

MIDDLE NEW RIVER WATERCOURSE MASTER PLAN

Implementation Handbook For Complying with the Terms and Conditions of Sections 401 and 404 of the Clean Water Act

Prepared for:

**City of Glendale, Arizona
and
City of Peoria, Arizona**

Prepared by:

Stantec Consulting, Inc.
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Phoenix, Arizona 85044
(602) 438-2200

11 December 2001

Stantec Consulting, Inc.
Project No. 82000192

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1. OVERVIEW

INTRODUCTION

This handbook has been prepared to assist all those responsible for developing and maintaining lands subject to the Middle New River Watercourse Master Plan (MNRWMP). These include owners, developers, planners, designers/engineers, contractors, and any others associated with the development and maintenance of these lands. The lands subject to the MNRWMP occupy and adjoin the channel and banks on either side of the New River from its confluence with Skunk Creek northward to the New River Dam. Figure 1 shows the location and extent of the lands subject to the MNRWMP.

This handbook provides guidance and procedures on all aspects of planning, design, construction, and post-construction phases relevant to the implementation of "Best Management Practices" with respect to the lands subject to the MNRWMP. The primary goal of these guidelines is to implement land development and maintenance procedures including protection, preservation, and maintenance of the New River channel and banks consistent with the MNRWMP, the U.S. Army Corps of Engineers (USACE) Section 404 Individual Permit for the MNRWMP, and the Arizona Department of Environmental Quality (ADEQ) Section 401 Water Quality Certification of the MNRWMP. This handbook also describes the penalties and violation notification process associated with non-compliance with these guidelines. A copy of this handbook and updates are to be kept (and followed) at all times in the planning/design office and on the construction site.

