



Linda S. Adams
Agency Secretary

California Regional Water Quality Control Board Los Angeles Region



Arnold Schwarzenegger
Governor

Recipient of the 2001 Environmental Leadership Award from Keep California Beautiful

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Mr. Tom Hay
Lennar Homes/ LA Land
23823 Valencia Boulevard
Valencia, CA 91355

WATER QUALITY CERTIFICATION FOR PROPOSED HASLEY CANYON ESTATES MAINTENANCE OF FLOOD CONTROL STRUCTURES PROJECT (Corps' Project No. 2001-00315-AOA), UNNAMED TRIBUTARIES TO HASLEY CANYON CREEK, CASTAIC, LOS ANGELES COUNTY (File No. 07-097)

Dear Mr. Hay:

Regional Board staff has reviewed your request on behalf of Lennar Homes/ LA Land for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on September 12, 2007.

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.

[Original Signed By] _____
Tracy J. Egoscue
Executive Officer

10-16-07 _____
Date

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

DISTRIBUTION LIST

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ATTACHMENT A

Project Information
File No. 07-097

1. Applicant: Lennar Homes/ LA Land
23823 Valencia Boulevard
Valencia, CA 91355
Phone: (661) 255-4217 Fax: (661) 255-4219
2. Applicant's Agent: Land Design Consultants, Incorporated
199 South Los Robles, Suite 250
Pasadena, CA 91101
Phone: (626) 578-7000 Fax: (626) 578-7373
3. Project Name: Hasley Canyon Estates Maintenance of Flood Control Structures
4. Project Location: Castaic area, Los Angeles County

<u>Longitude</u>	<u>Latitude</u>
118.667	34.467
118.670	34.468
118.672	34.464
118.672	34.462
118.670	34.462
118.667	34.463
118.670	34.464
118.664	34.466

5. Type of Project: Maintenance of storm drains and debris basins
6. Project Description: The purpose of the proposed project is to maintain the functionality of the existing public storm drains, debris basins and associated outlet structures within Tract 46545. A previous Water Quality Certification (No. 00-160) was issued for the impacts associated with the development of the housing tract.

During the duration of this certification, the Applicant will conduct routine maintenance of existing flood control facilities within Tract

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45645, including six debris basins and associated outlet structures. Maintenance work will include removal of accumulated sediment, debris, and vegetation. Track equipment (e.g. excavators) may be used within the basins during maintenance.

Removal of sediment will be conditioned on whether the watershed has burned. For an unburned watershed condition, sediment removal shall occur when the debris basin is more than 25 percent full. For a burned watershed condition, cleaning of the debris basin shall occur when it is more than 5 percent full, which may occur several times in one season. Once 25 percent full, or 5 percent full if burned, sediment and vegetation will be removed to return to the maintenance baseline as determined by the original as-built conditions. Vegetation control around the basins may also include herbicide spraying where permitted, mowing, removal of weeds, brush, and trees on the embankments, and clearing of overgrown vegetation.

The following activities will also be covered under this Certification:

- 1) Annual mowing within the basins regardless of the 25% capacity requirement.
- 2) Maintenance activities including minor repairs such as erosion control, unblocking standing water, structural repairs to the embankment, etc.

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|---|--|
| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
NWP No.31 (Permit No. 2001-00315-AOA) |
| 8. Other Required Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement
No. 1600-2006-0485-R5 Revision 1 |
| 9. California Environmental Quality Act Compliance: | The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302 (Replacement or Reconstruction). |

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10. Receiving Water: Unnamed tributaries to Hasley Canyon Creek (Hydrologic Unit No. 403.51)
11. Designated Beneficial Uses: MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, COLD, WILD, RARE, SPWN
- *Intermittent beneficial use
12. Impacted Waters of the United States: Non-wetland waters (unvegetated streambed): 2.31 temporary acres
13. Dredge Volume: None
14. Related Projects Implemented/to be Implemented by the Applicant: Under Certification No. 00-160, the applicant developed 67 single-family lots and one open space on the 160-acre site. Four ephemeral drainages (B, C, D & E) and one intermittent drainage (A) occurred within the confines of the project site and this development resulted in the permanent filling of one drainage (Drainage B) and portions of another (Drainage D) for building pads and associated infrastructure.
- Two outlet structures were proposed immediately north of Hasley Canyon Road to conduct flows under the road from the proposed enclosed drainage system. While the original design of the project under Certification No. 00-160, placed the outlet structures (headwalls & wing walls) and associated rip-rap pads within the jurisdictional boundary of the creek, the grading plan was later re-designed to pull the outlet structures back to the maximum extent feasible, out of the jurisdictional area. In addition, two of the debris basins for the project were built within the impacted jurisdictional area.
- While the Applicant will conduct the routine maintenance of the existing public storm drains, debris basins and outlet structures throughout the next 5 years, ultimately, the Los Angeles County Department of Public Works will maintain the stormdrain system and debris basins.

