



# California Regional Water Quality Control Board

## Los Angeles Region



Linda S. Adams  
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Arnold Schwarzenegger  
Governor

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Shari Garwick  
City of San Dimas  
245 East Bonita Ave.  
San Dimas, CA 91773

**WATER QUALITY CERTIFICATION FOR PROPOSED CITY OF SAN DIMAS LONG-TERM CULVERT MAINTENANCE PROJECT (Corps' Project No. 2009-00364-MAS), SAN DIMAS CREEK, SYCAMORE CANYON CREEK, HAM CANYON, AND HORSETHIEF CANYON, TRIBUTARIES TO BIG DALTON WASH, SAN GABRIEL RIVER, CITY OF SAN DIMAS, LOS ANGELES COUNTY (File No. 09-053)**

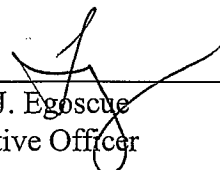
Dear Ms. Garwick:

Board staff has reviewed your request on behalf of the City of San Dimas (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on December 2, 2009.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Dana Cole, Section 401 Program, at (213) 576-5733.

  
\_\_\_\_\_  
Tracy J. Egoscue  
Executive Officer

  
\_\_\_\_\_  
Date

**California Environmental Protection Agency**



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

## DISTRIBUTION LIST

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**ATTACHMENT A**

**Project Information  
File No. 09-053**

1. Applicant: Shari Garwick  
City of San Dimas  
245 East Bonita Ave.  
San Dimas, CA 91773  
  
Phone: (909) 394-6248
2. Applicant's Agent: R.C. Brody  
Impact Sciences Inc.  
803 Camarillo Springs Road, Suite A  
Camarillo, CA 93012  
  
Phone: (805) 437-1901 Fax: (805) 437-1900
3. Project Name: City of San Dimas Long-Term Culvert Maintenance
4. Project Location: City of San Dimas, Los Angeles County

<u>Latitude</u> (decimal degrees)	<u>Longitude</u> (decimal degrees)
34.1284	117.7955
34.1281	117.7951
34.1350	117.7809
34.1345	117.7803
34.1379	117.7847
34.1374	117.7841
34.1397	117.7769
34.1390	117.7767

5. Type of Project: Culvert cleaning and maintenance
6. Project Purpose: The four culverts to be maintained by this project are located along the rural or suburban interface of the City of San Dimas. Storm-caused blockage during an extreme rain event could lead to the road closure of the only escape route during flooding for residents evacuating from San Dimas and Sycamore Canyons.

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#### 7. Project Description:

Periodic clearing of culverts of vegetation or sediment and debris removal in preparation for, and during, the rainy season will be preformed. The activity will occur every September and immediately following significant rain events. Culvert debris and sediment will only be removed to the extent necessary up to 100 feet in length and 20 feet in width.

The City anticipates that a typical cleaning frequency would be 3-5 years, depending upon the rate of deposition, and the type of vegetation that grows in the channel. Patches of *Arundo donax* can grow thick enough within a year or two to warrant more frequent cleaning.

Typically the City will hire a crew that will use a gradall (excavator) to clean the debris from the channel up to 50 to 100 feet upstream and downstream of the mouth of the culvert. The gradall is placed on the roadbed or at the top of the bank, adjacent to the channel.

In the event that the deposition is too great to be cleaned by a gradall, or the distance is beyond the reach of the gradall, the City will use a wheeled backhoe to remove the debris and vegetation. If *Arundo* growth in or adjacent to the channel is affecting the runoff, the City will consider removing not only the stems, but also the root mass, to a depth of approximately 3 to 4 feet. That will reduce the frequency of needed maintenance due to vegetation growth.

The debris will be deposited at an upland offsite facility, away from any regulated waters, to ensure that this debris does not reenter the drainage system. In the past this facility has been the Los Angeles County Sediment Placement Station off of San Dimas Canyon Road. This facility is operated by Los Angeles County and any placement of debris would be per their standards.

For public safety and only in the event of an emergency due to culvert blockage during a rain event, the City will use a backhoe or gradall from the road bed to clear debris from in front of the culverts. This action would be taken ensure an evacuation route is available for residents.

