



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Acting Secretary for
Environmental Protection

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Edmund G. Brown Jr.
Governor

Mr. John Ballas
Industry Urban- Development Agency
P.O. Box 3366
15625 East Stafford Street
City of Industry, CA 91744

WATER QUALITY CERTIFICATION FOR PROPOSED OLD BREA CANYON ROAD EXTENSION PROJECT (Corps' Project No. 2011-003470-MAS), DIAMOND BAR CREEK, CITY OF INDUSTRY, LOS ANGELES COUNTY (File No. 11-059)

Dear Mr. Ballas:

Board staff has reviewed your request on behalf of Industry Urban -Development Agency (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on June 13, 2011.

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

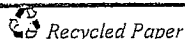
The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Dana Cole, Lead, Section 401 Program, at (213) 576-5733.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

6-29-2011
Date

California Environmental Protection Agency



ATTACHMENT A

Project Information
File No. 11-059

1. Applicant:

John Ballas
P.O. Box 3366
15625 East Stafford Street
City of Industry, CA 91744

Phone: (626) 333-2211 Fax: (626) 236-4051

2. Applicant's Agent:

Alissa Cope
Sage Environmental Group
24040 Camino del Avion, Suite A
Monarch Beach, CA 92629

Phone: (949) 243-2282 Fax: (949) 661-0185

3. Project Name:

Old Brea Canyon Road Realignment and Box Culvert Extension.

4. Project Location:

City of Industry, Los Angeles County

Latitude

Longitude

117°49'28.94"W	34°00'35.35"N
117°49'28.55"W	34°00'34.48"N
117°49'31.31"W	34°00'31.94"N
117°49'32.17"W	34°00'32.37"N

5. Type of Project:

Road and culvert construction

6. Project Purpose:

The purpose of the proposed project (Project) is to construct a 280 linear foot box culvert extension west of Old Brea Canyon Road in support of utility relocations required for construction of a new westbound on-ramp to State Route 60.

7. Project Description:

Old Brea Canyon Road, within the project limits, is a City of Industry-owned utility service road with a locked gate. The Project will relocate utilities to support a new westbound on-ramp to State Route 60 at the Grand Avenue interchange, located in the City of Industry. The westbound on-ramp project is a State of California

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will be pre-treated prior to discharge utilizing a catch basin filter for hydrocarbons and a trash rack. The City of Industry will be responsible for maintaining the catch basin.

Storm drain inlets will be stenciled as recommended by the City of Industry standards. Drain inlet stenciling involves labeling storm drain inlets with plaques, tiles, or painted or pre-cast messages warning citizens not to dump pollutants into the drain.

Construction Site Best Management Practices (BMPs) will be applied during construction activities to reduce the pollutants in storm water discharges throughout construction. These Construction Site BMPs provide both temporary erosion and sediment control, as well as control for potential pollutants other than sediment. The following categories of BMPs will be considered for controlling potential pollutants on construction sites: Soil Stabilization Practices; Sediment Control Practices; Tracking Control Practices; Wind Erosion Control; Non-Stormwater Controls; and Waste Management and Material Pollution Controls. Effective erosion and sediment control will use BMPs such as mulches for source control, fiber rolls on slopes for reducing runoff velocities, silt fence at the toe of slopes for capturing sediment, etc.

Extension of the box culvert will result in the permanent loss of 0.15 acres of waters of the United States (Waters), including 0.006 acre of wetlands. Permanent impacts to Waters shall be offset through replacement within a section of Diamond Bar Creek immediately downstream at a minimum ratio of 1:1, in addition to enhancement through the purchase of mitigation from an off-site mitigation bank, or participation in an in-lieu fee program. Affected native habitat, namely California walnut woodland and southern willow scrub, shall be replaced or enhanced at a minimum ratio of 2:1.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 14 (Permit No. 2011-003470-MAS)
9. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement
1600-2006-0315-R5

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cities of Industry and Diamond Bar, is proposing freeway improvements to the State Route-57 (SR-57)/State Route-60 (SR-60) confluence at the Grand Avenue interchange in Los Angeles County within the next 5 years. Impacts to waters of the United States will be limited to the relocation of two concrete-lined channels adjacent to the freeway. It is currently estimated that permanent impacts will consist of the loss of 0.16 acres of waters of the United States and State, including 0.21 acres of wetlands. Anticipated mitigation will consist of the creation/restoration of additional riparian/wetland habitat within Diamond Bar Creek.

16. Avoidance/ Minimization Activities:

The Applicant has proposed to implement the following avoidance and minimization measures:

- The box extension length has been minimized as much as feasible while protecting the Old Brea Canyon Road from the high historic velocities of the stream. A retaining wall located outside of Waters of the United States has been added to the proposed project design along the south side of the culvert extension to reduce the length of the extension.
- An additional retaining wall along the freeway was also considered as part of this proposed design to further lower the elevation of Old Brea Canyon Road and thereby further shorten the proposed culvert extension length, however the sewer could not be reconstructed to operate properly within the lowered road. Since there is no other route for the sewer line, this additional retaining wall was not feasible.

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

- Pre-construction phase:
- Pre-project biological surveys for nesting raptors and other nesting birds will be conducted by a qualified biologist pursuant to California Department of Fish and Game requirements. The survey will be done within three days prior to the work in the area to ensure no nesting raptors or their nests will be affected by the Project.
- Construction phase:

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into waters of the state.

- The Applicant will comply with all litter and pollution laws.
- Any and all garbage or debris found within the stream channel will be removed and legally disposed of by the Applicant for the duration of this Agreement.
- Post-project phase:
- Storm flow quantity at the points of off-site discharge will be less than or equal to pre-project discharge quantity and velocity, per Los Angeles County Department of Public Works (Flood Control) requirements.

17. Proposed
Compensatory
Mitigation:

None

18. Required
Compensatory
Mitigation:

The Applicant shall provide 0.03 acres of mitigation of jurisdictional wetlands and 0.432 acres of vegetated streambed. See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

ATTACHMENT B

Conditions of Certification

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6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact the Land Disposal Unit, at (213) 620-6119 for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
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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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. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.

The Applicant shall provide compensatory mitigation for the proposed permanent impacts to **0.006 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, impacts to wetland shall be replaced at a **5:1** replacement area ratio (**0.03 acres**) and impacts to vegetated streambed shall be replaced at a **3:1** (**0.432 acres**).

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- (f) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
 - (g) A certified Statement of "no net loss" of wetlands associated with this project;
 - (h) Discussion of any monitoring activities and exotic plant control efforts; and
 - (i) A certified Statement from the Applicant or his/her representative that all conditions of this Certification have been met.
24. Prior to any subsequent maintenance activities within the subject drainages/basin, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the drainage's/basin's existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
25. 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.
26. 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.

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- (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.
34. 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.