



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Ed Andrews
Los Angeles County Department of Public Works
900 South Fremont Avenue
Alhambra, CA 91802

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7006 2760 0000 1339 3641

WATER QUALITY CERTIFICATION FOR PROPOSED WILL ROGERS STATE BEACH - COASTLINE IMPROVEMENTS PROJECT (Corps' Project No. 2005-00013-JLB), WILL ROGERS STATE BEACH, CITY OF LOS ANGELES, LOS ANGELES COUNTY (File No. 10-064)

Dear Mr. Andrews:

Board staff has reviewed your request on behalf of Los Angeles County Department of Public Works (LADPW) (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on January 31, 2013.

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.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

April 10, 2013
Date

DISTRIBUTION LIST

Gregory Mailho
TransSystems Corporation
180 Grand Ave. Suite 400
Oakland, CA 94612

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

Terri Dickerson (via electronic copy)
California Department of Fish and Game
Streambed Alteration Team
4949 View Ridge Avenue
San Diego, CA 92123

Dan Swenson
U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2325

Paul Amato (via electronic copy)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Jim Bartel
U.S. Fish and Wildlife Service
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Carlsbad, CA 92009

ATTACHMENT A

Project Information

File No. 10-064

1. Applicant: Ed Andrews
Los Angeles County Department of Public Works
900 South Fremont Avenue
Alhambra, CA 91803
Phone: (626) 300-2319 Fax: (626) 979-5320
2. Applicant's Agent: Gregory Mailho
TransSystems Corporation
180 Grand Ave. Suite 400
Oakland, CA 94612
Phone: (510) 835-7244 Fax: (510) 835-9839
3. Project Name: Will Rogers State Beach – Coastline Improvements
4. Project Location: Los Angeles, Los Angeles County
Longitude: 118.5655; Latitude: 34.0410
Longitude: 118.5655; Latitude: 34.0413
Longitude: 118.5676; Latitude: 34.0418
Longitude: 118.5676; Latitude: 34.0410
Longitude: 118.5664; Latitude: 34.0410
Longitude: 118.5657; Latitude: 34.0410
Longitude: 118.5656; Latitude: 34.0410
Longitude: 118.5655; Latitude: 34.0410
5. Type of Project: Rehabilitation of shoreline slope and bluff
6. Project Purpose: The project purpose is to rehabilitate an approximately 1.3-acre section of Will Rogers State Beach shoreline slope, and bluff-top (at Coastline Drive and Pacific Coast Highway) that is in disrepair from prior use of the site for a restaurant. The restaurant was destroyed by fire and the asphalt parking area has deteriorated. The previously deposited concrete slabs and rock rubble are not adequately resisting the effect of wave action, causing shoreline slope failure and bluff-top erosion. The bluff-top area is planned for shoreline public access.

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7. Project Description:

The proposed project activity is to construct beach improvements along a 770+1- foot section of Will Rogers State Beach, approximately 1.3 acres in size. The major corrective requirements are improved shoreline protection/bluff stabilization with the construction of a concrete sea wall, and parking lot repairs with all required vehicle control devices.

The project was previously proposed in in 2004 (Regional Board File No. 04-193). The 2004 proposal included the construction of a rock slope revetment as the corrective shoreline protection/ bluff stabilization instead of a seawall. Parking lot and view pier improvements were the same as currently proposed.

The project activities will include:

- Demolition of the existing deteriorated asphalt parking lot surface, removal of existing concrete slab and rubble on the eroding shoreline bluff slope, and removal of existing timber piling not suitable for the proposed improvements. Materials demolished will be removed from the site and legally disposed or transported to recycling facilities.

- Re-grading of the parking lot consisting of a net import of approximately 250 cubic yards of fill, followed by approximately 14,500 square feet of paving, and striping to accommodate 26 vehicles.

- Corrective repairs to provide shoreline rehabilitation and protection to 770 +1- linear feet of shoreline, consisting of engineering slopes to a 2 to 1, and 1.5 to 1 ratio. Approximately 640 linear feet concrete sea wall with a top elevation of +15 feet (NGVD) and varying from approximately 1.5 feet to 4 feet thick will be constructed. The wall will be constructed using steel reinforced concrete caissons (piling) 10 feet on center spacing, drilled into bedrock, and poured in place. The caissons and wall will further be supported by steel cable tie-backs drilled and grouted into bedrock behind the concrete sea wall. The wall between the caissons will be steel reinforced concrete. The exposed face of the sea wall will be finished to a simulated rock-like finish such as Boulderscape® or similar.

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- Construction of approximately 2,100 square feet of semi-circular new public view pier at the west end of the project site with an accessible ramp from the parking area to the view pier and a new accessible ramp from the view pier to the beach, pursuant to ADA guidelines.
- Landscaping improvements consisting of plantings and irrigation system over an area of 19,000 square feet, and security lighting at the view pier.
- Staging area. The existing parking area will be utilized for construction staging activities, due to the limited area between the bluff face and Pacific Coast Highway. This will not affect beach patrons since the project site is not currently accessible to the public.

A temporary construction access zone (CAZ) approximately 0.45 acres will be designated, extending approximately 25 feet seaward of the sea wall face. It will be below the high tide line (HTL) at most locations. It is anticipated that no more than 2,500 cubic yards of on-site and/or imported rock, sand or other granular fill material, will be placed within the CAZ for temporary construction access. All temporary fill material will be either reused for permanent project fill behind the seawall, above the HTL, or be otherwise removed from the project site.

