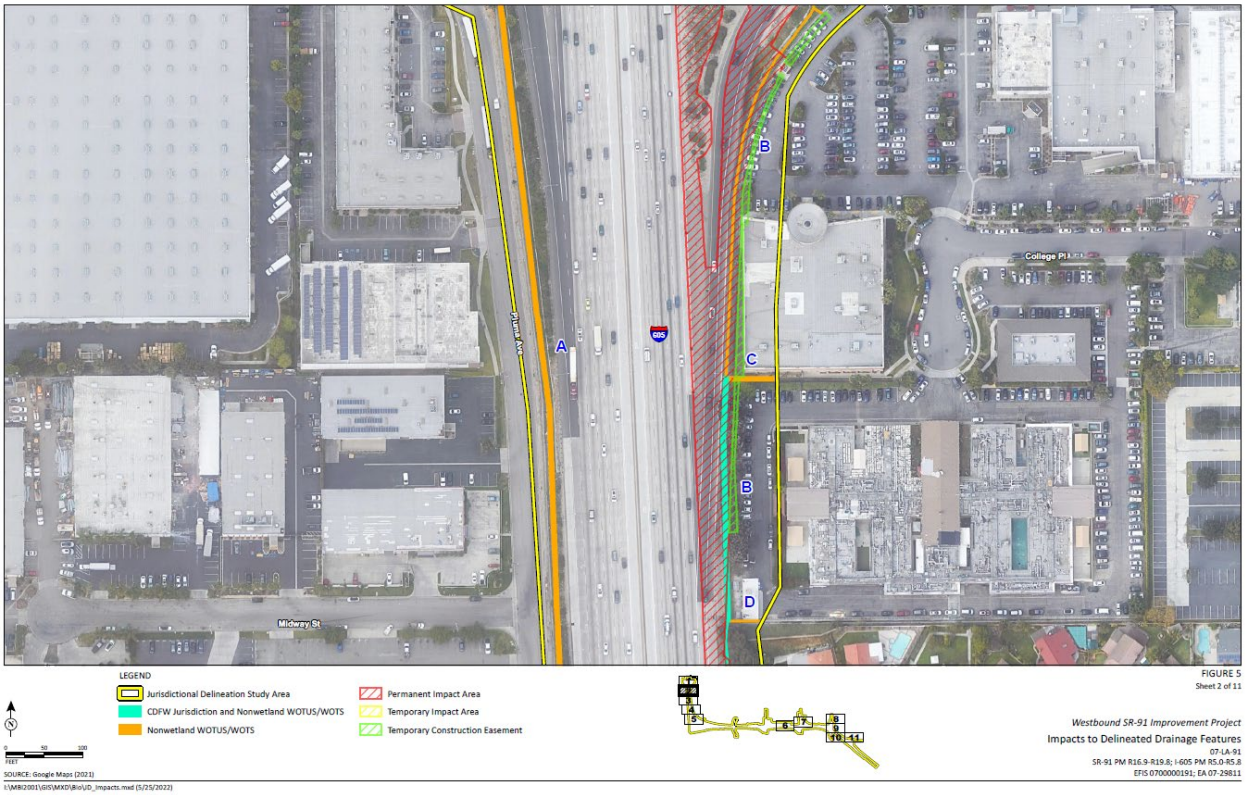

Figure 3: Impacts to Drainage Features B and C.

Figure 4: Impacts to the upper portion of Drainage Feature I and Drainage Feature J.

Figure 5: Impacts to the lower portion of Drainage Feature I and Drainage Feature J.

Figure 6: Impact to the lower portion of Drainage Feature J.

SIGNATORY REQUIREMENTS

All Documents Submitted In Compliance With This Order
Shall Meet The Following Signatory Requirements:

1. All applications, reports, or information submitted to the Los Angeles Water Quality Control Board (Los Angeles Water Board) must be signed and certified as follows:

    a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
    b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
    c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:

    a) The authorization is made in writing by a person described in items 1.a through 1.c above.
    b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
    c) The written authorization is submitted to the Los Angeles Water Board Staff Contact prior to submitting any documents listed in item 1 above.

3. Any person signing a document under this section shall make the following certification:

    "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Copies of this Form

Include a copy of the Project specific Cover Sheet below with your report: please retain a copy for your records.