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15. Avoidance/
Minimization
Activities:

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

- Efforts will be made to minimize the extent of disturbance to natural or reestablished vegetated tree areas that are not obstructing the function of the basin and channels.
- Dredged material will be properly disposed of in accordance with all local, state and federal regulations.
- Basin banks will be examined for seepage and structural soundness.
- The inlet and outlet areas will be checked for erosion and stabilization.
- To prevent contaminated wastewater from entering downstream habitats, designated areas will be set aside for an impermeable liner and proper disposal of all washings or residue will occur following maintenance work.
- All entrances to a site will be stabilized before maintenance work and further disturbance of the site area begins. The purpose of stabilizing entrances to a construction site is to minimize the amount of sediment leaving the area as mud and sediment attached to motorized vehicles. Installing a pad of gravel over filter cloth where construction traffic leaves a site will help stabilize a construction entrance. Usage of vibrator plates at the entrance/exit may take place to remove sediment from tires and vehicles.
- Equipment will be maintained and if a leaking line cannot be repaired, the equipment will be removed.

16. Proposed
Compensatory
Mitigation:

The Applicant had previously proposed the following mitigation measures in order to mitigate for the loss of 0.07 acres of un-vegetated, ephemeral streambeds under Certification No. 00-160 and the mitigation requirements were fulfilled:

- A minimum of 0.70 acres (10:1 ratio) of streambed/riparian habitat was enhanced onsite in addition to the creation of 0.36 acres (5:1 ratio) of riparian habitat as required by the

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original Certification.

- The Applicant enhanced the biological function and value of the preserved 0.70 acres of jurisdictional area through the removal of existing trash, old auto parts and household debris, and exotic/invasive species from the drainages.
- Drainage "E", which supports 0.50 acres of jurisdictional area, was left undisturbed by individual lot owners.
- Lot 68, which includes the entire reach of Hasley Canyon Creek (Drainage A), was dedicated as an open space lot. The 2.07-acre lot was utilized to enhance and create additional riparian habitat along the undisturbed Drainage A. The Applicant planted oak trees, sycamores, and holly-leaf cherries in the upland area along the banks of Hasley Canyon Creek. This area serves as a vegetated buffer between the development and Hasley Canyon Creek.
- The slopes of the two proposed outlet structure channels in Lot 68 were planted with native species in accordance with CDFG standards. The bottoms of the outlet channels were left natural to allow for natural dissipation, percolation, and biofiltration of the project runoff for the length of the channel (approx. 100 feet). Native vegetation was allowed to grow in the channel bottoms to the extent allowable by the L.A. County Department of Public Works. Removal of the vegetation in the outlet channel bottoms by the Department of Public Works was to the minimum extent allowed without impairing the function of the storm drain system.
- Within the jurisdictional streambed, native vegetation such as cottonwood and mule fat were planted in accordance with CDFG criteria to take advantage of the project runoff generated throughout the year. Such enhancement will increase the benefits of bio-infiltration of the creek and will ultimately decrease the amount of "first-flush" pollutants that could be contributed to downstream waterways by the project.

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17. Required
Compensatory
Mitigation:

The Applicant was required to provide compensatory mitigation in order to offset impacts associated with the originally proposed housing development (Certification No. 00-160). The Applicant was required to provide a total of 0.70 acres compensatory mitigation (10:1 ratio). The Applicant considered avoidance for impacts within the original development and the development was downsized from 80 homes to 67 homes, avoiding 91% of waters on-site. As such, the Regional Board will not require any additional compensatory mitigation for maintenance activities specifically proposed within this Certification.

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

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Conditions of Certification File No. 07-097

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 polices set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 15, are incorporated as additional conditions herein.

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5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are 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 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 Rodney Nelson, 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.

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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. 2004-0008-DWQ and 2004-0009-DWQ.
14. The Applicant shall not conduct any maintenance activities within waters of the State during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any maintenance activities are to be held within five (5) days of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
15. 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** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
16. All 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.
17. 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.

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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)
- 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%.

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be 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. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

18. 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. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
19. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
20. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report 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. This report shall include as a minimum, the following documentation:

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- (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 (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.
21. Prior to any subsequent maintenance activities within the project areas, 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 existing condition/capacity within the basin(s); (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.
22. 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.

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28. A copy of this Certification shall be kept at the project site during any period while project activities are being conducted, and shall be available upon request to any staff from this Regional Board.
29. 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.
30. *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.
31. 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.