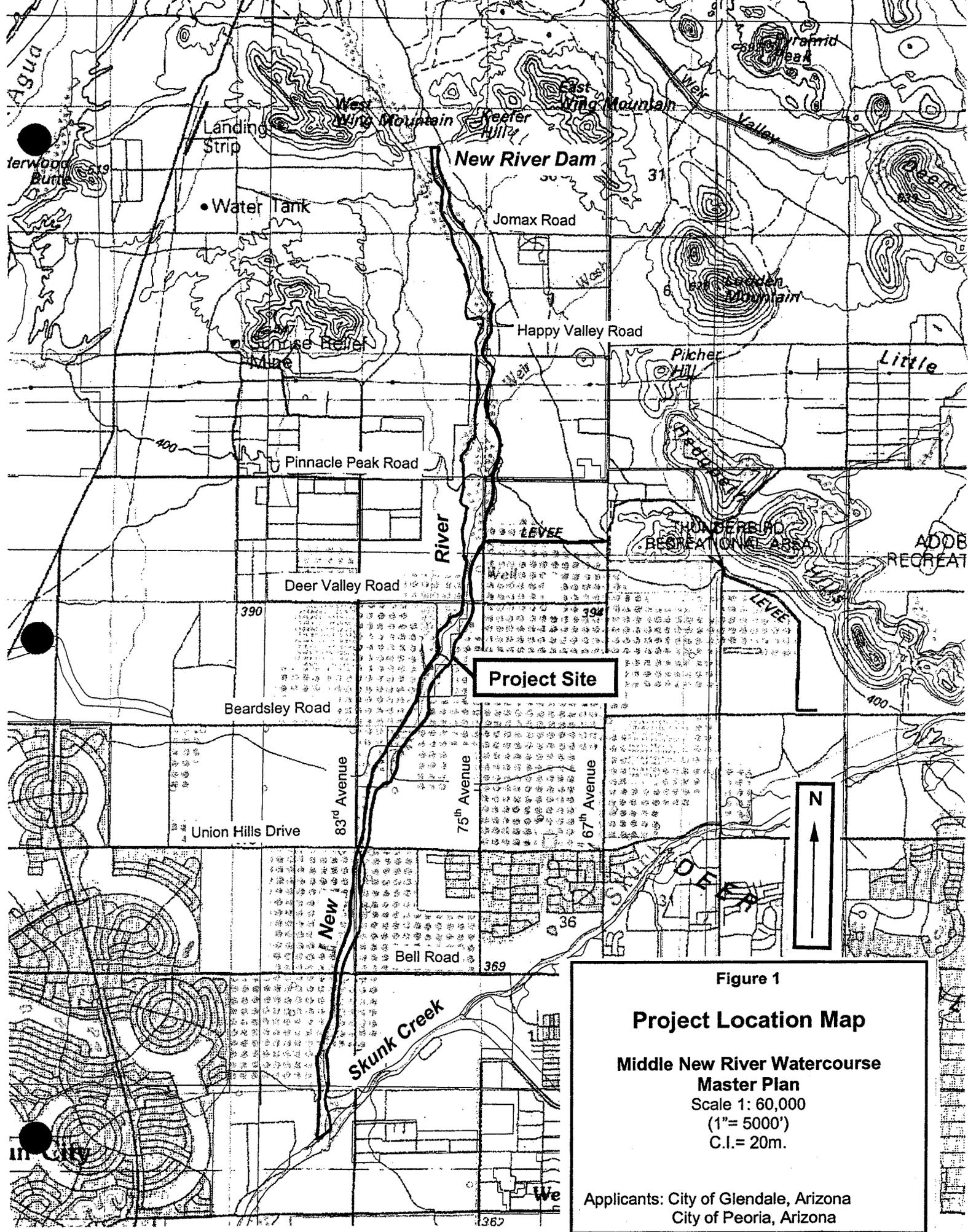


Figure 1
Project Location Map
 Middle New River Watercourse
 Master Plan
 Scale 1: 60,000
 (1"= 5000')
 C.I.= 20m.

Applicants: City of Glendale, Arizona
 City of Peoria, Arizona

The City of Peoria and the City of Glendale do not guarantee that compliance with this handbook is compliance with Sections 401 and 404 of the Clean Water Act. The owner/developer or lessee is responsible for his own compliance and will be solely liable for violations. The City of Peoria and the City of Glendale have no liability. This handbook is not intended to be used for compliance with any other environmental permitting requirements, plan approvals, etc., that may be required for individual projects.

HANDBOOK CONTENTS

Chapter 2 outlines the project management responsibilities associated with the implementation of the MNRWMP including the Best Management Practices (BMPs). It lists the City of Peoria and the City of Glendale as the primary reviewing authorities for all planning, design, construction, and post-construction activities, depending upon the individual project's location. It describes the penalties associated with violations of the mitigation area and the New River channel identified in the USACE 404 Individual Permit and violations of the terms and conditions of the ADEQ 401 Water Quality Certification for the MNRWMP and the process that will be followed regarding notification of violation.

Chapter 3 outlines the procedures to be followed during the various phases of project development. It contains the following:

- Guidance and approvals for concept/site plans, construction documents, NPDES documents, site clearances, state and federal permits, easements, and right of entry requirements prior to construction.
- Procedures for the application of BMPs to protect the environment and comply with the 404 Individual Permit and the 401 Water Quality Certification during construction.
- Guidelines for the operation and maintenance of BMPs and inspection and monitoring required by the Section 404 Individual Permit and the Section 401 Water Quality Certification following construction.

2. PROJECT MANAGEMENT AND THE CLEAN WATER ACT

This chapter describes the project management role in the context of implementing and complying with the terms and conditions of the Section 401 Water Quality Certification and the Section 404 Individual Permit for the MNRWMP.

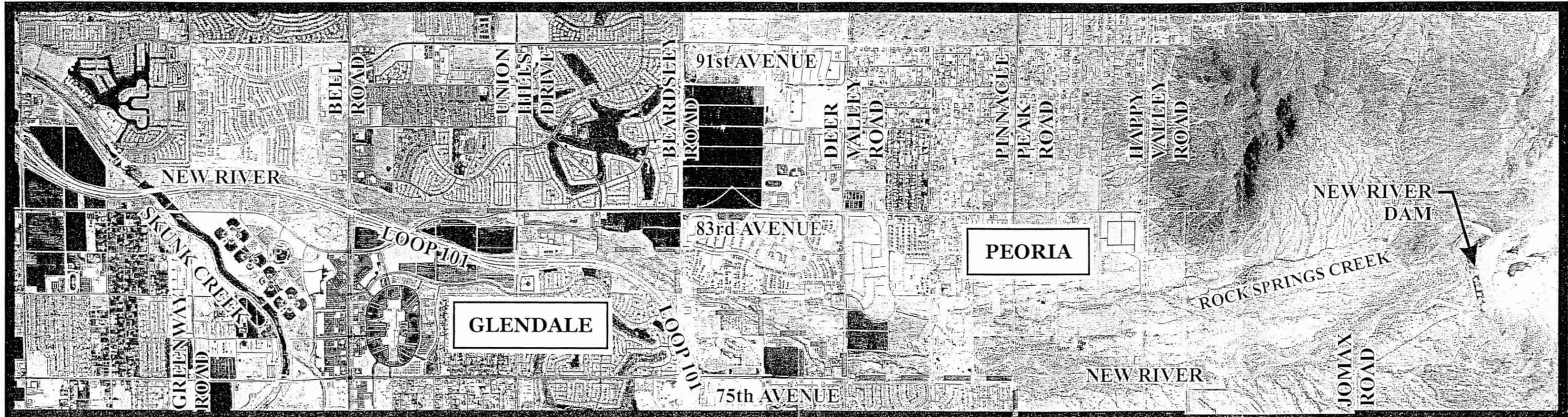
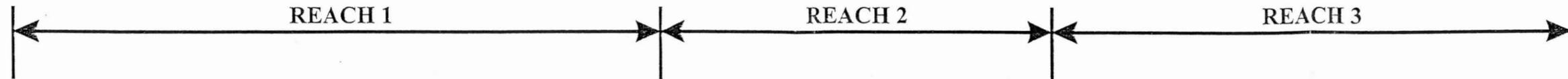
TERMS AND CONDITIONS