Report Submittal Instructions

1. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting.
   - **Part A (Annual Report):** This report will be submitted annually from the anniversary of Project effective date until a Notice of Project Complete Letter is issued.
   - **Part B (Project Status Notifications):** Used to notify the Los Angeles Water Board of the status of the Project schedule that may affect Project billing.
   - **Part C (Conditional Notifications and Reports):** Required on a case by case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.
2. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
3. **Electronic Report Submittal Instructions:**
   - Submit signed Report and Notification Cover Sheet and required information via email to: RB4-401Certification@Waterboards.ca.gov
   - Include in the subject line of the email: Subject: ATTN: Ashley Olmeda; File No: 22-056, Reg. Measure ID: 448648 Report

Definition of Reporting Terms

1. **Active Discharge Period:** The active discharge period begins with the effective date of this Order and ends on the date that the Permittee receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project including site construction and restoration, and any Permittee responsible compensatory mitigation construction.
2. **Request for Notice of Completion of Discharges Letter:** This request by the Permittee to the Los Angeles Water Board staff pertains to projects that have post construction monitoring requirements, e.g. if site restoration was required to be monitored for 5 years following construction. Los Angeles Water Board staff will review the request and send a Completion of Discharges Letter to the Permittee upon approval. This letter will initiate the post-discharge monitoring period and a change in fees from the annual active discharge fee to the annual post-discharge monitoring fee.

3. **Request for Notice of Project Complete Letter:** This request by the Permittee to the Los Angeles Water Board staff pertains to projects that either have completed post-construction monitoring and achieved performance standards or have no post-construction monitoring requirements, and no further Project activities are planned. Los Angeles Water Board staff will review the request and send a Project Complete Letter to the Permittee upon approval. Termination of annual invoicing of fees will correspond with the date of this letter.
4. **Post-Discharge Monitoring Period:** The post-discharge monitoring period begins on the date of the Notice of Completion of Discharges Letter and ends on the date of the Notice of Project Complete Letter issued by the Los Angeles Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.
5. **Effective Date:** Date of Order issuance.

Map/Photo Documentation Information

When submitting maps or photos, please use the following formats.

1. **Map Format Information:**
   Preferred map formats of at least 1:24000 (1" = 2000') detail (listed in order of preference):

   - **GIS shapefiles**: The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection in feet.
   - **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
   - **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
   - Aquatic resource maps marked on paper **USGS 7.5 minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

2. **Photo-Documentation:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

REPORT AND NOTIFICATION COVER SHEET

Project:	Westbound State Route 91 Improvement Project				
Permittee:	Caltrans				
Reg. Meas. ID:	448648	**Place ID:**	882406	**File No:**	22-056

Report Type Submitted

Part A – Project Reporting	
Report Type	☐ **Annual Report**
Part B - Project Status Notifications	
Report Type	☐ **Commencement of Construction**
Report Type	☐ **Request for Notice of Completion of Discharges Letter**
Report Type	☐ **Request for Notice of Project Complete Letter**
Part C - Conditional Notifications and Reports	
Report Type	☐ **Accidental Discharge of Hazardous Material Report**
Report Type	☐ **Violation of Compliance with Water Quality Standards Report**
Report Type	☐ **In-Water Work/Diversions Water Quality Monitoring Report**
Report Type	☐ **Modifications to Project Report**
Report Type	☐ **Transfer of Property Ownership Report**

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Print Name [1]	**Affiliation and Job Title**
Signature	**Date**

[1]STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)

I hereby authorize _____ to act in my behalf as my representative in the submittal of this report, and to furnish upon request, supplemental information in support of this submittal.

Permittee's Signature

Date

***This Report and Notification Cover Sheet must be signed by the Permittee or a duly authorized representative and included with all written submittals.**

Part A – Project Reporting

Report Type	**Annual Report**
Report Purpose	Notify the Los Angeles Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
When to Submit	Annual reports shall be submitted each year on the anniversary of Project effective date. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
Report Contents	The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below. **<u>During the Active Discharge Period</u>** • **Topic 1: Construction Summary** • **Topic 2: Mitigation for Temporary Impacts Status** • **Topic 3: Compensatory Mitigation for Permanent Impacts Status** **<u>During the Post-Discharge Monitoring Period</u>** • **Topic 2: Mitigation for Temporary Impacts Status** • **Topic 3: Compensatory Mitigation for Permanent Impacts Status**
Annual Report Topics (1-3)	
Annual Report Topic 1	**Construction Summary**
When to Submit	With the annual report during the Active Discharge Period.
Report Contents	**1.** Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay. **2.** Color photos, pre-project and current. **3.** Map showing general Project progress. **4.** If applicable: **a.** Summary of any conditional reports sent during the year such as "Accidental Discharge of Hazardous Material Report" or "Accidental Discharge of Hazardous Material Report" **b.** Copies of revised permits from other agencies **c.** Compilation of all water quality monitoring results for the year in a spreadsheet format.
Annual Report Topic 2	**Mitigation for Temporary Impacts Status**
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.

