



Section 4.22

Anticipated Permits and Approvals

This section summarizes the federal, state, and local permits and approvals that Metro would acquire for construction of the build alternatives.

The TSM Alternative would require compliance with Construction General Permit (Order 2009-0009-DWQ) and local municipal grading, construction, street use, and tree protection ordinances.

The light rail transit (LRT) build alternatives would require compliance with the State General Permit for Storm Water Discharges Associated with Construction Activity (Order No. 99-08-DWQ), Construction General Permit (Order 2009-0009-DWQ), and Industrial General Permit (Order No. 97-03-DWQ).

Environmental permits are required for the waterway bridges near the Rio Hondo spreading grounds and the San Gabriel River under the Washington Boulevard LRT Alternative, and over the Rio Hondo under the SR 60 LRT Alternative; these permits may include a Clean Water Act (CWA) Section 404 Individual Permit from the U.S. Army Corps of Engineers (USACE), a CWA Section 401 Water Quality Certification from the Los Angeles Regional Water Quality Control Board (LARWQCB), and a Streambed Alteration Agreement (Section 1601 of the California Fish and Game Code) from the California Department of Fish and Game (CDFG). Both the SR 60 LRT Alternative and the Washington Boulevard LRT Alternative would require Section 401 and 404 permits for bridges within the waterways regardless of whether a wetland would be impacted.

Construction of the SR 60 LRT Alternative in the SR 60 ROW through the Whittier Narrows Dam Flood Control Basin and placement of LRT columns in the Basin would be modifications of

the flood risk reduction structure. The proposed project would be considered a modification beyond those required for normal operation and maintenance of the flood control basin, and would therefore require review and approval under Section 14 of the Rivers and Harbor Act (33 U.S.C. § 408 [Section 408]). Metro would submit a Section 408 permit application to USACE and would include a technical analysis of the potential impacts to the flood control basin. This would include completion of the eight-step decision-making process under Executive Order 11988 for construction within the 100-year floodplain, as well as completion of an evaluation required under Regulation 1000-2-1 for construction within flood control basins. In addition, an evaluation would be completed as required in compliance with USACE Policy Guidance Letter No. 32 for construction on flowage easement land at the proposed Santa Anita Avenue station.

Compliance with applicable permits and implementation of Best Management Practices (BMPs) in the Storm Water Pollution Prevention Plan, as discussed in the Water Resources Technical Memorandum, would avoid and minimize potential water quality impacts to wetlands during construction.

A LARWQCB dewatering permit would be required. Stormwater and urban runoff discharges must comply with LARWQCB Municipal National Pollutant Discharge Elimination System (NPDES) Permit (LARWQCB Order No. R4-2009-0130), including a program to control runoff from construction activity, an erosion and sediment control plan, and other BMPs. Discharges to surface water must meet waste discharge requirements

(WDRs) (Order No. 93-010 and Order No. 91-93) and related NPDES permits.

Approvals for discharges into drainage and sewer systems would be required from the cities within the area of potential impact, the Los Angeles County Sanitation District, and the Los Angeles County Department of Public Works Flood Control District (LACFCD) under Municipal Separate Storm Sewer System (MS4) Permits (Order No. 01-182) (NPDES No. CAS004001). An encroachment permit from LACFCD may also be required, as LACFCD manages some of the drainage through the Whittier Narrows Recreation Area.

Grading and construction permits and compliance with tree protection ordinances would be required by the County of Los Angeles (for construction in East Los Angeles) and by the cities of Commerce, South El Monte, Montebello, Monterey Park, Pico Rivera, Rosemead, Santa Fe Springs, and Whittier.

The encroachment on the SR 60 right-of-way (ROW) would require California Department of Transportation (Caltrans) review and approval through an encroachment permit application or a Permit Evaluation Engineering Report (PEER). All ramp closures or usage of ramp shoulders would also need to be approved by Caltrans before implementation. In addition, a Caltrans Transportation Permit would be required for the transport of any over-size or over-weight construction equipment on state highways.

Metro has been coordinating closely with potential permitting agencies during preparation of this EIS/EIR and will continue to do so if a build alternative is designated and moves into permitting.

Coordination with the U.S. Environmental Protection Agency (USEPA) would be ongoing during design phases regarding geotechnical issues and hazardous materials associated with the Operating Industries, Inc. (OII) Superfund site and protection of the existing cap during project construction. Construction activities, and particularly excavation work, would require prior USEPA review and approval to ensure that the existing cap remains protected.

Metro is regulated by the California Public Utilities Commission (CPUC). Metro is required to operate all transit-related vehicles according to the guidelines established by the CPUC. The CPUC will provide regulatory oversight for all phases of the project. Coordination and approvals from communications and utility purveyors (including, but not limited to, Southern California Edison, Southern California Gas Company, AT&T, Verizon, Metropolitan Water District (MWD), and Los Angeles County Department of Public Works (LADPW)) would be needed for temporary or permanent utility relocation or service interruption.