Copies of the terms and conditions of the 404 Individual Permit issued by the USACE and the 401 Water Quality Certification issued by the ADEQ for the MNRWMP are contained in Appendix A. The owner/developer or lessee and Project Manager are required to read these documents and acknowledge their acceptance of the terms and conditions by signing and returning the enclosed acknowledgement form to the City of Peoria or the City of Glendale, as appropriate to the location of the project. The acknowledgement form is located in Appendix B, "Acknowledgement Form for Compliance with the Terms and Conditions of Sections 404 and 401 of the Clean Water Act", of this handbook.

PROJECT MANAGEMENT RESPONSIBILITIES

Depending upon the location of the project, the City of Peoria or the City of Glendale has ultimate responsibility for compliance with the Section 404 Individual Permit. The responsible city will be involved with review and approval of all significant documents from pre- to post-construction phases. Figure 2 shows areas of responsibility of the City of Peoria and the City of Glendale with respect to the MNRWMP.

An owner/developer, lessee, or Project Manager may choose to utilize a consultant in dealing with the cities during the pre-construction, construction, and/or post-construction phases of development. If a consultant is to be utilized, it is strongly recommended that the owner/developer, lessee, or Project Manager select a consultant familiar with the desert southwest during all phases of the project.



Legend

--- CITY OF PEORIA/GLENDALE BOUNDARY



Stantec



Figure 2

Areas of Responsibility

**Middle New River Watercourse
Master Plan**

Scale 1: 39,600
(1"= 3800')

Applicants: City of Glendale, Arizona
City of Peoria, Arizona

PERMIT VIOLATIONS AND FINES

An owner/developer, lessee, or Project Manager who violates the terms and conditions of the 401 Water Quality Certification and the 404 Individual Permit will be held accountable. The violator will be liable for any impact to the other adjacent land owners/project developers within the area subject to the MNRWMP as well. The developer's Project Manager or the Project Inspectors of the City of Peoria and the City of Glendale will immediately notify the responsible city of violations of the 401 and 404 terms and conditions.

The Section 401 and 404 conditions are enforceable by the U.S. Environmental Protection Agency (EPA) and the USACE. Violations of the conditions can result in penalties of \$25,000 or more per day of violation. Criminal penalties may also be assessed.

The following procedures will be used by the Cities of Peoria and Glendale to determine the nature and extent of the violation of the terms and conditions of the 404 Individual Permit and to initiate a response and the requisite penalty.

3. PROCEDURES

Appendix C contains a checklist that summarizes the procedures outlined in this chapter.

PRIOR TO CONSTRUCTION

- 1) Pre-construction meeting of owner/developer, lessee, or Project Manager with City of Peoria or City of Glendale to discuss BMPs and Clean Water Act.
 - A) Copies of this handbook are provided to relevant planning, design, and construction personnel.
 - B) Baseline conditions, stormwater management criteria, the application of BMPs, and the terms and conditions of the 404 Permit and the 401 Certification are outlined and discussed.
- 2) Land owner/developer, lessee, and/or Project Manager read the terms and conditions of the 404 Permit and the 401 Certification. They sign and return the forms acknowledging their responsibility for compliance.
- 3) Obtain construction/drainage easements and right of entry.
 - A) Review and approval by the City of Peoria or the City of Glendale, as appropriate. Submittal of applications for right of entry and/or easements should be made in conjunction with submittal of engineering plans.
- 4) Site Assessment.
 - A) Check for environmentally sensitive areas (e.g., natural washes, cultural resources, etc.), steep slopes, and flood hazard areas.
 - B) Assess soil characteristics and erosion potential.
 - C) Identify potential pollutant sources and risks associated with construction activities.
 - D) Determine appropriate BMPs.