Report Contents	***If not applicable report N/A.** **1.** Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state**.** **2.** If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of mitigation success.
Annual Report Topic 3	**Compensatory Mitigation for Permanent Impacts Status**
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
Report Contents	***If not applicable report N/A.** **Part A. Permittee Responsible** **1.** Planned date of initiation of compensatory mitigation site installation**.** **2.** If installation is in progress, a map of what has been completed to date. **3.** If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan. **Part B. Mitigation Bank or In-Lieu Fee** **1.** Status or proof of purchase of credit types and quantities. **2.** Include the name of bank/ILF Program and contact information. **3.** If ILF, location of project and type if known.

Part B – Project Status Notifications

Report Type	**Commencement of Construction**
Report Purpose	Notify Los Angeles Water Board staff prior to the start of construction.
When to Submit	Must be received at least seven (7) days prior to start of initial ground disturbance activities.
Report Contents	**1.** Date of commencement of construction. **2.** Anticipated date when discharges to waters of the state will occur. **3.** Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.

Report Type	**Request for Notice of Completion of Discharges Letter**
Report Purpose	Notify Los Angeles Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and permittee responsible compensatory mitigation, is complete.
When to Submit	Must be received by Los Angeles Water Board staff within thirty (30) days following completion of all Project construction activities.
Report Contents	**1.** Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized.

	2. An updated monitoring schedule for mitigation for temporary impacts to waters of the state and permittee responsible compensatory mitigation during the post-discharge monitoring period, if applicable.

Report Type	**Request for Notice of Project Complete Letter**
Report Purpose	Notify Los Angeles Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
When to Submit	Must be received by Los Angeles Water Board staff within thirty (30) days following completion of all Project activities.
Report Contents	**Part A: Mitigation for Temporary Impacts** **1.** A report establishing that areas of temporary impacts to waters of the state, and upland areas of temporary disturbance which could result in a discharge to waters of the state, have been successfully restored and all identified success criteria have been met. Pre- and post-photo documentation of all restoration sites. **Part B: Permittee Responsible Compensatory Mitigation** **2.** A report establishing that the performance standards outlined in the compensatory mitigation plan have been met. **3.** Status on the implementation of the long-term maintenance and management plan and funding of endowment. **4.** Pre- and post-photo documentation of all compensatory mitigation sites. **5.** Final maps of all compensatory mitigation areas (including buffers). **Part C: Post-Construction Storm Water BMPs** **6.** Date of storm water permit Notice of Termination(s), if applicable. **7.** Report status and functionality of all post-construction BMPs.

Part C – Conditional Notifications and Reports

Report Type	**Accidental Discharge of Hazardous Material Report**
Report Purpose	Notifies Los Angeles Water Board staff that an accidental discharge of hazardous material has occurred.
When to Submit	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Los Angeles Water Board staff.
Report Contents	**1.** The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted. **2.** If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites.

	3. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

Report Type	**Violation of Compliance with Water Quality Standards Report**
Report Purpose	Notifies Los Angeles Water Board staff that a violation of compliance with water quality standards has occurred.
When to Submit	The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Los Angeles Water Board staff.
Report Contents	The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Los Angeles Water Board staff.

Report Type	**In-Water Work and Diversions Water Quality Monitoring Report**
Report Purpose	Notifies Los Angeles Water Board staff of the completion of in-water work.
When to Submit	Within three (3) working days following the completion of in-water work. Continue reporting in accordance with the approved water quality monitoring plan.
Report Contents	As required by the approved water quality monitoring plan.

Report Type	**Modifications to Project Report**
Report Purpose	Notifies Los Angeles Water Board staff if the Project, as described in the application materials, is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
When to Submit	Prior to any alteration or modification of Project activities.
Report Contents	A description and location of any alterations of Project activities. Identify any Project modifications that will interfere with the Permittee's compliance with the Order. Any alteration may require an Amendment, to be determined by Los Angeles Water Board staff.

