



EDMUND G. BROWN, JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Ms. Angela Wilson
Taylor Morrison of CA, LLC
8105 Irvine Center Drive, Suite 1450
Irvine, CA 92618

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7012 3460 0001 6366 0168

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED MTD 954 AND MTD 962 DETENTION BASIN MAINTENANCE PROJECT (Corps' Project No. SPL-2014-00460-GS), WALNUT CREEK, CITY OF WEST COVINA, LOS ANGELES COUNTY (File No. 14-084)

Dear Ms. Wilson:

Board staff has reviewed your request on behalf of Taylor Morrison of CA, LLC (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on December 22, 2014.

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

Feb. 4, 2015
Date

DISTRIBUTION LIST

Lesley Lokovic (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 Wildlife
Streambed Alteration Team
3883 Ruffin Rd Suite A
San Diego, CA. 92123-4813

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

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

Jim Bartel
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011

ATTACHMENT A

Project Information
File No. 14-084

1. Applicant: Ms. Angela Wilson
Taylor Morrison of CA, LLC
8105 Irvine Center Drive, Suite 1450
Irvine, CA 92618
Phone: (949) 341-1211 Fax: (949) 341-1400
2. Applicant's Agent: Lesley Lokovic
Glenn Lukos Associates
29 Orchard
Lake Forest, CA 92630
Phone: (949) 837-0404 x44 Fax: (949) 837-5834
3. Project Name: MTD 954 and MTD 962 Detention Basin Maintenance
4. Project Location: West Covina Los Angeles County

Mt. Tricia Basin (MTD 954)

<u>Latitude</u>	<u>Longitude</u>
34.045811	117.894514
34.045425	117.894567
34.045732	117.894705
34.045708	117.894493
34.045643	117.894759
34.045635	117.894477
34.045546	117.894658
34.045546	117.894491

Bentley Court Basin (MTD 962)

<u>Latitude</u>	<u>Longitude</u>
34.044263	117.887249
34.043723	117.887150
34.044155	117.887386
34.044180	117.887074
34.044047	117.887355
34.044038	117.887162
34.043852	117.887261
34.043804	117.887199

ATTACHMENT A

Project Information File No. 14-084

5. Type of Project: Detention Basin Maintenance
6. Project Purpose: The purpose of the proposed project is to conduct routine maintenance and excavation within the following basins: Majestic Tract Development (MTD) Basin 954 and MTD Basin 962, within the Inspiration Point and Majestic Tract Development, for the protection of the public and prevention of property damage and loss of life due to flooding. The maintenance will restore each basin to its original design capacity.
7. Project Description: The project is generally bounded by Hillside Drive and existing residential development to the north, undeveloped land to the south, and existing residential development to the east and west in the City of West Covina. MTD 954 is southwest of the intersection of Hillside Drive and Mt. Tricia, and MTD 962 is south of the Bentley Court Terminus.
- The project includes periodic excavation, land clearing, repair, and maintenance of existing detention basin structures and appurtenances, fire hazard clearing, and vegetation removal to restore the basins to their original flood design capacity. Project activities will include the removal of mud, rock and debris from the detention basins (MTDs 954 and 962). Debris accumulates in these basins during erosional storm events and decreases flood control capacity. Vegetation, which has been buried by sediment and debris, will also be removed from within the basins. Sediment removal operations may occur several times per year or following a single storm event.
- Sediment removal is authorized when the following conditions occur:
- 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. Special circumstances may include compliance with vector control, and State Department of Dam Safety (DSOD) requirements.

ATTACHMENT A

Project Information File No. 14-084

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

- Annual mowing of vegetation within 25 percent 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);
- Repair of access roads, eroded basin slopes and embankments, spillways, down drains, trash barriers, outlet towers, inlet chutes, fencing, facing slabs, buildings and their appurtenances. These activities are included under this Certification, only if any impacts are within the same footprint of the structure or facility. No new impacts will be allowed without prior approval from the Regional Board or permitted under a separate 401 Certification (if necessary);
- Removal of ponded water, trash, and invasive vegetation/weeds for vector control purposes (in compliance with requirements for vector control);
- Annual fire hazard vegetation clearing to comply with California Fire Code requirements;
- Vector control spraying; and
- Clearing of dam face and embankments.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 31 (Permit No. SPL-2014-00460-GS)
9. Other Required
Regulatory Approvals: California Department of Fish and Wildlife
Streambed Alteration Agreement
10. California
Environmental Quality
Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 Existing Facilities.
11. Receiving Water: Walnut Creek (Hydrologic Unit Code: 180701060402)
12. Designated Beneficial
Uses: MUN*, GWR, REC-1, REC-2, WARM, WILD, WET
- *Conditional beneficial use