- E) Provide site assessment report to City of Peoria or City of Glendale, as appropriate, for review and approval.
- 5) Approval of Construction Documents.
- A) Prepare construction documents, including grading and drainage plans.
 - B) Obtain approval from City of Peoria or City of Glendale, as appropriate.
- 6) National Pollution Discharge Elimination System (NPDES) Stormwater General Permit.
- A) Prepare Stormwater Pollution Prevention Plan (SWPPP); include sequence of construction, schedule of implementation, and Notice of Intent (NOI). Implementation schedule should contain deadlines for specific steps in construction sequence, assignment of responsibilities, construction progress reporting schedule, and mechanics for proposing and incorporating revisions.
 - 1) Obtain review and approval of SWPPP by City of Peoria or City of Glendale, as appropriate.
 - 2) Obtain review and approval of SWPPP by Flood Control District of Maricopa County, where required.
 - 3) Submit NOI to EPA and ADEQ 48 hours prior to commencement of construction activities.
 - 4) Maintain a copy of the SWPPP and NOI at the construction site for inspection (required by Section 401 Certification).
 - B) Obtain dust control permit from Maricopa County Air Quality Division (must be obtained before City of Peoria or City of Glendale issues grading and drainage permit).
 - 1) Submit application to Maricopa County Air Quality Division (allow 2-3 days for approval, permit is valid for one year).

- C) Obtain an Arizona Reclaimed Wastewater Reuse Permit if wastewater treatment plant effluent is to be used for dust suppression (required by Section 401 Certification).
 - D) Obtain other federal or state ground or surface water discharge permits, if necessary, for containment or discharge of contaminated water. Impoundment of construction vehicle wash water may require an Arizona Aquifer Protection Permit issued by ADEQ.
- 7) Site Clearance Approvals.
- A) Stake construction area and establish clearing and disturbance limits.
 - 1) Survey and stake the outer boundaries of erosion buffer zones in Reach 3 (area north of Pinnacle Peak Road), if appropriate. Use plastic fencing on the outside boundaries of the erosion buffer zones in Reach 3.
 - 2) Determine area of disturbance and arrange for mitigation with USACE and City of Peoria or City of Glendale, as appropriate.
 - B) Inventory and salvage native plants.
 - 1) Native plant salvage or removal operations will comply with the Arizona Native Plant Law (contact Arizona Department of Agriculture).
 - 2) Obtain review and approval of native plant salvage plan from City of Peoria or City of Glendale, as appropriate.
 - C) Cultural resource clearance (applies only to the area north of Pinnacle Peak Road).
 - 1) Contact Arizona State Historic Preservation Office regarding cultural resource clearance. Construction clearance will not be granted until the requirements of Section 106 of the National Historic Preservation Act have been met.

- 2) Review and approval by the USACE and the City of Peoria or City of Glendale, as appropriate.
- 3) Arrange for qualified archaeologist to monitor ground-disturbing construction activities.

DURING CONSTRUCTION

- 1) Copies of the USACE Section 404 Permit and the ADEQ Section 401 Certification are to be maintained at the construction site from commencement to completion of the project.
- 2) The sequence of construction, schedule for implementation, and SWPPP are to be revised, as necessary. The areal extent of disturbance by excavation and grading is to be minimized.
- 3) Submit final construction documents and revised SWPPP to the City of Peoria or the City of Glendale, as appropriate.
- 4) A qualified archaeologist is to be present on-site to monitor all ground-disturbing construction activities (applies only to area north of Pinnacle Peak Road).
- 5) Construction within the New River channel may only include storm drain outfall structures, grade control structures, roadway bridges, roadway crossings, utility crossings, channel maintenance, paths and trails, and bank protection.
- 6) Construct SWPPP BMPs.
 - A) BMPs may include, but are not limited to, control/diversion, slope protection, sediment trapping, drainageway and stream protection, temporary and permanent stabilization, vegetative controls, and non-sediment pollution control (e.g., dust control, hazardous materials containment).