Report Type	**Transfer of Property Ownership Report**
Report Purpose	Notifies Los Angeles Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
When to Submit	At least 10 working days prior to the transfer of ownership.
Report Contents	**1.** A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts: **a.** the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and

	b. responsibility for compliance with any long-term BMP[1] maintenance plan requirements in this Order. **2.** A statement that the Permittee has informed the purchaser to submit a written request to the Los Angeles Water Board to be named as the permittee in a revised order.
Report Type	**Transfer of Long-Term BMP Maintenance Report**
Report Purpose	Notifies Los Angeles Water Board staff of transfer of long-term BMP maintenance responsibility.
When to Submit	At least 10 working days prior to the transfer of BMP maintenance responsibility.
Report Contents	A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

[1] Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

Compliance with Code of Federal Regulations, title 40, section 121.7, subdivision (d).

The purpose of this attachment is to comply with Title 40, Code of Federal Regulations (CFR) Part 121.7(d)(1), which requires an explanation of why a condition is necessary to assure that the authorized discharge will comply with water quality requirements, and a citation to federal, state, or tribal law that authorizes the condition.

This Attachment uses the same organizational structure as the *Conditions* Section, and the statements below correspond with the conditions set forth in the *Conditions* Section. The Sections preceding the *Conditions* Section are not "conditions" as used in 40 CFR section 121.7.(A).

The following three sources of authority are applicable to almost all conditions. Because these authorities are relevant to so many conditions, they are described in greater detail here and then cross-referenced below.

The state's Statement of Policy with respect to Maintaining High Quality of Waters in California ("Antidegradation Policy", State Board Resolution No. 68-16), requires that any "activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the state will be maintained." All Regional Board Water Quality Control Plans incorporate the state's Antidegradation Policy by reference. The state Antidegradation Policy incorporates the federal Antidegradation Policy (40 CFR Part 131.12), which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." According to U.S. EPA, for dischargers of dredged or fill material comply with the federal Antidegradation Policy by complying with U.S. EPA's section 404(b)(1) Guidelines. The State Water Board adopted a modified version of U.S. EPA's section 404(b)(1) Guidelines in the Dredge or Fill Procedures (also referred as State Supplemental Guidelines).

The State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Dredge or Fill Procedures) were adopted on April 2, 2019 and went into effect on May 28, 2020. The Dredge or Fill Procedures were adopted pursuant to the State Water Board's authority under Water Code section 13140 (state policy for water quality control) and 13170 (water quality control plan), and accordingly have regulatory effect. Consistent with Government Code, section 11353, a clear and concise summary of the Dredge or Fill Procedures is available in California Code of Regulations, section 3013. Per the Dredge or Fill Procedures, the permitting authority may only approve a project if the demonstrations set forth in Section IV.B.1 have been made. The information required by Section IV.A is necessary to ensure compliance with Section IV.B.1.

In addition, the conditions within the Order are generally required pursuant to the Los Angeles Water Board's Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Basin Plan). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies. For instance, the Basin Plan

includes water quality objectives for chemical constituents, oil and grease, pH, dissolved oxygen, temperature, toxicity, pesticides, solid, suspended or settleable materials, floating material, turbidity, exotic vegetation, color, and taste and odor which ensure protection of beneficial uses.

Furthermore, the conditions within the Order are also required, where applicable, pursuant to statewide water quality control plans and policies which were adopted and are periodically revised pursuant to Water Code section 13240, including, but not limited to, the following:

- Inland Surface Waters, Enclosed Bays, and Estuaries (ISWEBE) Plan
- State of California Executive Order W-59-93 (Wetlands “No Net Loss” Policy)

Furthermore, California Code of Regulations, title 23, Chapter 28 also sets forth regulations pertaining to water quality certifications. Section 3856 sets forth information that must be included in water quality certification requests, includes a description of steps that have or will be taken to avoid, minimize, and compensate for impacts to waters of the state.

Conditions

Authorization

Authorization under this Order is granted based on the application information submitted. Water Code section 13264 prohibits any discharge that is not specifically authorized in this Order.

Reporting and Notification Requirements

The reports confirm that the best management practices required under this Order are sufficient to protect beneficial uses and water quality objectives. The reports related to accidental discharges also ensure that corrective actions, if any, that are necessary to minimize the impact or clean up such discharges are taken as soon as possible. These monitoring and reporting conditions are authorized because the Water Boards have the authority to investigate the quality of any waters of the state within its region under Water Code sections 13383 and 13267. The burden of preparing these reports, including costs, bears a reasonably relationship to the benefits to be obtained from the reports. Specifically, the reports are necessary to demonstrate protection of beneficial uses and compliance with the requirements of the Order and relevant laws (including the Clean Water Act and other authorities). The anticipated costs are minimal as the reporting obligations require only visual monitoring, in-field measurements, and notification reporting.

