



Los Angeles Regional Water Quality Control Board

Mr. Sean Zahedi
City of Los Angeles
12000 Vista Del Mar, Suite 200
Playa Del Rey, California 90293

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7008-1140-0002-8671-9349

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED HYPERION TREATMENT PLANT 1-MILE OUTFALL REPAIR PROJECT (Army Corps of Engineer's NWP 3), PACIFIC OCEAN, CITY OF LOS ANGELES, LOS ANGELES COUNTY (File No. 15-065)

Dear Mr. Zahedi:

Board staff has reviewed your request on behalf of City of Los Angeles (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on June 9, 2015.

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

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

Should you have questions concerning this Certification action, please contact Valerie Carrillo Zara, P.G., Lead, Section 401 Program, at (213) 576-6759.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

July 22, 2015
Date

## DISTRIBUTION LIST

Sean Zahedi (via electronic copy)  
City of Los Angeles  
12000 Vista Del Mar Suite 200  
Playa Del Rey, California 90293

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

Al Padilla (via electronic copy)  
California Coastal Commission  
200 Ocean Gate, 10<sup>th</sup> Floor  
Long Beach, CA 90802

Loni Adams (via electronic copy)  
California Department of Fish and Wildlife  
3883 Ruffin Rd Suite A  
San Diego, CA. 92123-4813

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

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

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

ATTACHMENT A

Project Information  
File No. 15-065

1. Applicant: City of Los Angeles  
12000 Vista Del Mar, Suite 200  
Playa Del Rey, California 90293
2. Applicant's Agent: Sean Zahedi  
City of Los Angeles  
12000 Vista Del Mar, Suite 200  
Playa Del Rey, California 90293
- Phone: (310) 648-6197 Fax: (310) 648-6155
3. Project Name: Hyperion Treatment Plant 1-Mile Outfall Repair Project
4. Project Location: Playa del Rey (Pacific Ocean), Los Angeles County

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 33.54718        | 118.31709        |
| 33.54039        | 118.31636        |

5. Type of Project: Ocean outfall rock ballast repair
6. Project Purpose: The purpose of the project is to rehabilitate the Hyperion Treatment Plant 1-mile rock outfall ballast, to repair washed out gravel rocks that supported the concrete outfall pipe, and to repair damaged outfall concrete pipe encasement. Rock is needed above the existing ballast to replace original rock which was lowered over time, and replacement gravel rock is needed under the concrete outfall pipe because original gravel was washed away by currents over time. Re-ballasting the outfall is required for pipe stability during extreme storm, seismic conditions, and as long term rehabilitation against pipe failure in the Santa Monica Bay.
7. Project Description: The Hyperion Treatment Plant has two ocean outfalls for the disposal of effluent from the plant into the Santa Monica Bay, a 1-Mile Outfall and a 5-Mile Outfall. The 5-Mile Outfall is the principal mode for the disposal of effluent at Hyperion Treatment Plant, except during wet weather and emergency conditions, when the 1-Mile Outfall may be put into service.

The Hyperion Treatment Plant 1-Mile Outfall pipe is entirely supported on the ocean floor with rock ballast along its length. It

## ATTACHMENT A

### Project Information File No. 15-065

consists of a 12-foot diameter reinforced concrete pipe with a wall thickness of 10 to 15 inches and two layers of reinforced steel. The rock ballast anchors the outfall pipe against the lift and drag forces caused by waves and stabilizes the seabed around the pipe against erosion. The ballast provides impact protection and a passive reaction to lateral hydrodynamic forces and any loss of ballast thereby reduces this form of restraint. Due to settlement of the ballast rock into the seabed, scour, or transport by other natural means, the protection afforded by the original outfall ballast has diminished over its lifetime. Assuming the stone was originally placed to specifications, the ballast appeared to have undergone lowering as a result of settlement, scour or transport by other natural means.

Rock will be applied within approximately 40 feet of the pipe. The ballast rock will have side slopes of 1:2.5, vertically and horizontally; respectively.

The proposed project consists of placing 1,800 cubic yards of 24-inch rock and 2,205 cubic yards of 2-inch gravel ballast along and under a 260-ft section of the north side of the pipe and a 201-ft section of the south side of the pipe, for a total of 4,005 cubic yards. To fully protect the outfall from storms up to a return period of 100 years and as a long term rehabilitation measure to protect against a pipe failure, it is recommended to re-ballast the 1-Mile outfall offshore of Stations 15+71 to 18+31 up to the pipe's spring line.

In addition to ballasting work, repairs will be made to damaged concrete pipe encasement, pylons, and pipe repairs between stations 15+71 and 50+80. Two concrete encasements, at stations 42+80 and 50+80, will have voids in the outfall structure filled and patched. A cementitious concrete mixture of aggregate, water, portland cement, fly ash and pozzolan will be used. The concrete will be pumped directly into watertight forms mounted onto each repair area. The watertight forms will remain in place for 48 hours while the concrete cures. Since the concrete will be pumped directly into the watertight forms and in relatively small amounts, there should be no change to the water quality within 20 feet of each repair location. The total volume of concrete required to repair both stations is estimated to be approximately 190 cubic feet.

