



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Ms. Amy Glad
Pardee Homes
2120 Park Place, Suite 120
El Segundo, CA 90245

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7011 2970 0000 0645 4905

WATER QUALITY CERTIFICATION FOR PROPOSED FAIR OAKS DETENTION BASIN MAINTENANCE PROJECT (Corps' Project No. 2004-00182-MAS), SANTA CLARA RIVER, SANTA CLARITA, LOS ANGELES COUNTY (File No. 12-010)

Dear Ms. Glad:

Board staff has reviewed your request on behalf of Pardee Homes (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on June 3, 2013.

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

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

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

Samuel Unger
Samuel Unger, P.E.
Executive Officer

10-17-13
Date

DISTRIBUTION LIST

Lesley Lokovic
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

Jeff Humble (via electronic copy)
California Department of Fish and Wildlife
Streambed Alteration Team
3883 Ruffin Rd Suite A
San Diego, CA. 92123-4813

Brianne McGuffie
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 92011

ATTACHMENT A

**Project Information
File No. 12-010**

1. Applicant: Ms. Amy Glad
Pardee Homes
10880 Wilshire Boulevard Suite 1900
Los Angeles, CA 90024

Phone: (310) 446-1240 Fax: (310) 446-1292
2. Applicant's Agent: Ms. Lesley Lokovic
Glenn Lukos Associates
29 Orchard
Lake Forest, CA 92630

Phone: (949) 837-0404 Fax: (949) 837-5834
3. Project Name: Fair Oaks Ranch Detention Basin Maintenance Project
4. Project Location: Santa Clarita, Los Angeles County
- | <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 34.401567 | 118.447977 |
| 34.402995 | 118.440423 |
| 34.410033 | 118.430994 |
| 34.406919 | 118.430382 |
5. Type of Project: Detention basin maintenance
6. Project Purpose: Routine maintenance of thirteen (13) detention basins (designated as Basins 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18) within the Fair Oaks Ranch Project.
7. Project Description: Pardee Homes will perform routine maintenance of 13 detention basins (Project) within the Fair Oaks Ranch Project, all of which are subject to regulation by the Regional Board. The Project will include periodic excavation, land clearing, repair, and maintenance of existing detention basin structures and appurtenances, fire hazard

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clearing, and vegetation removal to restore the basins to their original flood design capacity. Continued maintenance and excavation will be needed at these facilities for the protection of the public and prevention of property damage and loss of life due to flooding.

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.

The frequency of cleanouts will be dependent upon watershed conditions, including previous occurrence of brush fires and subsequent vegetative recovery, occurrence and magnitude of winter rains. Capital flood designations are made according to the Los Angeles County Department of Public Works' (LACDPW) standards using a 50-year rainfall event in mountainous saturated watersheds.

Sediment removal is authorized under the following conditions:

- The quantity of sediment in a detention basin has reached 25 percent capacity or more for non-burned watersheds;
- When a detention basin has reached five percent or more of the basin's capacity and more than 20 percent of the watershed upstream of the sediment entrapment basin has burned within the previous five years; or
- When cleanouts do not meet the above requirements, prior written approval from the Regional Board will be attained. Special circumstances may include compliance with vector control, State Department of Dam Safety (DSOD) requirements, and undersized detention basins.

Additional ongoing annual maintenance activities will include:

- Annual mowing of vegetation within 25 percent of the basin capacity;
- Clearing vegetation and debris from the outlet towers and

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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);

- 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);
- Repairing access roads, eroded basin slopes and embankments, spillways, down drains, trash barriers, outlet towers, inlet chutes, fencing, facing slabs, buildings, and their appurtenances, 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);
- Removing ponded water, trash, and invasive vegetation and weeds for vector control purposes;
- Annual fire hazard vegetation clearing to comply with California Fire Code requirements;
- Vector control spraying; and
- Clearing of debris from the dam face and embankments. All material removed will be taken to a legal point of disposal.

If 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. No sediments are expected to transfer downstream. If sediments or water can transfer downstream, water diversion measures and testing will be implemented.

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

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and inlet structures to capture sediment. Upon completion of any maintenance activities, the hay bales or sand bags will be removed along with any sediment trapped by the hay bales or sand bags. Sediments may be temporarily stored within adjacent upland areas during maintenance periods until removed from the site via truck or other suitable means.

The detention basins are intended to capture floodwaters and typical pollutants created as a result of urban runoff. Any natural areas above the 25 percent capacity area, including areas within the 26 percent to 100 percent capacity area, slopes and areas in uplands shall be avoided. The 25 percent to 100 percent 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.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 43 (Permit No. 2004-00182-MAS)
9. Other Required
Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement
Number 1600-2010-0151-R5
10. California
Environmental Quality
Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15304.
11. Receiving Water: Santa Clara River (Hydrologic Unit No. 403.51)
12. Designated Beneficial
Uses: MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM,
COLD, WILD, RARE, WET

*Conditional beneficial use

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13. Impacted Waters of the United States: Federal jurisdictional wetlands: 0.17 temporary acres (358 linear feet).
Non-wetland waters (unvegetated streambed): 7.00 temporary acres (3,501 linear feet).
14. Related Projects Implemented/to be Implemented by the Applicant: The basins were constructed as part of a residential development and certified by the Regional Board under Water Quality Certification File Number 03-170.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- The detention basins are intended to capture floodwaters.
 - If low flows are leaving the detention basins or nuisance water is present in the lower portions of the channel during removal of sediments from the detention basin areas, sand bags at the basin outfalls and inlet structures will be used.
 - Maintenance will be performed outside of the rainy season to the greatest extent practicable to minimize potential impacts to water quality.
 - Upon completion of any maintenance activities, the hay bales or sand 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.
 - Appropriate measures will be taken to ensure that any accidental spills will be completely removed.
 - All maintenance vehicles and equipment will be kept in good working order.
 - Sediments may be temporarily stored within adjacent upland areas during maintenance periods until removed from the site via

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truck or other authorized means.

- 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.

16. Proposed
Compensatory
Mitigation:

Compensatory mitigation has already been performed as part of File Number 96-144 and File Number 03-170. In addition, Pardee proposes to remove non-native, invasive plant species from within the 7.17-acre temporary maintenance areas within Basins 2, 3, and 8-18.

17. Required
Compensatory
Mitigation:

Compensatory mitigation has already been conducted under Water Quality Certification File No. 03-170.

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. 12-010

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. 15, 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.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved

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by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2011-0002-DWQ and 2004-0009-DWQ.

14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
15. If rain is predicted after operations have begun, 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 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.
17. 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.

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.

18. All project and 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.
19. 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,

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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.

20. 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.
21. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification. The Annual Reports shall describe in detail all of the project activities performed during the previous year and all restoration and mitigation efforts.
 - (a) Color photo documentation of the pre- and post-project basin conditions;
 - (b) The overall status of project including a detailed schedule
 - (c) Copies of any revised permits;

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- (d) Water quality monitoring results (as required) compiled in a spreadsheet format;
 - (e) A certified Statement of "no net loss" of wetlands associated with this project;
 - (f) Discussion of any monitoring activities and exotic plant control efforts; and
 - (g) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
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.
23. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

"I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

(Signature)
(Title)"

24. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number 12-010. Submittals shall be sent to the attention of the 401 Certification Unit.

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25. 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.
26. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. R4-2012-0175. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall 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.
27. 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.
28. 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.
29. *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

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(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.
30. 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.