Authorization under this Order is granted based on the application information submitted, including identification of the legally responsible party. Conditions regarding transfers are necessary to confirm whether the new owner wishes to assume legal responsibility for compliance with this Order. If not, the original discharger remains responsible for compliance with this Order. Confirmation is also necessary to confirm whether liability for long-term best management practices maintenance is accepted by another entity. If not, the original discharger remains responsible for compliance with this Order. Water Code section 13264 prohibits any discharge that is not specifically authorized in this Order.

Water Quality Monitoring

General

This monitoring condition is authorized because the Water Boards have the authority to investigate the quality of any waters of the state within its region under Water Code sections 13383 and 13267. The burden of monitoring, including costs, bears a reasonable relationship to the need for the monitoring, and the benefits to be obtained from the monitoring. The anticipated costs are minimal as only visual monitoring and in-field measurements are required. Specifically, the reports are necessary to demonstrate protection of beneficial uses and compliance with the requirements of the Order and relevant laws (including the Clean Water Act and other authorities.

Accidental Discharges/Noncompliance

See explanation for the *Reporting and Notification Requirements* Section.

In-Water Work or Diversions

Consistent with the Dredge or Fill Procedures, section IV.A.2.c, water quality monitoring plans are required for any in-water work, including temporary dewatering or diversions. These conditions are required to assure that 1) the discharge shall not adversely affect the beneficial uses of the receiving water or cause a condition of nuisance; 2) the discharge shall comply with all applicable water quality objectives; and 3) treatment and control of the discharge shall be implemented to assure that pollution and nuisance will not occur and the highest water quality is maintained. A water quality monitoring plan is necessary to conform to water quality standards for oil and grease, dissolved oxygen, pH, turbidity, and temperature. The Regional Water Board's Basin Plan and/or applicable statewide plans and policies contains provisions related to all these constituents.

These monitoring and reporting conditions are authorized because the Water Boards have the authority to investigate the quality of any waters of the state within its region under Water Code sections 13383 and 13267. The burden of preparing these reports, including costs, bears a reasonable relationship to the need for, and benefits of, the reports. The anticipated costs are minimal as the sampling requirements are either visual or only require a grab sample on a daily and/or weekly basis. Specifically, the reports are necessary to demonstrate protection of beneficial uses and compliance with the requirements of the Order and relevant laws (including the Clean Water Act and other authorities.

Post-Construction

The reports confirm that the best management practices required under this order are sufficient to protect beneficial uses and water quality objectives. The reports related to accidental discharges ensure that corrective actions, if any, that are necessary to minimize the impact or clean up such discharges are taken as soon as possible. These monitoring and reporting conditions are authorized because the Water Boards have the authority to investigate the quality of any waters of the state within its region under Water Code sections 13383 and 13267. The burden of preparing these reports, including costs, bears a reasonable relationship to the need for, and benefits of, the reports. The anticipated costs are minimal as the reporting obligations require only visual monitoring, in-field measurements, and notification reporting.

Standard Conditions

"This Order is subject to modification or revocation …"

"This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility …"

"This Order is conditioned upon total payment of any fee …"

These Conditions are standard conditions that "shall be included as conditions of all water quality certification actions." (Cal. Code of Regs., section 3860.)

General Compliance

"Permitted actions must not cause a violation of any applicable water quality standards …"

By the plain language of section 401 of the Clean Water Act, permitted actions may not cause a violation of applicable water quality standards. This condition related to compliance with water quality objectives and designated beneficial uses is required pursuant to the Los Angeles Water Board's Basin Plan and/or other applicable statewide plans and policies. The Basin Plan's water quality standards consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies. The Antidegradation Policy requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. Applicable beneficial uses and water quality objectives to protect those uses include the designated beneficial uses (Basin Plan, Chapter 2, Tables 2-1, 2-1a, 2-3, 2-3a, 2-4, and 2-4a; water quality objectives for chemical constituents (Basin Plan, page 3-29), color (Basin Plan, page 3-32), exotic vegetation (Basin Plan, page 3-32), floating material (Basin Plan, page 3-33), oil and grease (Basin Plan, page 3-34), dissolved oxygen (Basin Plan, page 3-39), pesticides (Basin Plan, page 3-40), pH (Basin Plan, page 3-40), solid, suspended and settleable material (Basin Plan, page 3-44), taste and odor (Basin Plan, page 3-44), temperature (Basin Plan, page 3-44), toxicity (Basin Plan, page 3-45), and turbidity (Basin Plan, page 3-46).

