CALIFORNIA
Water Boards

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ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Stanley Cheung
Millennium Diamond Road Partners LLC
2707 S. Diamond Bar Blvd.
Suite 202 Diamond Bar, CA 91765

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7012 3460 0001 6366 0427

WATER QUALITY CERTIFICATION FOR PROPOSED MILLENNIUM TRACT 53430 DIAMOND BAR PROJECT (Corps' Project No. 2006-02153-BEM), SAN GABRIEL RIVER, CITY OF DIAMOND BAR, LOS ANGELES COUNTY (FILE NO. 13-038)

Dear Mr. Cheung:

Board staff has reviewed your request on behalf of Millennium Diamond Road Partners LLC (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete September 18, 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.

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

Dec. 12, 2013
Date

DISTRIBUTION LIST

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ATTACHMENT A

Project Information
File No. 13-038

1. Applicant: Millennium Diamond Road Partners LLC
2707 S. Diamond Bar Blvd.
Suite 202 Diamond Bar, CA 91765

2. Applicant's Agent: Lauren See
RBF Consulting
14725 Alton Parkway
Irvine, CA 92618

Phone: (949) 330-4297 Fax: (949) 837-4122

3. Project Name: Millennium Tract 53430 Diamond Bar

4. Project Location: Diamond Bar, Los Angeles County

Latitude	Longitude
33.968030	117.82412
33.971222	177.82008
33.975040	177.82018
33.975355	177.81909
33.976644	177.82061
33.976521	177.82237
33.974820	117.82229
33.972632	117.82662

5. Type of Project: Housing development

6. Project Purpose: The proposed project (Project) will develop 48 single-family custom residential lots on 80-acres within the Country Estates private community in the City of Diamond Bar, designated by City of Diamond Bar (City) as Tentative Tract Map No. 53430, consistent with the City's *General Plan.*

7. Project Description: The Project site contains vacant undeveloped land in the hillside areas located near Tonner Canyon in the City. The City is located within eastern Los Angeles County (County) and the site is approximately one mile from the San Bernardino County boundary and approximately two miles from the Orange County boundary. The project site can be accessed via State Route 57, approximately one mile to the west.

The Site can be accessed via Rocky Trail Road. Alamo Heights Drive to the north will connect after the Project construction. Horizon Lane to the east overlooks the project site, but does not provide access.

The project site is also surrounded on the north, east and west by The Country Estates residential community. The 134-acre Country Park is located to the northeast of the project site, also within the Country Estates. The southern project site boundary is also the boundary between the City and unincorporated land within the County. Unincorporated County property located to the south of the 80-acre project site is included within the Tonner Canyon Significant Ecological Area (SEA No. 15).

Water Quality Certification (File No. 06-207) authorized a total of 0.49 acres of jurisdictional waters of the state and U.S. to be impacted, 0.37 acres permanently impacted, and 0.12 acres temporarily impacted. Due to required changes in storm drainage and sewer infrastructure design and the addition of the off-site debris basin the Project plan was updated. A jurisdictional delineation conducted by RBF Consulting in January 2013 concluded the Project will now permanently impact a total of 0.49 acre of Corps jurisdictional waters of the state and U.S.

<u>Summary of Previously Approved Vesting Tentative Tract Map (VTTM) No. 53430</u>
The VTTM No. 53430 approval authorized the development of 48 single-family custom residential lots on the 80-acre project site. In addition to the residential lots, the approved project included:

(1) the extension of Alamo Heights Drive into the site;

(2) construction of an internal private roadway system including Street A and Street B; and

(3) the extension of public utilities (water, wastewater, drainage, electric, gas, cable and telephone) into the site. These systems will be extended from the existing infrastructure located north of the site near Steeplechase Lane.

ATTACHMENT A

Project Information
File No. 13-038

Table 1. Summary of Approved (2006) VTTM No. 53430

Land Use	Acres
Building Pad Area (48 single family lots)	27.42
Engineered Slope Area	26.25
Natural Open Space	11.83
Lot A (On-site Mitigation Area)	7.82
Lot B (Sewerage Pump Station)	0.08
Private Street	6.60
Total	80.00

Proposed Revisions to the Project (VTTM No. 53430)

Revisions were developed to meet current County storm water management and trail development standards that have been updated subsequent to the approval of the Project in 2006. These revisions have been developed through consultation and coordination with the County of Los Angeles Department of Public Works (LACDPW), County of Los Angeles Department of Parks and Recreation (LACDPR), and City of Diamond Bar and are focused on:

(1) storm drainage and sewer infrastructure; and

(2) configuration and design of the on-site trail.

