



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Jim Ahmad
Live Oak Trails, LLC
7536 Lolina Lane
Los Angeles, CA 90046

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7010 3090 0002 1021 9438

WATER QUALITY CERTIFICATION FOR PROPOSED LIVE OAK TRAILS, TRACT 48952 PROJECT (Corps' Project No. 2002-01581-GS), MARSHALL CANYON CREEK, CITY OF LA VERNE, LOS ANGELES (File No. 11-093)

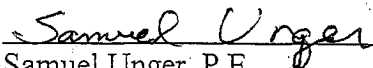
Dear Mr. Ahmad:

Board staff has reviewed your request on behalf of Live Oak Trails, LLC (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on March 6, 2012.

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.



Samuel Unger, P.E.
Executive Officer

4-25-12

Date

DISTRIBUTION LIST

Mohamad Younes (via electronic copy)
Inland Communities Corporation
650 East Hospitality Lane, Suite 410
San Bernardino, CA 92408

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 Game
Streambed Alteration Team
4949 View Ridge Avenue
San Diego, CA 92123

Geraldo Salas (via electronic copy)
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 92009

ATTACHMENT A

Project Information

File No. 11-093

1. Applicant: Jim Ahmad
Live Oak Trails, LLC
7536 Lolina Lane
Los Angeles, CA 90046
Phone: (323) 874-8000 Fax: (323) 874-8008
2. Applicant's Agent: Mohamad Younes
650 E. Hospitality Lane, Suite 410
San Bernardino, Ca 92408
Phone: (909) 890-9955 Fax: (909) 890-9988
3. Project Name: Live Oak Trails, Tract 48952
4. Project Location: La Verne, Los Angeles

<u>Latitude</u>	<u>Longitude</u>
34.143897	117.757553
34.141847	117.758144
34.141508	117.756222
34.141336	117.754383
34.141161	117.755319
34.142847	117.752392
34.143586	117.754669
34.143742	117.756111

5. Type of Project: Residential development
6. Project Purpose: The purpose of the proposed project is to construct a residential housing development.
7. Project Description: Certification (No. 05-168) was issued in 2005 for this residential development project. The Certification was for the construction of 17 single-family residential lots on the 15.04 acre project site. The Certification expired on December 8, 2010.
- This Certification is for the development of 17 single-family residential lots with an area for open space designed into the project.

ATTACHMENT A

Project Information

File No. 11-093

Of the 15.04 acre project, development will occur on 9.0 acres of the site. The remaining undeveloped portions of the property will consist of three (3) open space lots.

Lot A is a 1.65 acre lot containing a native oak woodland with jurisdictional stream area; this lot will remain natural. Lot B is a 2.06-acre lot with a regional trail, native oaks, and jurisdictional stream area; this lot will also remain natural and has been donated to the Los Angeles County Parks Department. Lot C is a 1.41-acre space to be landscaped, which will provide passive open space and a connector trail to the regional trail which exists within Lot B.

In addition, the project site contains three drainages (Drainages A, B, and C), which are jurisdictional waters of the United States. The property also contains an isolated wetland, approximately 0.20 acres, that is within federal jurisdiction. The total acreage of jurisdictional waters and wetlands is 0.37 acres.

Drainage A (Marshall Creek) will not be impacted. This drainage runs adjacent to the southern portion of the property (0.11 acres).

Drainage B is 185 in length with an average width of 12.4 feet. 185 feet and has a weighted width of 12.4 feet (0.05 acre total). There will not be any impacts within Drainage B. Existing debris in the drainage will be removed as a part of this project.

Drainage C is approximately 161 feet in length, with an average width of 3 feet. Approximately 16 feet in length will be impacted (0.0007 acres) for a riprap pad to be constructed within the southern portion of this drainage. The remaining segment (0.01 acres) will not be impacted due to the development.

The jurisdictional wetland onsite will be impacted (0.20 acres) by the proposed development. This wetland was unintentionally created as a result of a pipe outlet discharge and would have otherwise not occurred naturally. The 0.20 acres of jurisdictional wetland will be impacted as a result of the proposed development.

8. Federal Agency/Permit:

U.S. Army Corps of Engineers
NWP No. 39 (Permit No. 2002-01581-GS)

ATTACHMENT A

Project Information

File No. 11-093

9. Other Required Regulatory Approvals: California Department of Fish and Game Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The City of La Verne approved the project's Final Environmental Impact Report (SCH No. 92041046) on April 19, 2005.
11. Receiving Water: Unnamed tributaries to Marshall Canyon Creek (Hydrologic Unit No. 405.53)
12. Designated Beneficial Uses: MUN*, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET
- *Conditional beneficial use
13. Impacted Waters of the United States: Federal jurisdictional wetlands: 0.20 permanent acres
Non-wetland waters (vegetated streambed): 0.01 permanent acres
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- A Standard Urban Stormwater Mitigation Plan and a Stormwater Pollution Prevention Plan will be implemented with project specific Best Management Practices measures to mitigate all impacts to site runoff.
 - Lot runoff will be infiltrated from the graded pad through on-site pervious soils.
 - Slope protection will convey runoff from the tops of slopes and stabilize disturbed slopes with landscaping.
 - The slopes will be landscaped with native or drought tolerant vegetation to minimize erosion.