Sea wall construction will require work to be performed below the existing ground elevation along the front of the wall. Access to below grade areas will require protection from tide water entry by use of a temporary cofferdam or similar means. One such cofferdam is a rubber tube filled with water and placed along the seaward side of the CAZ. Other similar methods could be used by the contractor chosen to perform the work. No permanent facilities or materials will remain on the seaward side of the completed sea wall. A trench will likely be excavated along the wall to allow access for the sea wall construction, and excavated soil, rock, and sand will be replaced in the location from where it was removed after the wall is constructed.

The proposed CAZ would allow transport of materials to work stations and allow construction equipment to perform necessary excavation work and construction of the sea wall, especially for the

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exterior face of the sea wall, which may not otherwise be feasible from the top of the shoreline bluff. As portions of the sea wall are completed, the access work stations in those locations could be broken-down and removed to return segments of the affected beach area to the former condition. It may be possible to erect the access in increments as the sea wall is constructed, and then removed when that portion of the sea wall is completed, so that there would be a relatively short segment of the access present at any given time. Due to the proposed location of the CAZ on the beach, it will have to be elevated. The height will only be high enough to allow materials and equipment to be transported and utilized above incoming tides.

In addition, since the construction access may include construction of a rubber tube cofferdam along the outer footprint of the proposed sea wall, the area between the rubber dam and the sea wall could be covered with protective timber mats or filled with a combination of excavated material from the sea wall placement, and temporary use of approved imported material to be used as fill between the sea wall and the existing bluff. This is one possible scenario and the contractor may be able to suggest alternative means to construct the sea wall that would involve placing the access location closer to, or partially within the footprint of the proposed sea wall, utilizing less of the beach area, and, therefore, temporarily impacting less area.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
(Permit No. SPL-2206-1849-VEN)
9. Other Required
Regulatory Approvals: California Coastal Commission
Coastal Development Permit
Permit No. 5-10-120, dated January 24, 2013
10. California
Environmental Quality
Act Compliance: A Mitigated Negative Declaration was completed for this project.
A Notice of Determination was filed by the Los Angeles County
Department of Public Works on January 11, 2013.
11. Receiving Water: Will Rogers State Beach (Hydrologic Unit No. 405.13)
12. Designated Beneficial NAV, REC-1, REC-2, COMM, MAR, WILD, SPWN, SHELL

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Uses:

13. Impacted Waters of the United States: Ocean/Estuary/Bay: 0.45 temporary
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

Parking lot stormwater will be treated via a biofiltration treatment system located at the west end entrance to the proposed parking lot area. The Filtterra® system, or equivalent, will be used. The Filtterra® system has high removal efficiency for petroleum, heavy metals, phosphorus, nitrogen, TSS and bacteria. The Filtterra® system is sized to treat the first ¾-inch storm flow. The flow per minute is 0.26 cubic feet per second (cfs). The Filtterra® is sized at approximately three times the calculated storm flow (at 0.77 cfs).

The finished grade of the parking area will slope slightly downward in an easterly to westerly direction. Storm water will be directed via parking lot grading toward the west end of the parking area where the Filtterra® system will be located. Storm water will flow through a filter media mixture contained in a landscaped concrete container measuring approximately 12 feet long by six feet wide in size. The filtered storm water passes through the filter media into an under-drain at the bottom of the concrete container where it will be conveyed by pipeline to an adjacent new parking area catch basin. From the catch basin, the filtered storm water will be routed by pipeline to the existing Parker Mesa Storm Drain System outfall, and hence to the shoreline.

The new catch basin will also provide overflow relief in the unusual event of a high storm water flow. Dry weather flow from the project will be treated by the Filtterra® system. The discharge from the

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materials and equipment to be transported and utilized above incoming tides. Every opportunity to work at the lowest possible tides will be considered.

The construction of the proposed parking lot, view pier, and pedestrian access facilities will be subject to standard construction BMPs to prevent water runoff from construction site activities from entering the Pacific Ocean entirely.

17. Proposed
Compensatory
Mitigation:

The Applicant has not proposed compensatory mitigation.

18. Required
Compensatory
Mitigation:

The Regional Water Board will not assess compensatory mitigation for these temporary impacts.

See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed mitigation.

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Conditions of Certification

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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 Coastal Commission, Coastal Development Permit. **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, California Coastal Commission, Coastal Development Permit, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

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6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. 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 the Regional Board 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.
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.

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13. 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.
14. 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.
15. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge (ROWD)** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.

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.

16. All project/construction/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.
17. Ocean water quality monitoring shall be performed by the Applicant. A Water Quality Monitoring Plan shall be submitted prior to any project construction activities. Baseline sampling may be conducted at one location within the project boundary. Monitoring for the following shall be included:
 - pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids(TSS)
 - visual assessment for floating particulates (oil and grease shall not be visible)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to project commencement (baseline sampling) and then monitored on a daily basis during the first week of construction, and then on a weekly basis, thereafter, until the work is complete. Monitoring shall ensure compliance with all water quality objectives specified in the 2005 Ocean Plan.

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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. Construction activities shall not result in the degradation of beneficial uses or non-compliance of any water quality objectives. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

18. The Applicant shall restore the proposed **0.45 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State.
19. The Applicant shall submit to this Regional Board **Annual Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** until project completion 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. At a minimum the Annual Reports shall include the following documentation:
 - (a) Color photo documentation of the pre- and post-project site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
 - (f) A certified Statement of "no net loss" of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
20. All applications, reports, or information submitted to the Regional Board shall be signed:
 - (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.

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- (b) For a partnership, by a general partner.
- (c) For a sole proprietorship, by the proprietor.
- (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

21. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

"I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

(Signature)

(Title)"

- 22. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **10-064**. Submittals shall be sent to the attention of the 401 Certification Unit.
- 23. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
- 24. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. R4-2012-0175. 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. . The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2009-009-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
- 25. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the

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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.

26. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

27. *Enforcement:*

(a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.

(b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

(c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.

28. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.