These proposed revisions will not change the approved number of lots, number of dwelling units, types of land uses, or the internal circulation system approved for the project by the City Council. In addition, the complete set of engineering plans for the revised Project, including grading plan, private and public storm drain improvement plans, and street improvement plan, are available from the project applicant and have been filed with the City of Diamond Bar.

Table 2. Summary of Revised Project

Land Use	Acres
Building Pad Area (48 single family units)	29.71
Engineered Slope Area	20.68
Natural Open Space	11.95
Lot A	7.82
Lot B	3.30
Private Street	6.54
Total	80.00

Storm Drainage and Sewer Infrastructure

The storm water drainage concept in the approved Project was prepared in accordance with the Standard Urban Stormwater Mitigation Plan requirements in effect at that time, which managed runoff by moving storm water through, and off, the site towards one or more centralized discharge locations. The approved drainage concept Project involved a series of storm water management components, including pipelines, catch basins, inlets, a pond and creek system and detention basin located within Lot A, and sedimentation tank and energy dissipaters.

Subsequent to the approval of the Project by the City, the County's storm water management standards shifted from conventional engineering methods to the use of Low Impact Development (LID) practices, through the County's LID Ordinance (Chapter 22.52.22 of the County Code). LID practices strive to mimic the pre-development site hydrology using site-design techniques that detain, store, infiltrate, evaporate waters thereby reducing runoff while contributing to groundwater recharge. The primary changes to the Project drainage concept developed through coordination with the LACDPW that are proposed to achieve compliance with the County's LID Ordinance by:

(1) Inclusion of a new debris basin located west of Alamo Heights Drive and partially off-site via easement agreements with the adjacent property owners;

(2) Inclusion of a new debris conveyance pipeline located beneath Alamo Heights Drive and extending to the primary site discharge point;

(3) Revisions to the configuration and types of storm water infrastructure within Lot A; and

(4) Revisions to the storm water infrastructure arrangement along the southern slope face.

The proposed changes to the drainage concept are described fully in the *Standard Urban Storm Water Mitigation Plan (SUSMP) and Best Management Practices for Tract Map 53430, City of Diamond Bar* (SUSMP) dated January 2013 and prepared by RBF Consulting.

The surface drainage for the Project is comprised of five distinct sections. The first section (61.3 acres) is the area north of the site boundary, comprised of undeveloped land that drains towards the project site. Storm water and associated debris from this off-site area will be captured and directed to a new 1,858 cubic yard capacity debris basin and concrete-paved maintenance access road located along the northeastern boundary of the site immediately west of Alamo Heights Drive across from Lots 13 through 15. The debris basin was sized in accordance with the Los Angeles County Flood Control District's Debris Basin Design Manual and exceeds the required design volume of 1,826 cubic yards (SUSMP). A portion of the debris basin is within the previously approved grading footprint and a portion (1.47 acres) is outside of the approved footprint, and discussed below.

Runoff collected in the debris basin from the 61.3-acre off-site area to the north will enter new storm drain and debris pipe (Line A) which will have a minimum diameter of 42 inches and flow directly to the site's discharge point thereby bypassing the proposed detention basin and Continuous Deflection System (CDS) unit (SUSMP).

The primary discharge point will be located at the base of the southern slope in essentially the same location as the discharge point in the originally approved drainage concept. The second section (19.1 acres) is also an off-site area and is located immediately to the northwest of the site. Runoff from this area will be collected and discharged into the debris pipe at a location just downstream of the debris basin, south along Alamo Heights Drive.

The third section (46.5 acres) is comprised of the majority of the project site. Runoff from this area will be collected in new storm drain (Line B) that flows directly to the proposed on-site, 0.854

acre-feet storage volume detention basin located within Lot A. Flows from the detention basin (except for emergency spillway flows) are directed to a downstream CDS unit prior to release at the site discharge point. The total drainage area of the detention basin and CDS Unit will be 46.5 acres. The detention basin was sized in accordance with the Los Angeles County Department of Public Works' (LACDPW) Hydrology Manual and the computer program MODRAT's Reservoir Route simulation, for a peak intensity-duration of up to a 50-year storm event and exceeds the required maximum storage volume of 0.84 acre-feet. The CDS unit was sized to mitigate flows and volumes produced from the 0.75-inch storm event, as outlined in LACDPW's SUSMP Manual, and calculated to be a Peak Mitigation Flow Rate of 7.07 cubic feet per second and the Volume of Stormwater to be Mitigated of 59,131 cubic feet (SUSMP). If the volume of storm water runoff exceeds the capacity of the detention basin, overflow will be captured by an emergency spillway at the southern end of the detention basin and conveyed via Line B to the discharge point.