The four culverts are:

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**Project Information**  
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Horsethief Culvert (near intersection of Sycamore Canyon Road and Horsethief Cyn Rd)

Lower Golf Course Culvert (San Dimas Canyon Golf Course and San Dimas Canyon)

Golf Course Culvert (Inside San Dimas Canyon Golf Course, next to Maintenance Facility)

San Dimas Wash (near intersection of San Dimas Canyon Drive and Caballo Ranch Road)

8. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP No. 31: Maintenance of Existing Flood Control Facilities  
(Permit No. 2009-00364-MAS)
9. Other Required Regulatory Approvals: California Department of Fish and Game  
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 Existing Facilities. A Notice of Exemption was filed by the City of San Dimas with the Los Angeles County Clerk on October 27, 2008.
11. Receiving Water: San Dimas Wash, Big Dalton Wash, San Gabriel River Watershed  
(Hydrologic Unit No. 405.41)
12. Designated Beneficial Uses: MUN\*, GWR, REC-1, REC-2, WARM, WILD, RARE  
\*Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (vegetated streambed): 0.37 permanent acres  
(800 linear feet)
14. Dredge Volume: None

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### Project Information File No. 09-053

15. Related Projects Implemented/to be Implemented by the Applicant: A project was completed under certification 05-098 to install two culverts in San Dimas Wash and repair 80 feet of washed out roadway.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- All maintenance excavation will be done from the banks outside of waters.
  - No deposition of material is proposed adjacent to or in waters.
17. Proposed Compensatory Mitigation: The Applicant proposes to enhance 0.37 acres of vegetated streambed, (1:1 ratio) within the same drainage, or may propose, instead, to purchase a property to enhance and preserve.
18. Required Compensatory Mitigation: The Applicant shall provide **0.74 acres** (2:1 ratio) of enhancement to vegetated streambed. See *Attachment B, Conditions of Certifications, Additional Conditions Items 23 through 26* for modifications and additions to the above proposed compensatory mitigation.

## ATTACHMENT B

### Conditions of Certification File No. 09-053

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)* as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.

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5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.
6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact the Land Disposal Unit, at (213) 620-6119 for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.



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12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.
14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
15. The Applicant shall not conduct any maintenance activities within waters of the State during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any maintenance activities are to be held within five (5) days of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
16. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
17. Sediment removal at each phase shall not go beyond the extent as defined in the application packet.
18. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
19. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during all construction activities where clearing involves areas to be partially cleared (i.e. some vegetation is to remain in the same reach or in an adjacent reach). The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.

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20. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
21. All project, construction, or maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
22. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
  - pH
  - temperature
  - dissolved oxygen
  - turbidity
  - total suspended solids(TSS)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to diversion and then monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters.

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Downstream TSS shall be maintained at ambient levels. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

23. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
24. The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.37 acres** of vegetation within waters of the United States/Federal jurisdictional wetlands by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum **2:1** area replacement ratio (**0.74 acres**). The mitigation site shall be located within the San Gabriel River Watershed unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:
  - (a) The boundary of the mitigation site shall be clearly identified on a map of suitable resolution and quality and shall also be defined by latitude and longitude.
  - (b) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
  - (c) Success criteria shall be established.

**This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States** and shall include copies of all agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

25. If the Applicant proposes funding to a third-party organization for the creation or restoration of a total of **0.74 acres** of vegetated streambed riparian habitat within waters of the United States/Federal jurisdictional wetlands, then funding shall apply to mitigation acreage only, exclusive of administrative costs. The mitigation site shall be located within the San Gabriel River Watershed unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:
  - (d) Documentation from the third party indicating that funds have been used for mitigation acreage only, which do not include administrative costs.

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- (e) The boundary of the mitigation site shall be clearly identified on a map of suitable resolution and quality and shall also be defined by latitude and longitude.
- (f) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
- (g) Success criteria shall be established.

**This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States** and shall include copies of all agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

- 26. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
- 27. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation success has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking) or any delays in the mitigation process. At a minimum the Annual Reports shall include the following documentation and answered appropriately whether or not mitigation has been performed:
  - (h) Color photo documentation of the pre- and post-project and mitigation site conditions;
  - (i) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
  - (j) The overall status of project including a detailed schedule of work;
  - (k) Copies of all permits revised as required in Additional Condition 1;
  - (l) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
  - (m) A certified Statement of “no net loss” of wetlands associated with this project;
  - (n) Discussion of any monitoring activities and exotic plant control efforts; and



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31. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **09-053**. Submittals shall be sent to the attention of the 401 Certification Unit.
32. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
33. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment.
34. The project shall comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
35. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
36. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
37. *Enforcement:*
  - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section

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401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.

- (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
38. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.