"The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports…"

Authorization under this Order is granted based on the application information submitted, including engineering plans, specifications, and technical reports. Water Code section 13264 prohibits any discharge that is not specifically authorized in this Order.

Administrative

"Signatory requirements for all document submittals…"

Conditions related to signatory requirements are also authorized by Water Code sections 13383 and 13267, which requires any person discharging waste that could affects the quality of waters to provide to the Water Boards, under penalty of perjury, any technical or monitoring program

reports as required by the Water Boards. The signatory requirements are consistent with 40 C.F.R. section 122.22.

"The Permittee shall grant Los Angeles Water Board staff …"

Conditions related to site access requirements are authorized pursuant to the Water Boards' authority to investigate the quality of any waters of the state within its region under Water Code sections 13383 and 13267. Water Code section 13267(c) provides that "the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with."

"A copy of this Order shall be provided to any consultants, contractors, and subcontractors …"

"A copy of this Order must be available at the Project site(s) during construction…"

These conditions require site personnel (agents of the applicant) and agencies to be familiar with the content of the Order and mandate availability of the document at the project site. These conditions are required to assure that any authorized discharge will comply with the terms and conditions of the Order and is inherently tied to the signature requirements required by Water Code section 13267.

"Lake or Streambed Alteration Agreement"

This condition is required pursuant to California Code of Regulations section 3856(e), which requires that copies be provided to the Water Boards of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included."

Best Management Practices

All the conditions related to best management practices are consistent with the Water Board's authority to establish, "[w]ater quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area" pursuant to Water Code section 13241(c). Water Code section 13264 prohibits any discharge that is not specifically authorized in this Order. The activities authorized under this Order have the potential to result in a discharge that exceeds water quality objectives, which is prohibited by the Clean Water Act, Antidegradation Policy and Water Code section 13263. As required by Water Code section 13369, all Water Quality Control Plans incentivize the use of best management practices to prevent prohibited discharges into waters of the state.

Site Management

This condition is necessary to prevent violation of state discharge prohibitions that protect water quality objectives. For instance, fuels and lubricants associated with the use of mechanized equipment have the potential to result in toxic discharges to waters of the state in violation of water quality standards, including the floating material and toxicity and floating material water quality objectives (Basin Plan, pages 3-33 & 3-45). Water Code section 13264 prohibits any discharge that is not specifically authorized in this Order. Failure to appropriately manage site

conditions has the potential to result in a discharge that exceeds water quality objectives, which is prohibited by the Clean Water Act, Antidegradation Policy and Water Code section 13263.

Hazardous Materials

These conditions are required pursuant to the Los Angeles Basin Plan (toxicity objective, page 3-40), and the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP), which prohibit the discharge of substances in concentrations toxic to human, plant, animal, or aquatic life. Toxic compounds can impair the beneficial uses of cold freshwater habitat, estuarine habitat, marine habitat, preservation of rare and endangered species, fish migration, fish spawning, warm freshwater habitat, and wildlife habitat. Conditions related to toxic and hazardous materials are necessary to assure that discharges comply with any water quality objectives adopted or approved under sections 13170 or 13245 of the Water Code.

Conditions related to concrete/cement are required pursuant to the Los Angeles Basin Plan, which require discharges to waters do not adversely raise or lower pH levels (Basin Plan, page 3-40). Water Code section 13264 prohibits any discharge that is not specifically authorized in this Order. The release of hazardous materials has the potential to result in a discharge that exceeds water quality objectives, which is prohibited by the Clean Water Act, the Antidegradation Policy, the Los Angeles Basin Plan, the ISWEBE Plan, the Dredge or Fill Procedures and Water Code section 13263.

Invasive Species and Soil Borne Pathogens

Soil borne pathogens cause disease and death to native plants, agricultural crops, and ornamental plants. Non-native invasive plant species can alter ecosystem processes such as nutrient cycling, hydrological cycles, and frequencies of wildfires, erosion and sediment deposition. They interfere in ecosystem functions by outcompeting and displacing native plants and animals, by providing refuge for non-native animals, and by hybridizing with native species. Invasive species and soil borne pathogens adversely affect beneficial uses designated in the Los Angeles Basin Plan, such as RARE (rare, threatened, or endangered species), WILD (wildlife habitat), and BIOL (preservation of biological habitats of special significance). (Basin Plan, page 2-7 & 2-8).