Under the approved drainage concept, the detention basin and CDS unit were proposed to be situated at the discharge point. This configuration will have been ideal as all flows, including those from the debris basin, will pass through the detention basin and be treated by the CDS unit prior to site discharge. However, space limitations, as well as structural and regulatory requirements deemed that location unsuitable. Therefore, the detention basin was moved north within Lot A resulting in the proposed configuration in the revised Project.

The fourth section (8.0 acres) is comprised of Lots 1 through 12 along Horizon Lane and Blaze Trail. Runoff from this area will be collected in new storm drain Line C and flow directly to the site discharge point. The fifth section (10.1 acres) is comprised of the areas along the southern tract boundary that will sheet flow to the site discharge point.

FloGard Plus® catch basin inserts, which are designed to capture sediment, debris, trash and oil, grease from low the first flush (rain) runoff, have been proposed at all 15 catch basins. The Peak Mitigation Flow Rate and the Volume of Stormwater to be Mitigated was calculated for each of the 15 catch basins proposed for the project site for a storm event that produces 0.75-inches of

rainfall as outlined in LACDPW's SUSMP Manual. Conveyance channels and V-ditches will be concrete or rock-lined per grading and storm drain plans to minimize erosion and protect slopes and channels. Energy dissipaters and rip-rap will be installed at the site's primary discharge location to reduce the runoff velocity at the discharge point.

To provide maintenance access to the site's primary drainage outlet, the S-curved paved access road on the southern slope provided on the approved Project has been replaced with a straighter paved access road design that continues to meet a maximum slope requirement of 12 percent. The straighter access road design results in a reduced footprint for the road and associated impervious surfaces compared to the approved tract map.

The Applicant will assume the construction costs, inspection, and maintenance responsibilities until a private Home Owner Association (HOA) has formed and the Public Storm System has been transferred to public agencies. Thereafter, the Los Angeles County Flood Control District (LACFCD) shall assume those best management practice inspection and maintenance responsibilities except those being maintained by the HOA in the SUSMP. The LACFCD maintenance responsibility will include, but not be limited to:

- the debris basin and detention basin;
- the storm drain system within Alamo Heights Drive, Street A, and Street B;
- all catch basin inserts except two;
- the debris flow-through pipe between the debris basin and the discharge point;
- paved access roads;
- related flood control or storm water control devices.

All interior streets, roadways, landscaping, recreation areas, facilities and open space within the project limits will be maintained by the HOA except for the Manufactured Treatment Devices (MTD) No. 1833 storm drain system after being transferred to the LACFCD.

The revised drainage has been designed to meet current County requirements and will not result in a net increase in storm water

runoff volumes or flow rates discharging from the site. The revised drainage will be subject to review and approval by the LACDPW, and the proposed debris basin, detention basin, pipelines, outlets, and other storm water management infrastructure will be sized, designed, built and maintained according to LACDPW specifications.

The Project will also relocate the sewer pump station from the base of the southern slope to a portion of Lot A immediately east of Lot 48 and south of the intersection of proposed Street B and Alamo Heights Drive to allow improved maintenance access.

On-Site Trail Alignment

There is an existing trail system that traverses in and out of the project site along the southern boundary, and the approved Project incorporates this trail into the project design. The on-site trail system will join the existing trail along the rear (west side) of Lot 42 and along the rear (east side) of Lots 43 through 45 and then traverse down slope along the southern face of the site and join a different segment of the existing trail at the terminus of the paved "S" maintenance access road for the storm drain outlet.

The proposed revisions to the multi-use equestrian, mountain bike, and hiking trail alignment will achieve better concurrence with Los Angeles County Department of Parks and Recreation (LACDPR) and City trail standards and recreation goals by providing a longer and more developed on-site trail than included in the approved Project. The proposed on-site trail alignment will join the existing trail at the southwestern corner of Lot 42, continue along the south boundary of Lots 42 and 43, and along the rear (east) side of Lot 43 where it will connect to an existing trail. To the south of this junction, the on-site trail alignment will traverse down the southern slope face and join with a segment of the existing trail, and to the north the trail will follow the rear (east) side of Lots 44 and 45, pass between Lots 47 and 48, and then turn east to follow the south side of Alamo Heights Drive and eventually traverse down the south slope face via two switchbacks, to join the terminus of Horizon Lane.

