

Los Angeles Regional Water Quality Control Board

Mr. Bill Reynolds
City Ventures
1900 Quail Street
Newport Beach, California 92660

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7010 3090 0002 1021 9513

WATER QUALITY CERTIFICATION FOR PROPOSED GLENDORA 3 MONROVIA NURSERY SPECIFIC PLAN PROJECT (Corps' Project No. 2011-00733-GS), BALDY VISTA CREEK, CITY OF GLENDORA, LOS ANGELES (File No. 11-139)

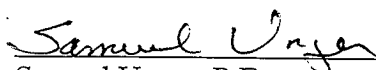
Dear Mr. McReynolds:

Board staff has reviewed your request on behalf of City Ventures (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on July 9, 2012.

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 Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.



Samuel Unger, P.E.
Executive Officer

July 17, 2012
Date

MARIA MEHRANIAN, CHAIR | SAM UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

DISTRIBUTION LIST

Martin Rasnick (via electronic copy)
Glenn Lukos Associates
29 Orchard
Lake Forest, CA 92630

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

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

Gerardo Salas (via electronic copy)
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
6010 Hidden Valley Road
Carlsbad, CA 92009

ATTACHMENT A

**Project Information
File No. 11-139**

1. Applicant: Bill McReynolds
City Ventures
1900 Quail Street
Newport Beach, CA 92660

Phone: (562) 230-9874
2. Applicant's Agent: Martin Rasnick
Glenn Lukos Associates
29 Orchard
Lake Forest, CA 92630

Phone: (949) 837-0404, Ext. 20 Fax: (949) 837-5834
3. Project Name: Glendora Monrovia Nursery Specific Plan Project
4. Project Location: Glendora, Los Angeles

<u>Latitude</u>	<u>Longitude</u>
34.146793	117.890035
34.146846	117.881355
34.142707	117.885164
34.138722	117.881480
34.145072	117.887783
34.143266	117.888533
34.139722	117.886361
34.137054	117.890039

5. Type of Project: Housing development
6. Project Purpose: The purpose of the proposed project is to construct a single family residential development and its associated infrastructure to meet housing needs.
7. Project Description: The Project consists of the adoption and implementation of a Specific Plan over approximately 95 acres of land. The project is located within the remaining area of the previous nursery operation, known as the Monrovia Nursery. Topography within the project area is relatively flat, but also includes areas which were previously graded or filled with manufactured slopes as part of the original nursery operation.

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The development plan and requirements for the proposed project area will be for a large-lot, single-family subdivision. The development plan entails the establishment of a street circulation system, the alignment of major utilities, project access, conceptual grading, emergency access, an open space plan, public and private area landscaping requirements, and the implementation of certain agreements entered into by the City of Glendora addressing storm water runoff.

The proposed project will consist of the construction of 124 single-family residential lots within Tracts 66608 and 66609; a water quality basin; a detention/debris basin; as well as the construction and/or improvement of infrastructure associated with the development.

The project will include maintenance within a 1.97-acre basin. The Maintained Basin is located within the southwestern portion of the area immediately west of, and adjacent to, Baldy Vista Creek. The maintained basin discharges into Baldy Vista Creek, which is tributary to the San Gabriel River. The routine maintenance will include: excavation, removal of sediment and debris, and fire hazard and vegetation clearing. The frequency of cleanouts will be dependent on watershed conditions, including previous occurrence of fires, and magnitude of rains. The capital flood designations are made according to the Los Angeles County Flood Control District standards. Sediment removal within the maintained basin would be authorized under the following conditions:

- When the quantity of sediment in a detention basin has reached 25% capacity or more for non-burned watersheds;
- When a detention basin has reached 5% or more of the basin's capacity and more than 20% of the watershed upstream of the sediment entrapment basin has burned within the previous 5 years; or
- When cleanouts do not meet the above requirements, with prior approval from the Regional Board.

Sediment removed during maintenance activities will be transported to a City of Los Angeles approved landfill and/or a County-approved sediment placement site and/or landfill.

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In addition to sediment removal and disposal, other ongoing annual maintenance activities associated with debris/detention basins include:

- Annual mowing of vegetation within 25% of the basin capacity;
- Clearing vegetation and debris from the outlet towers and discharge conduits;
- Maintenance of an entrainment channel (no more than 10 feet wide) and a 15-foot wide area immediately around outlet towers of basin (20-foot wide for basins with inspection manholes located above the outlet towers);
- Removing ponded water, trash, and invasive/weeds for vector control purposes; and
- Clearing of dam face embankments.

