

EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**Los Angeles Regional Water Quality Control Board**

Mr. Gary Iverson  
Caltrans District 7  
100 S. Main St. Suite 100  
Los Angeles, CA 90012

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7009 2820 0001 6537 9577

**WATER QUALITY CERTIFICATION FOR PROPOSED STATE ROUTE (SR) 60/LEMON AVE INTERCHANGE PROJECT (Corps' Project No. 2013-00058-SJH), UNNAMED TRIBUTARY TO SAN JOSE CREEK, TRIBUTARY TO SAN GABRIEL RIVER, CITY OF DIAMOND BAR, LOS ANGELES COUNTY (File No. 12-065)**

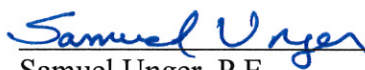
Dear Mr. Iverson:

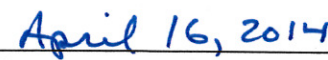
Board staff has reviewed your request on behalf of Caltrans (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on April 4, 2014.

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 Dana Cole, Section 401 Program, at (213) 576-5733.

  
\_\_\_\_\_  
Samuel Unger, P.E.  
Executive Officer

  
\_\_\_\_\_  
Date

CHARLES STRINGER, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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**ATTACHMENT A**

**Project Information  
File No. 12-065**

1. Applicant: Gary Iverson  
Caltrans District 7  
100 Main St. Suite 100  
Los Angeles, CA 90012  
  
Phone: (213) 897-3818 Fax: (213) 897-0685

2. Applicant's Agent: Elizabeth Hohertz  
LSA Associates, Inc.  
1500 Iowa Ave. Suite 200  
Riverside, CA 92507  
  
Phone: (951) 781-9310 Fax: (951) 781-4277

3. Project Name: SR-60/Lemon Avenue Interchange Project

4. Project Location: Diamond Bar, Los Angeles County

<u>Latitude</u> <u>(decimal degrees)</u>	<u>Longitude</u> <u>(decimal degrees)</u>
33.99804	-117.86129
33.99837	-117.86030
33.99821	-117.86026
33.99928	-117.85520
33.99962	-117.85524
33.99965	-117.85497
33.99924	-117.85482
34.00153	-117.84573
34.00157	-117.84568
34.00130	-117.84548
34.00145	-117.84410
34.00139	-117.84409
34.00105	-117.84529
34.00045	-117.84485
34.00077	-117.84324
34.00065	-117.84321
34.00038	-117.84479
34.00027	-117.84471

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33.99957	-117.84558
33.99957	-117.84555
33.99955	-117.84555
33.99946	-117.84605
33.99948	-117.84606
33.99947	-117.84611
33.99871	-117.85303
33.99806	-117.85218
33.99806	-117.85218
33.99787	-117.85258
33.99788	-117.85259
33.99787	-117.85262
33.99834	-117.85461
33.99803	-117.85449
33.99794	-117.85481
33.99831	-117.85491
33.99832	-117.85491
33.99744	-117.86117

5. Type of Project: Road construction

6. Project Purpose: The proposed project (Project) will improve traffic operations by providing direct access to this area of rapid urbanization and development.

7. Project Description: The Project will construct an interchange for Lemon Avenue and State Route (SR) 60.

Since the proposed interchange configuration is not consistent with the Freeway Agreement between Los Angeles County and the California Department of Transportation (Caltrans) dated March 26, 1968, a superseding Freeway Agreement was executed on December 7, 2010. The Project will also require the permanent partial acquisition of five residential parcels and three business parcels and the Project will require 13 temporary construction easements during construction.

The SR-60/Lemon Avenue interchange will provide the following features:



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- Eastbound On-Ramp: This ramp will extend east of Lemon Avenue, merging onto SR-60.
- Eastbound Off-Ramp: This ramp will extend east from SR-60 to Lemon Avenue.
- Westbound On-Ramp: This ramp will extend west of Lemon Avenue, merging onto SR-60.

The existing sound wall along eastbound SR-60 west of Lemon Avenue will be removed and a new sound wall will be constructed along the edge of pavement of the eastbound off-ramp.

As part of the Project, 840 feet of an existing manmade drainage channel will be converted into a belowground storm drain channel and connected to the existing belowground storm drain system. The Project will, therefore, result in 0.13 acre of permanent impacts to waters of the U.S.