This revised trail alignment will be entirely within the previously approved grading footprint, and will provide for a more robust trail access and connectivity, with a total of three connection points to

the existing trail system. The proposed trail easement will be 12 feet to 15 feet in width, and will likely have a 10 feet wide decomposed granite (DG) surface, as shown in Figure 5. There will be three trail signs and two trail bridges, designed and constructed to LACDPR specifications, as depicted on Figure 6. Portions of the trail alignment, as shown in Figure 4, will be lined on one or both sides with white PVC split fence per Diamond Bar Country Estates Association Architectural Design Standards. The proposed trail alignment will be dedicated to LACDPR for long-term maintenance.

Grading

The grading footprint for the Project will be essentially the same as the footprint that was approved by the City Council in 2006. There are areas of both reduced and increased grading, primarily related to the proposed debris basin and construction easement of which approximately 1.47 acres is outside the approved grading boundary. Overall the grading footprint for the Project will result in a net decrease of approximately 1.03 acres of graded area.

Grading will require approximately 3.9 million cubic yards of cut and fill, which will be balanced on-site. This represents an increase of approximately 580,000 cubic yards (approximately 17 percent). The construction period and phasing will remain the same as described in the Final EIR (three to four years), so the volume of daily earthmoving will be the similar although the total length of the grading phase may be slightly lengthened.

Project off-site grading will be required along the northern tract map boundary for a portion of the proposed debris basin in addition to the off-site grading along the northern reach of the proposed roadway extension to Alamo Heights Drive. The additional off-site grading will require permission from the landowners to the northwest of the site (Tract Map No. 32482) and to the north (VTTM No. 53670) and must be negotiated prior to approval of the revised Project, if it has not been negotiated. The City will require that landowner permission(s) for such easements be obtained prior to the issuance of a grading permit through standard conditions of approval issued for the Project. Grading will onsite is planned through July 31, 2014, for approximately 286 working days.

ATTACHMENT A

Project Information
File No. 13-038

8. Federal Agency/Permit:	U.S. Army Corps of Engineers NWP No. 29 (Permit No. 2006-02153-BEM)
9. Other Required Regulatory Approvals:	California Department of Fish and Game Streambed Alteration Agreement
10. California Environmental Quality Act Compliance:	The City of Diamond Bar approved the project's Final Environmental Impact Report Addendum, SCH No. 2003051 on September 18, 2013.
11. Receiving Water:	Unnamed drainages tributary to Tonner Canyon, Coyote Creek, and the San Gabriel River (Hydrologic Unit No. 404.15)
12. Designated Beneficial Uses:	MUN*, IND, PROC, REC-1, REC-2, WARM, WILD, RARE *Conditional beneficial use
13. Impacted Waters of the United States:	Non-wetland waters (vegetated streambed): 0.49 permanent acres (4,503 linear feet)
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:	Approximately 0.99 acre of Regional Board jurisdictional drainages is located within the project study area, and approximately 0.50-acres will be avoided. The proposed project design will avoid the entire western drainage, where an active stream is located on the property. The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following: • A debris basin, detention basin, and energy dissipaters will be constructed in order to control the flow rate and velocity so downstream erosion is avoided.

- Natural areas within the westerly project site will remain and be preserved. Restricted areas have been dedicated as slope and landscaped areas as shown on Final Tract Map. Graded slopes will be terraced and landscaped per the grading plans.

- Low flows will be treated by the debris basin, detention basin and CDS unit. Catch basin inserts are proposed.

- "No dumping - Drains to Ocean" will be posted on catch basins to alert the public.

- Storm drain system features and proposed BMPs will be maintained by both the Los Angeles County Flood Control District and the private Home Owner's Association once development is complete.

- FloGard Plus® catch basin inserts will be used for all site catch basins.

- A CDS stormwater pollution control unit will be installed downstream of the detention basin.

17. Proposed Compensatory Mitigation:

Mitigation for project impacts will have both on-site and off-site components. On-site mitigation will consist of the creation of a soft-bottom channel in Lot A (immediately east of Alamo Heights Drive); which will be planted with coast live oaks (Quercus agrifolia) and associated riparian vegetation. This will replace the previously existing drainage channel which will be impacted in order to develop the site. The mitigation will consist of contouring this drainage and providing the opportunity for "waters" to remain within the proposed project area. In addition, off-site mitigation will take place in two locations within the Whittier Narrows Recreation Area (WNRA). Mitigation within the WNRA will consist of removal and long-term control of giant reed (*Arundo donax*) as well as conversion of non-native habitat to oak and walnut riparian habitat within an overflow area of the San Gabriel River.