ATTACHMENT A

Project Information File No. 14-084

13. Impacted Waters of the United States: Non-wetland waters (unvegetated streambed): 0.29 permanent acres (290 linear feet)
14. Dredge Volume: Up to 470 cubic yards
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:
- Any natural areas above the 25% capacity area, including areas within the 26% to 100% capacity area, slopes and areas in uplands shall be avoided. The 25% to 100% capacity area shall not be disturbed by any means unless: sediment deposition has occurred in that area and the sediment must be removed to restore capacity; approved exotic species removal is necessary; or there is a need to mow vegetation, trim trees, or remove dead brush, limbs, or trees to comply with the California Fire Code.
 - To avoid potential impacts to nesting birds, no maintenance activities will be conducted on-site during the avian nesting season (March 15-August 31), unless nesting bird surveys confirm the absence of nesting birds, or are otherwise required by an emergency situation.
 - If nuisance water is present in the lower portions of the channel during removal of sediments from the detention basin areas, measures will be implemented to ensure that sediment entrainment is minimized to the maximum extent practicable through the use of sand bags at the basin outfalls and inlet structures.
 - Maintenance will be performed outside of the rainy season to the greatest extent practicable to minimize potential impacts to water quality and aquatic resources. If low flows are leaving the detention basins, hay bales or sand bags will be installed at the basin outfalls and inlet structures to capture sediment. Upon completion of any maintenance activities, the hay bales or sand

ATTACHMENT A

Project Information File No. 14-084

bags will be removed along with any sediment trapped by the hay bales or sand bags.

- All vehicle or equipment maintenance will be performed outside of jurisdictional areas and appropriate measures will be taken to ensure that any spills (e.g., oils or other fluids) will be completely removed, if such should occur, in adjacent upland areas. All maintenance vehicles and/or equipment will be kept in good working order (i.e., free from leaks etc).
- Sediments may be temporarily stored within adjacent upland areas during maintenance periods until removed from the site via truck or other suitable means.
- The sediment removed from the detention basins will be transported to a City of Los Angeles and/or County-approved landfill or sediment placement sites.

17. Proposed
Compensatory
Mitigation:

The Applicant is proposing mitigation through the purchase of mitigation credits at a mitigation bank and/or in-lieu fee program within the San Gabriel River Watershed.

18. Required
Compensatory
Mitigation:

The Regional Board will require the Applicant to provide compensatory mitigation at a ratio of 1.5:1 for impacts associated with the proposed project.

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. 14-084

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.

ATTACHMENT B

Conditions of Certification

File No. 14-084

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. 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.
8. 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.
9. 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.
10. 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.
11. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
12. 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.
13. 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

ATTACHMENT B

Conditions of Certification

File No. 14-084

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.

14. All project 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.
15. 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.

ATTACHMENT B

Conditions of Certification File No. 14-084

16. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed loss of **0.29** acres waters of the United States by creating or restoring riparian habitat at a minimum **1.5:1** area replacement ratio (**0.435 acres**). The Applicant shall submit a **Proposed Mitigation Report** which shall include:
- (a) 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.
 - (b) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
 - (c) Success criteria shall be established.

This information shall be submitted to this Regional Board for approval prior to any project activities which take place 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.

17. If the Applicant proposes funding to a third-party organization for the creation or restoration of a total of **0.435 acres** of (vegetated, unvegetated, etc) 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.

18. 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

ATTACHMENT B

Conditions of Certification File No. 14-084

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 a spreadsheet 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.
19. 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.
20. 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

ATTACHMENT B

Conditions of Certification
File No. 14-084

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)"

21. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **14-084**. Submittals shall be sent to the attention of the 401 Certification Unit.
22. 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.
23. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. R4-2012-0175. . The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2012-0011-DWQ. 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.
24. 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.
25. 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.

ATTACHMENT B

Conditions of Certification File No. 14-084

26. *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.

27. 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.