Placement of rock ballast is likely to be performed by clamshell

## ATTACHMENT A

### Project Information

File No. 15-065

bucket. Gravel will be pumped under the outfall. In the upper portion of the void under the outfall where diver access is limited, geotextile bags will be used to fill the upper 1-2 foot void outfall encasement. These bags can be rolled out below the outfall and then pumped full of sand (or grout) to completely fill the void with access limitations. Use of geotextile bags will be optional method for the contractor to use where undermining is less than 2 feet, where it would be impossible to get a diver under the outfall to pump in the gravel.

#### Repair to 5-mile outfall

An additional project component of this Certification will be to unplug a very small release vent on the 5-mile Hyperion outfall. The vent is 6-8 inches in diameter, and located 190 feet below sea level at the end of the pipeline on top of the end structure of the south diffuser leg. The only work activity will be to unplug and clean the vent.

- |   |  |
|---|--|
| 8. Federal Agency/Permit:                                       | U.S. Army Corps of Engineers<br>NWP 3  |
| 9. Other Required<br>Regulatory Approvals:                      | California Coastal Commission<br>Coastal Development Permit  |
| 10. California<br>Environmental Quality<br>Act Compliance:      | The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302 Replacement or Reconstruction. |
| 11. Receiving Water:  | Pacific Ocean (Hydrologic Unit Code: 180701010202)   |
| 12. Designated Beneficial<br>Uses:                              | IND, NAV, REC-1, REC-2, COMM, MAR, WILD, SPWN,<br>SHELL, WET   |
| 13. Impacted Waters of the<br>United States:                    | Ocean: 0.57 permanent acres (461 linear feet)  |
| 14. Dredge Volume:  | None   |
| 15. Related Projects<br>Implemented/to be<br>Implemented by the | The Hyperion Treatment Plant 5-Mile Outfall Repair project was completed on March 1, 2013.   |

## ATTACHMENT A

### Project Information File No. 15-065

Applicant:

#### 16. Avoidance/ Minimization Activities:

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

- Pollutants will be cleaned from all construction-related materials and equipment to be placed in the water prior to use.
- Discharge of diesel and gasoline and oil contaminants from working barges, support vessels and equipment will be avoided. A contingency plan will be developed to control any accidental spills of petroleum products. Absorbent pads and containment booms will be stored on-site to facilitate the clean-up of petroleum spills.
- Discharge of sewage from septic handling systems including pump-out stations will be avoided. A contingency plan will be developed to control accidental discharge and spills of sewage.
- The project manager and equipment operators shall perform daily pre-work equipment inspections for cleanliness and leaks. All equipment operations shall be postponed or halted should a leak be detected, and shall not proceed until the leak is repaired and equipment cleaned.
- Barges and other vessels associated with the project will be anchored in sediment bottom away from natural or artificial structures supporting sensitive marine habitat.
- The ballast will likely be transported on water, eliminating need for a staging area.
- To minimize sedimentation and turbidity, ballast surface dust will be washed off prior to dropping into the ocean.
- To minimize impact, airborne rock dust emanating from the barge will be controlled at all times by keeping the rock pile wetted down.
- Rocks will not be dropped above the outfall structure.

## ATTACHMENT A

### Project Information

File No. 15-065

17. Proposed  
Compensatory  
Mitigation:

The Applicant has not proposed any compensatory mitigation, as the project will be rehabilitating the existing structure. The proposed improvements will be an in-kind replacement within the previous original project footprint.

18. Required  
Compensatory  
Mitigation:

The Regional Board will not require any compensatory mitigation, since the project impacts will be within the original design footprint.

## ATTACHMENT B

### Conditions of Certification File No. 15-065

#### 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 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, the California Coastal Commission, 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.



## ATTACHMENT B

### Conditions of Certification

File No. 15-065

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 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.
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 Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
12. All project/maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
13. 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 for each phase. All other sampling shall take place at a minimum of two locations. Monitoring for the following shall be included:

## ATTACHMENT B

### Conditions of Certification File No. 15-065

- 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 2012 Ocean Plan.

**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.

14. The Applicant shall restore **all acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State.
15. The Applicant shall submit to this Regional Board a Final Project **Monitoring Report** (Final Report) by **January 1<sup>st</sup>** of the year following project completion. The Final Report shall describe in detail all of the project/construction activities performed during the previous year and all restoration. At a minimum the Final Report shall include the following documentation:
  - (a) Color photo documentation before, during and after project construction.
  - (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 (as required) compiled in a spreadsheet format;
  - (f) A certified Statement of “no net loss” of wetlands associated with this project;

ATTACHMENT B

Conditions of Certification  
File No. 15-065

- (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.
16. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
  - (b) For a partnership, by a general partner.
  - (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.

17. 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)”

18. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **15-065**. Submittals shall be sent to the attention of the 401 Certification Unit.
19. 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.

## ATTACHMENT B

### Conditions of Certification

File No. 15-065

20. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. R4-2012-0175. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2012-0011-DWQ.
21. 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.
22. 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.
23. *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.

## ATTACHMENT B

### Conditions of Certification

File No. 15-065

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

