



## DISTRIBUTION LIST

Megan Jameson  
Michael Brandman Associates  
220 Commerce, Suite 200  
Irvine, CA 92602

Oscar Balaguer  
State Water Resources Control Board  
Division of Water Quality  
P.O. Box 944213  
Sacramento, CA 94244-2130

Betty Courtney  
California Department of Fish and Game  
Streambed Alteration Team  
4949 View Ridge Avenue  
San Diego, CA 92123

Ken Wong  
U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
P.O. Box 532711  
Los Angeles, CA 90053-2325

Steven John  
U.S. Environmental Protection Agency  
600 Wilshire Boulevard, Suite 1460  
Los Angeles, CA 90017

Tim Vendlinski  
Supervisor, Wetlands Regulatory Office (WTR-8)  
US EPA, Region 9  
75 Hawthorne  
San Francisco, CA 94105

Ken Berg  
U.S. Fish and Wildlife Service  
6010 Hidden Valley Road  
Carlsbad, CA 92009

## ATTACHMENT A

### Project Information File No. 06-171

1. Applicant: City of Industry  
15651 East Stafford Street  
City of Industry, CA 91744  
  
Phone: (626) 333-2211
  
2. Applicant's Agent: Alissa Cope  
Michael Brandman Associates  
220 Commerce, Suite 200  
Irvine, CA 92602  
  
Phone: (714) 508-4100      Fax: (714) 508-4110
  
3. Project Name: Industry Business Center
  
4. Project Location: City of Industry, Los Angeles County  
Longitude: 117° 49' 31.28"; Latitude: 34° 00' 32.60"  
Longitude: 117° 49' 35.39"; Latitude: 34° 00' 29.71"  
Longitude: 117° 49' 39.20"; Latitude: 34° 00' 27.35"  
Longitude: 117° 49' 44.14"; Latitude: 34° 00' 24.01"  
Longitude: 117° 49' 47.92"; Latitude: 34° 00' 19.70"  
Longitude: 117° 49' 54.66"; Latitude: 34° 00' 15.69"  
Longitude: 117° 49' 58.76"; Latitude: 34° 00' 13.07"  
Longitude: 117° 50' 03.81"; Latitude: 34° 00' 11.08"  
  
Section: 9 and 16, Township 2 South, Range 9 West
  
5. Type of Project: Commercial and industrial development
  
6. Project Description: *Purpose:*  
The proposed project will consist of the development of a multi-phased industrial complex, including the associated streets and infrastructure, and will accommodate offices ranging from corporate headquarters to small retail facilities within an area of 591.7 acres in the City of Industry. A total of 4,146,000 square feet of commercial uses and 633,000 square feet of industrial uses are proposed.

## ATTACHMENT A

### Project Information File No. 06-171

#### *Description:*

The project is located north of State Route 60, west of State Route 57, and east of Brea Canyon Road. Currently and historical land use on the site is agricultural and the site has been utilized for live stock grazing. The grazing over time has affected plant life and animal species diversity and abundance as well as vegetation communities present on the site. The proposed project site which is currently undeveloped, contains two drainage features, which total 2.2 acres of waters of the United States. This includes 1.8 acres of non-wetland streambed habitat and 0.4 acres of wetlands.

#### *Impacts:*

Diamond Bar Creek runs along the southern boundary of the project site and has surface flows year-round. The drainage enters the site from an underground box culvert to the north with a natural creek occurring along 4,600 linear feet through the project site, entering a concrete, open culvert 1,400 feet before leaving the project site. It then becomes piped underground under Brea Canyon Road and then eventually flows into San Jose Creek. The drainage spans 6,267 linear feet through the property and in order to develop the site, approximately 328 feet will be permanently impacted (0.18 acres). The creek will be permanently impacted by the installation of bank stabilizers, drop structures and reinforced concrete box connectors.

Another unnamed drainage runs through the northern portion of the property and flows in a northwest direction. This short soft-bottom channel flows into an underground storm drain system and eventually into San Jose Creek. In order to develop the site, this drainage (approximately 350 feet) will be permanently impacted (0.20 acres).