Grading for the development will permanently impact a total of 1,604 linear feet (0.14 acres) of streambed. Baldy Vista Creek enters the project site from an existing culvert under Leodora Avenue along the west-central portion of the property from north to south for approximately 1,275 linear feet and then turns to the west for an additional 329 linear feet. The drainage spans in width from approximately 3 to 6 feet wide.

The proposed construction schedule is through early 2017.

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| 8. Federal Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 29 (Permit No. 2011-00733-GS) |
| 9. Other Required Regulatory Approvals: | California Department of Fish and Game
1602 Streambed Alteration Agreement |
| 10. California Environmental Quality Act Compliance: | The City of Glendora approved the project's Mitigated Negative Declaration on December 15, 2010. |
| 11. Receiving Water: | Unnamed tributary of Little Dalton Wash, Baldy Vista Creek (Hydrologic Unit no. 405.41) |
| 12. Designated Beneficial Uses: | MUN*, GWR, REC-1, REC-2, WARM, WILD
*Conditional beneficial use |

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13. Impacted Waters of the United States: Maintained basin: 1.97 permanent acres
Non-wetland waters (streambed): 0.14 permanent acres (1604 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: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- The project's main proposed treatment control BMP is an extended detention/water quality basin. All BMP flows will be conveyed to the extended detention/water quality basin located in the southwest corner of the project's development area.
 - Two mechanically proprietary devices, hydrodynamic separator, units will be placed at the end-of-line of each of the proposed stormdrain pipes discharging into the detention basin, that work to screen, separate and trap debris, sediment and oil from the stormwater runoff.
 - Construction BMPs include scheduling, preservation of existing vegetation, hydroseed, geotextiles and mats, earth dikes and drainage swales, velocity dissipation devices, stream bank stabilization, soil preparation-roughening, silt fence, check dams, fiber rolls, street sweeping, sandbag barriers, stabilized construction entrance and exit, entrance outlet tire wash, application of hydraulic mulch, soil binders, slope drains, non-vegetation stabilization, wind erosion control, sediment basin and sediment trap, and storm drain inlet protection.
 - Site design BMPs include incorporating landscaped buffer areas/vegetated swales between sidewalks and streets to minimize urban runoff; maximizing canopy interception and water conservation by preserving existing native trees and shrubs, and planting additional native or drought-tolerant trees and large shrubs to minimize urban runoff; using natural

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drainage system to minimize urban runoff and conserve natural areas; constructing on site ponding areas or retention facilities to increase opportunities for infiltration consistent with vector control objectives to minimize urban runoff; minimizing the use of impervious surfaces in the landscape design; conserving natural areas, draining impervious sidewalks, walkways, trails, and patios into adjacent landscaping; and increasing the use of vegetated drainage swales in lieu of underground piping or imperviously lined swales.

- Source control BMPs include irrigation system and landscape maintenance; common area litter control; drainage facility inspection and maintenance; non-use of pesticides; MS-4 stenciling and signage; landscape and irrigate system design; and project slopes and channels.

17. Proposed
Compensatory
Mitigation:

The Applicant has proposed to provide in-lieu funding to the San Gabriel Rivers and Mountains Conservancy.

18. Required
Compensatory
Mitigation:

The Regional Board will require compensatory mitigation at a ratio of 3:1 for permanent impacts associated with the linear channel impact of 0.14 acres and a 1:1 ratio for permanent impacts associated with the maintained basin.

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

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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 Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this Certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
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 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 regarding the disposal of solid wastes.
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

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target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.

14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
15. 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/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.
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,

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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 the proposed **all areas** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
22. The Applicant proposes funding to the San Gabriel Rivers and Mountains Conservancy for the creation or restoration of a total of **0.42 acres (3:1 ratio)** of vegetated streambed riparian habitat within waters of the United States/Federal jurisdictional wetlands; 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. An additional **1.97 acres (1:1 ratio)** mitigation will be required for the maintained basin. The Applicant shall submit a **Proposed Mitigation Report** which shall include:

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- (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 Mitigation Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation success has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking) or any delays in the mitigation process. At a minimum the Annual Reports shall include the following documentation:
- (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 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.

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the discharge from the proposed project. The Form 200 can be downloaded from the State Board's website at <http://www.swrcb.ca.gov/sbforms/form200.pdf>.

28. The project shall ensure connection to a Public Sewage Treatment System within 12 months of installation of the sewerage lateral collection line within 200 feet of the property. The project shall maintain compliance with Assembly Bill 885 and all local requirements for operation and maintenance of septic systems.
29. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **11-139**. Submittals shall be sent to the attention of the 401 Certification Unit.
30. 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.
31. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. 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.
32. 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.
33. 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.

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34. *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.

35. 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.