ATTACHMENT A

Project Information

File No. II-093

- All catch basins and inlets shall be stenciled with "Warning! Drain to Ocean" notes and symbols per National Pollution Discharge Elimination System Best Management Practice's standards or as approved by the City's Department of Public Works.
- Street runoff is collected into catch basins and storm drain pipes that outlet into the Detention Basin, providing infiltration through basin bottom.
- Valuable onsite oak riparian habitat associated with Marshall Creek Drainages A and B will be preserved and dedicated to a local conservancy group.
- The project will involve a multifaceted storm water/water quality/Low Impact Development program. The streets will drain into a storm drain system which will capture the developed portions of the site's runoff. This system will drain into a basin which will have the capacity to safely store the first ¾ inches of rainfall from a storm and hold the water for around 24 hours. This facility will also have a treatment mechanism to remove contaminants that will not be removed by the basin.
- Each lot will have a rain garden which will capture run off from each lot.

17. Proposed Compensatory Mitigation:

The Applicant has proposed to provide funding to a third party organization for 0.63 acres of wetland creation or restoration at a 3:1 ratio. The mitigation will involve *Arundo donax* removal in designated portions of the San Gabriel River and its tributaries.

The Applicant has also proposed the creation of three (3) acres of onsite conservation easement of oak riparian habitat associated adjacent to Marshall Canyon Creek. The conservation easement shall be dedicated to either the Department of Fish and Game or the local San Gabriel Mountains and Rivers Conservancy and shall preserve in perpetuity the remaining jurisdictional areas on-site (0.17 acres for ACOE).

18. Required Compensatory

The Regional Board will require 0.63 acres of compensatory mitigation for impacts associated with the proposed project. In

ATTACHMENT A

Project Information

File No. 11-093

Mitigation: In addition, 3 acres of conservation easements for oak riparian habitats will be established adjacent to Marshall Canyon Creek.

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. 11-093

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)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

ATTACHMENT B

Conditions of Certification

File No. 11-093

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. Please contact the Land Disposal Unit at (213) 620-2253 for further information regarding the disposal of solid wastes.
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

ATTACHMENT B

Conditions of Certification

File No. 11-093

- 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. 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 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.
 17. 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.
 18. 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.
 19. All project/construction/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.
 20. 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,

ATTACHMENT B

Conditions of Certification

File No. 11-093

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.

21. 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. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
22. The Applicant proposes funding to a third-party organization for the creation or restoration of a total of **0.63 acres** of streambed riparian habitat within waters of the United States/Federal jurisdictional wetlands. Funding shall apply to mitigation acreage only, exclusive of administrative costs. The mitigation site shall be located within the San Gabriel Watershed unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:
 - (a) Documentation from the third party indicating that funds have been used for mitigation acreage only, which do not include administrative costs.

ATTACHMENT B

Conditions of Certification

File No. 11-093

- (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.

23. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation success has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. At a minimum the Annual Reports shall include the following documentation:
- (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (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
 - (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.

ATTACHMENT B

Conditions of Certification

File No. 11-093

- (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. The Applicant shall ensure a Report of Waste Discharge (ROWD) be filed for the proposed project, should any person discharge waste, or propose to discharge waste, other than into a community sewer system, which could affect the quality of the waters of State per Section 13260(a) of the California Water Code. Please note that the Applicant is required to file a complete RoWD/Form 200 with this Regional Board at least 120 days prior to commencing the discharge from the proposed project. The Form 200 can be downloaded from the State Board's website at <http://www.swrcb.ca.gov/sbforms/form200.pdf>.
- 27. The project shall ensure connection to a Public Sewage Treatment System within 12 months of installation of the sewerage lateral collection line within 200 feet of the property. The project shall maintain compliance with Assembly Bill 885 and all local requirements for operation and maintenance of septic systems.
- 28. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number 11-093. Submittals shall be sent to the attention of the 401 Certification Unit.
- 29. 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.

ATTACHMENT B

Conditions of Certification

File No. 11-093

30. 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 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.
31. 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.
32. 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.
33. *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

ATTACHMENT B

Conditions of Certification

File No. 11-093

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.

34. 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.