Therefore, 0.38 acres of the total 2.20 acres of waters of the United States will be permanently impacted in order to develop the proposed project. The remaining 1.82 acres of waters will be preserved.

7. Federal  
Agency/Permit:

U.S. Army Corps of Engineers  
NWP No. 39 (Permit No. 2004-01080-JLB)

## ATTACHMENT A

### Project Information File No. 06-171

8. Other Required Regulatory Approvals: California Department of Fish and Game Streambed Alteration Agreement
9. California Environmental Quality Act Compliance: The City Council of the City of Industry approved the project's Final Environmental Impact Report (EIR No, 91-0675, SCH No. 92041046) in October 2004.
10. Receiving Water: Diamond Bar Creek, tributary to San Jose Creek (Hydrologic Unit No. 405.41)
11. Designated Beneficial Uses: MUN\*, GWR, REC-1, REC-2, WARM, WILD  
\*Conditional beneficial use
12. Impacted Waters of the United States: Federal jurisdictional wetlands: 0.03 permanent acres  
Non-wetland waters (unvegetated streambed): 0.38 permanent acres (678 linear feet)
13. Dredge Volume: None
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:
- Construction phase: The proposed project improvements will comply with Section 402 (Stormwater Pollution Prevention Plan) regulations as administered by RWQCB. Water pollution control measures incorporated into the project design, construction, and operations would established compliance with current National Pollutant Discharge Elimination System (NPDES) regulations and reduce cumulative impacts to the watershed to less than significant.

## ATTACHMENT A

### Project Information File No. 06-171

- Operation phase: The project will pre-treat all first-flush storm water flows originating from the project site prior to discharge into Diamond Bar Creek. Post-project storm flow quantity at the points of off-site discharge will be less than or equal to pre-project discharge quantity and velocity, per Los Angeles County Department of Public Works (Flood Control) requirements.
- Pre-project biological surveys will be conducted according to California Department of Fish and Game requirements.
- Sediment and turbidity will be controlled and monitored by the contractor during construction.
- A qualified biological monitor will be on the site during construction.
- All work areas will be flagged, in order to avoid impacts outside of the project boundaries.

16. Proposed  
Compensatory  
Mitigation:

The proposed project will impact 0.38 acre of non-wetland and 0.03 acre of wetland waters of the United States. The Applicant has proposed to provide creation of 0.76 acres of like-kind habitat within Diamond Bar Creek. The goal of the proposed mitigation is to make the habitat within the area as natural as possible considering the contours of the topography and to create a highly diversified creek.

17. Required  
Compensatory  
Mitigation:

The Regional Board will require compensatory mitigation to offset proposed impacts associated with the project at a ratio of 2:1 and 3:1 for impacts within streambed habitat and wetlands; respectively. Therefore, 0.76 acres of streambed area and 0.09 acres of wetland habitat creation within the Diamond Bar Creek will be required. The total creation area shall be 0.85 acres.

*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. 06-171

#### 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 policies 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.

## **ATTACHMENT B**

### **Conditions of Certification File No. 06-171**

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.



## ATTACHMENT B

### Conditions of Certification File No. 06-171

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 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. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
16. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during all 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** 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/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.

## ATTACHMENT B

### Conditions of Certification File No. 06-171

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, 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)
  - 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.

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. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
21. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **0.38 acres** of vegetation within waters of the United States and **0.03**

## ATTACHMENT B

### Conditions of Certification File No. 06-171

**acres** of Federal jurisdictional wetlands by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum **2:1** and **3:1** area replacement ratio; respectively. **(0.85 acres total)**. The mitigation site shall be located within Diamond Bar Creek unless otherwise approved by this Regional Board. The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. The proposed Habitat Mitigation and Monitoring Plan shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

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 Mitigation Monitoring Reports** by **January 1<sup>st</sup>** 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:
  - (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.

**ATTACHMENT B**

**Conditions of Certification  
File No. 06-171**

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 **06-171**. 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. 01-182. 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

## ATTACHMENT B

### Conditions of Certification File No. 06-171

- the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-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. 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.
  31. 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.
  32. *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.

## **ATTACHMENT B**

### **Conditions of Certification**

**File No. 06-171**

- (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.
33. 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.