The existing vegetation consists of vines, trees, and ground cover. The majority of landscaping within State right-of-way will consist of non-irrigated hydro-seeding, rock blanket, and buffalo grass for the bio-filtration swales. However, at some locations along the local streets, irrigated planting consisting of shrubs, flowers, sod, and trees will also be provided.

A Storm Water Pollution Prevention Plan (SWPPP) will be required prior to grading any part of this Project. The SWPPP will be developed by the construction contractor prior to construction and made available upon completion. The SWPPP for the Project shall identify the specific BMPs to be implemented during Project.

Permanent erosion control measures will be incorporated in the Project for the exposed 2:1 side slopes to help stabilize slopes, minimize catch basin siltation, and prevent storm water pollution. Permanent vegetative erosion control will be applied to all finished slopes.

In addition, erosion control measures during construction will include best management practices (BMPs), which could include, but are not limited to, timing of grading to avoid the windy and rainy seasons, use of sandbags and/or straw bales in graded areas,

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silt fences, temporary drainage facilities, containment and settling ponds, and prompt seeding or revegetation of graded areas.

8. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP No. 14 (Permit No. 2013-00058-SJH)
9. Other Required Regulatory Approvals: California Department of Fish and Wildlife  
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: Caltrans District 7 approved the Project's Mitigated Negative Declaration on November 26, 2008. A Notice of Determination was filed with the Office of Planning and Research (State Clearinghouse No. 2006041097) on October 1, 2008.
11. Receiving Water: Unnamed tributary to San Jose Creek, a tributary to San Gabriel River (Hydrologic Unit Code 180701060502)
12. Designated Beneficial Uses: MUN\*, GWR, WARM, WILD, REC1, REC2  
\*Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (streambed): 0.13 permanent acres (840 linear feet)
14. 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.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Erosion control measures will be incorporated into the project.
  - Best Management Practices will be implemented during

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construction to reduce storm water impacts.

- Vegetated surfaces: the roadway slopes within the project limits are currently stabilized with erosion control.
- All new slopes and other disturbed areas will be stabilized with erosion control following Caltrans Policy and Procedure.
- Areas between the new ramps and existing SR-60 roadway will be paved with a Rock Blanket for soil stabilization.
- Four biofiltration swales will be constructed and soils amended to a depth of three feet in order to increase the infiltration capacity (because of current low infiltration capacity).

16. Proposed  
Compensatory  
Mitigation:

The Applicant has proposed to restore and/or enhance between 0.88 and 1.38 acres of riparian understory in Diamond Bar Creek.

17. Required  
Compensatory  
Mitigation:

The Applicant shall provide at least 0.88 acres of compensatory mitigation for the permanent impacts to 0.13 acres within waters of the United States. 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. 12-065

#### 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, the approved construction plan, 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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### Conditions of Certification File No. 12-065

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, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
16. The 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 construction 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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### Conditions of Certification

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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 provide compensatory mitigation for the proposed permanent impacts to **0.13 acres** of vegetation within waters of the United States/Federal jurisdictional wetlands by enhancing riparian habitat/Federal jurisdictional wetland habitat at a minimum **6.77:1** area replacement ratio (**0.88 acres**). If the Applicant proposes funding to a third-party organization for mitigation in total or as a combination for 0.88 acres, 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:



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### Conditions of Certification File No. 12-065

- (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 if applicable.

- 22. 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.
- 23. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation success and project completion has been achieved and documented. The Annual Reports shall describe in detail all of the project and construction activities performed during the previous year and all restoration and mitigation efforts; and shall include percent survival by plant species and percent cover. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking) or any delays in the mitigation process. At a minimum the Annual Reports shall include the following documentation and answered appropriately whether or not mitigation has been performed:
  - (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 and a detailed schedule including whether or not work has begun on the Project;
  - (d) Copies of all permits revised as required in Additional Condition 1;
  - (e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
  - (f) A certified Statement of “no net loss” of wetlands associated with this project;
  - (g) Discussion of any monitoring activities and exotic plant control efforts; and



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**Conditions of Certification  
File No. 12-065**

- (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
24. 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.
25. 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)”

26. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **12-065**. Submittals shall be sent to the attention of the 401 Certification Unit.
27. 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.
28. 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.

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### Conditions of Certification File No. 12-065

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.

29. 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.
30. 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.
31. *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.

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### Conditions of Certification

File No. 12-065

- (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.
32. 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.