Invasive species and soil borne pathogen control practices prevent their uncontrolled spread to waters of the state and are necessary to assure that the discharge from the proposed project will comply with water quality objectives established for surface waters. The spread of soil borne pathogens devastates host species populations in riparian ecosystems, such as Phytophthora lateralis, the cause of Port Orford cedar root disease, and threatens the stability of native and commercial cedar populations worldwide. Invasive weeds degrade physical and chemical water quality characteristics, and overgrown vegetation reduces special species habitat and reduces aquatic resource capacity.

Furthermore, in State Water Board Resolution No. 2017-0012, the State Water Board resolved that the state shall update plans, permits, and policies to improve “ecosystem resilience to the impacts of climate change, including but not limited to actions that protect headwaters, facilitate restoration, enhance carbon sequestration, build and enhance healthy soils, and reduce vulnerability to and impacts from fires.”

Water Code section 13264 prohibits any discharge that is not specifically authorized in this Order. The presence of invasive species and soil borne pathogens has the potential to result in a discharge that exceeds water quality objectives, which is prohibited by the Clean Water Act, the Antidegradation Policy, the Los Angeles Basin Plan, ISWEBE Plan, the Dredge or Fill Procedures and Water Code section 13263.

Sediment Control and Stabilization/Erosion Control

Conditions related to erosion and sediment control design requirements are required to sustain fluvial geomorphic equilibrium. Improperly designed and installed BMPs result in excess sediment, which impairs surface waters, adversely affect beneficial uses, and results in exceedance of water quality objectives.

Conditions on projects that result in a hydromodification to a water of the state are necessary to assure that the discharge from the proposed project will comply with water quality objectives established for surface waters. Hydromodification is a general term that encompasses effects of projects on the natural hydrologic, geochemical, and physical functions of streams and wetlands that maintain or enhance water quality. Improper project design and installation of any project that results in a hydromodification to a water of the state may trigger bank failure and channel incision which results in excess sediment impacts to downstream beneficial uses. Water Code section 13264 prohibits any discharge that is not specifically authorized in this Order. Erosion has the potential to result in a discharge that exceeds water quality objectives, which is prohibited by the Clean Water Act, the Antidegradation Policy, the Los Angeles Basin Plan, the ISWEBE Plan, the Dredge or Fill Procedures and Water Code section 13263.

Wildlife and Special Status Species

Pursuant to the California Endangered Species Act (Fish & Wildlife Code, sections 2050 et seq.) and federal Endangered Species Act (16 U.S.C. sections 1531 et set.), the Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species. In the event a Permittee requires authorization from the state or federal authorities, California Code of Regulations, title 23, section 3856(e), requires that copies be provided to the Los Angeles Water Board of “any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included.”

Stormwater

Conditions related to stormwater management are required to comply with the Los Angeles Region’s Basin Plan, State Water Board’s Municipal Stormwater Permit issued to the Department of Transportation (Caltrans) under NPDES No. CAS000003 and Waste Discharge Requirements Order No. 2012-0011 - DWQ or subsequent order, and the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 20090009-DWQ; NPDES No. CAS000002 as amended by Order No. 2010-0014-DWQ, Order No. 2012-0006-DWQ, and any amendments thereto) (General Construction Permit). Post-rain erosion and sedimentation problems can contribute to significant degradation of the waters of the state; therefore, it is necessary to take corrective action to eliminate such discharges to avoid or minimize such degradation. Implementation of control measures and best management practices (BMPs) described in the condition will assure

compliance with water quality objectives including floating material, temperature, suspended and settleable material, and turbidity. (Basin Plan, pages 3-33, 3-44, 3-44, 3-46) Water Code section 13264 prohibits any discharge that is not specifically authorized in this Order. Rain events have the potential to result in a discharge that exceeds water quality objectives, which is prohibited by the Clean Water Act, the Antidegradation Policy, the Los Angeles Basin Plan, the ISWEBE Plan, the Dredge or Fill Procedures and Water Code section 13263.

On-site Mitigation for Temporary Impacts

Conditions in this section related to restoration and/or mitigation of temporary impacts are required by the Dredge or Fill Procedures, which requires "in all cases where temporary impacts are proposed, a draft restoration plan that outlines design, implementation, assessment, and maintenance for restoring areas of temporary impacts to pre-project conditions." (Dredge or Fill Procedures section IV. A.2(d) & B.4.)