On-site mitigation will commence at the conclusion of mass grading activities and the mitigation areas will be planted with

native riparian vegetation.

Both on- and off-site mitigation proposed will provide overall watershed improvements through: (1) improved wildlife habitat by increasing the diversity of habitat structure and plant species; (2) increased groundwater recharge by removing non-native species with high transpiration rates; (3) improved water quality by increasing stability of the stream corridor and reducing sedimentation; and (4) improved storm water conveyance and reduced flood potential.

Preference has been given to performing mitigation on the site to minimize the watershed impact of project construction. Therefore, creation of 4.17 acres of oak woodland riparian habitat will occur on-site. Due to not having enough acreage on-site for mitigation to fully offset permanent impacts, an off-site mitigation component was also proposed to meet mitigation requirements. The selected off-site location was the closest area hydrologically connected to the project site that could facilitate this riparian habitat mitigation program.

The on-site mitigation site is located in Lot A in the southeastern portion of the project site, adjacent to Alamo Heights Drive. This mitigation site will re-create the stream corridor which currently exists, once grading activities have ended. This mitigation site will have approximately 1,000 linear feet (0.70 acres of waters of the U.S.) and 4.17 acres of CDFW jurisdictional streambed.

The off-site mitigation areas are located within the WNRA in the City of Pico Rivera and South El Monte. Mitigation activities will take place at two locations within the WNRA and will total approximately 27 acres. These areas include: (1) the San Gabriel River-Rio Hondo Crossover Channel (8 acres, hereafter referred to as the "crossover channel site") and (2) the equestrian area along the east bank of the San Gabriel River adjacent to the Bicentennial Park (16.9 acres, hereafter referred to as the "equestrian center site"). The off-site mitigation areas will enhance a minimum of approximately 1.47 acres of waters of the U.S. and 11.76 acres of CDFW jurisdiction through the removal of exotic invasive vegetation followed by the establishment of native riparian vegetation.

Approximately 24.9 acres of mitigation area will be created in the Whittier Narrows area. The equestrian center site is approximately 16.9 acres and approximately 15 acres of restoration will take place within the oak/walnut woodland habitat, while approximately 1.9 acres will be planted on willow woodland habitat along the San Gabriel River for bank stabilization purposes. The site contains approximately 4,650 linear feet of ephemeral streambed supporting approximately 12 acres of CDFW jurisdictional habitat. This site also contains upland habitat that will be planted with oaks and walnuts to partially mitigate the loss of native trees associated with project construction; additionally, removal of approximately eight acres of giant reed from the streambed of the Rio Hondo-San Gabriel River crossover channel. The removal of giant reed will begin before the proposed project is developed.

18. Required Compensatory Mitigation:

The Regional Board will require compensatory mitigation as proposed above.

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

ATTACHMENT B

Conditions of Certification
File No. 13-038

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 Wildlife's (CDFW) 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 CDFW'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.

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.

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 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.

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. 2011-0002-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. 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.

16. 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.

17. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities. 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.

18. 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.

19. 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.

20. 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. 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.

21. 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.

22. The Applicant shall provide COMPENSATORY MITIGATION for the proposed permanent impacts to **0.49 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 **4.4:1** area replacement ratio (**2.17 acres**). If the Applicant proposes funding to a third-party organization for the creation or restoration in combination or in total for **2.17 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:

    (a) Documentation from the third party indicating that funds have been used for mitigation acreage only, which do not include administrative costs.

(b) 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.
(c) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
(d) 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.

23. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification until project completion **and** mitigation success has been achieved and documented. The Annual Reports shall describe in detail all of the project and 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:

(a) Color photo documentation of the pre- and post-project and mitigation site conditions;

(b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;

(c) The overall status of project including whether or not work has begun on the Project and a detailed schedule;

(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.

ATTACHMENT B

Conditions of Certification
File No. 13-038

24. 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.

25. 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)"

26. The Applicant shall ensure a Report of Waste Discharge (ROWD) be filed for the proposed project, should any person discharge waste, or propose to discharge waste, other than into a community sewer system, which could affect the quality of the waters of State per Section 13260(a) of the California Water Code. Please note that the Applicant is required to file a complete RoWD/Form 200 with this Regional Board at least 120 days prior to commencing the discharge from the prop0sed project. The Form 200 can be downloaded from the State Board's website at http://www.swrcb.ca.gov/sbforms/form200.pdf.

27. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **13-038**. Submittals shall be sent to the attention of the 401 Certification Unit.

28. 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.

29. 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 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.

30. 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.

31. 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.

32. *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.

33. 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.