Additional authorities applying to this condition include:

- Clean Water Act Section 401 (a discharge shall comply with water quality standards, which are established in Water Quality Control Plans)
- California Water Code section 13263 (discharges must implement water quality control plans and water quality objectives)
- California Code of Regulations, Title 23, section 3859 (conditions shall be added to ensure compliance with water quality standards and other appropriate requirements)
- 40 CFR 230.10 (a) (no discharge permitted if there is a practicable alternative with less impacts)
- 40 CFR 230.10 (b) (discharges may not cause or contribute to violations of water quality standards)
- 40 CFR 230.10 (c) (discharges may not cause degradation)
- 40 CFR 230.12 (conditions shall be included to minimize adverse effects to aquatic ecosystems)
- 40 CFR 230.70 (minimize effects of discharge through various actions)
- 40 CFR 230.71 (minimize effects of discharge through treatment of or limitations on the material)
- 40 CFR 230.72 (effects of discharge may be controlled by containment areas and other best management practices)
- 40 CFR 230.73 (minimize effects of discharged by controlling dispersion)
- 40 CFR 230.74 (minimize effects through use of appropriate equipment and techniques)
- 40 CFR 230.75 (minimize adverse effects on plant and animal populations)
- 40 CFR 230.76 (minimize adverse effects on human use, including timing of discharge)
- 40 CFR 230.77 (control runoff, maintain desired water quality, consider ecological changes)
- 40 CFR 230.91 (take all appropriate and practicable steps to avoid and minimize adverse impacts to waters of the United States)
- 40 CFR Part 230, Subpart J (sections 230.92 *et seq*.) (compensatory mitigation for losses of aquatic resources)
- The National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) (require identifying alternatives to avoid and minimize effects (40 CFR 1500.2 and California Code of Regulations, Title 144, section 15021))

- Dredge or Fill Procedures section IV. A.2(c) (water quality monitoring plan to monitor compliance with water quality objectives)
- Dredge or Fill Procedures, Subpart H (actions to minimize adverse effects)

Compensatory Mitigation for Permanent Impacts

Conditions related to mitigation requirements are required by the Dredged or Fill Procedures, section IV.A.2.b. In addition, section IV.B.1.a of the Procedures require that the Water Boards will approve a project only after it has been determined that a sequence of actions has been taken to first avoid, then to minimize, and lastly compensate for adverse impacts that cannot be practicably avoided or minimized. (See also State Supplemental Guidelines, section 230.10, restrictions on discharge & Cal. Code of Regs., section 3856(h) (requiring submittal of proposed mitigation and description of steps taken to avoid, minimize, or compensate).) Accordingly, compensatory mitigation may be required for projects that would result in permanent impacts. Conditions regarding compensatory mitigation are necessary to ensure compliance with state and federal anti-degradation policies. Compensatory mitigation conditions are consistent with Executive Order W-59-93 commonly referred to as California's "no net loss" policy for wetlands. Compensatory mitigation requirements are also authorized by Water Code, section 13263, which requires the imposition of requirements that implement water quality control plans, takes into consideration the beneficial uses to be protected, and the need to prevent nuisance.

Additional authorities applying to this condition include:

- Clean Water Act Section 401 (a discharge shall comply with water quality standards, which are established in Water Quality Control Plans)
- California Code of Regulations, Title 23, section 3859 (conditions shall be added to ensure compliance with water quality standards and other appropriate requirements)
- 40 CFR 230.12 (conditions shall be included to minimize adverse effects to aquatic ecosystems)
- 40 CFR 230.70 (minimize effects of discharge through various actions)
- 40 CFR 230.71 (minimize effects of discharge through treatment of or limitations on the material)
- 40 CFR 230.72 (effects of discharge may be controlled by containment areas and other best management practices)
- 40 CFR 230.73 (minimize effects of discharged by controlling dispersion)
- 40 CFR 230.74 (minimize effects through use of appropriate equipment and techniques)
- 40 CFR 230.75 (minimize adverse effects on plant and animal populations)
- 40 CFR 230.76 (minimize adverse effects on human use, including timing of discharge)
- 40 CFR 230.77 (control runoff, maintain desired water quality, consider ecological changes)
- 40 CFR 230.91 (take all appropriate and practicable steps to avoid and minimize adverse impacts to waters of the United States)
- 40 CFR Part 230, Subpart J (sections 230.92 *et seq*.) (compensatory mitigation for losses of aquatic resources)
- The National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) (require identifying alternatives to avoid and minimize effects (40 CFR 1500.2 and California Code of Regulations, Title 144, section 15021))

- Dredge or Fill Procedures section IV. A.2(c) (water quality monitoring plan to monitor compliance with water quality objectives)
- Dredge or Fill Procedures section IV. A.2(d) (restoration plan for temporary impacts).
- Dredge or Fill Procedures, Subpart H (actions to minimize adverse effects)