- 7) Practice conscientious site maintenance procedures.
 - A) Conscientious site maintenance procedures include equipment maintenance, solid waste management, designated wash-down areas, on-site/off-site tracking control, roadway sweeping, protected storage areas for chemicals and construction materials, and spill containment plans and structures.
- 8) Maintain records.
 - A) The SWPPP, completed inspection forms, additional NPDES records, and monthly and annual reports are to be maintained in a three-ring binder.
 - B) Documentation justifying the selection of BMPs, monitoring records, and evaluation reports are to be kept on file and available for inspection.
- 9) Monitor and evaluate BMPs.
 - A) BMPs in use are to be monitored and evaluated monthly and following significant storm events to assure effectiveness.
 - B) Containment of potential pollutant sources is to be monitored and maintained.
 - C) Facility site plan is to be maintained and revised to accurately reflect current conditions.
- 10) Modify BMPs as necessary.
 - A) Selected BMPs are to be modified, replaced, or discontinued to reflect changes in design, construction, operation, or maintenance.
 - B) BMPs are to be modified or replaced if monitoring and evaluation indicates they are ineffective.
- 11) Construction procedures must be consistent with ADEQ Policy for Protecting Water Quality During Facility Construction.

- 12) Submit 401/404 compliance reports.
 - A) Land owner/developer, lessee, or Project Manager will submit monthly and annual 401/404 compliance reports to the City of Peoria or the City of Glendale, as appropriate.

FOLLOWING CONSTRUCTION

- 1) Submit as-built construction plans and documents to the City of Peoria or the City of Glendale, as appropriate.
- 2) Submit SWPPP Notice of Termination (NOT) with supporting data and documentation to EPA, ADEQ, and City of Peoria or City of Glendale, as appropriate. Contractor will not be released from liability until NOT has been submitted.
- 3) Notify City of Peoria or City of Glendale, as appropriate, within 10 days of project completion.

4. DESIGN GUIDELINES AND HIGHLIGHTS OF BEST MANAGEMENT PRACTICES

PRIOR TO CONSTRUCTION

Improvements to the Channel and Banks of the New River

- 1) Develop construction plans for improvements to the channel and banks of the New River. Plan and profile sheets are to utilize 1 inch = 20 feet or 1 inch = 40 feet scale unless otherwise specified by the City of Glendale or the City of Peoria, as applicable.
- 2) Bank protection between Skunk Creek and Pinnacle Peak Road (Reaches 1 and 2) will consist of rock-filled wire gabions.
- 3) Channel access ramps are to be constructed of concrete. Their width is to be sufficient to accommodate earth-moving and construction vehicles necessary to install and maintain bank armoring, grade control structures, access ramps, roadway and utility crossings and bridges, paths and trails, stormwater outfall structures, and all other structures necessary to maintain the New River channel as a floodway for the safe conveyance of the 100-year peak discharge.
- 4) Storm drain outfalls within the armored banks of the New River will consist of unobtrusive concrete headwalls or end sections with a limited amount of riprap at the outlet for energy dissipation.

Temporary Erosion and Sediment Control Design

- 1) Stabilize the construction entrance at all points of ingress and egress to reduce or eliminate track-off of sediment onto public rights-of-way or streets. If a wash rack is included, provide a sediment trap to collect wash water runoff. Impoundment of wash water may require an Arizona Aquifer Protection Permit from ADEQ.

- 2) Limit exposure of disturbed areas by retaining vegetation buffers and ground cover where possible.
- 3) Provide perimeter controls such as temporary diversion dikes, drainage swales, etc. to divert up-gradient flows around the construction site.

General Practices

- 1) If possible, schedule construction to avoid activities during wet summer months (July, August, September) and winter months (November, December, January) when flow is likely within the New River channel.
- 2) Locate designated staging and materials storage areas above the 100-year storm water flood elevation and away from the channel and banks of the New River.
- 3) Erect perimeter barriers around the construction site.

Dust Control

- 1) Schedule construction activities in phases to limit the amount of time and areas disturbed by clearing and earth-moving operations.

Hazardous Materials

- 1) Prepare and initiate a Spill Prevention Plan with measures to limit the scope of a release and minimize environmental damage.
- 2) Construction materials storage areas are to be covered.
- 3) Chemicals storage areas are to be located outside of the New River channel away from its banks. Low areas and drainageways are to be avoided.
- 4) Storage area(s) are to have spill-proof perimeters.
- 5) Contractor(s) will take sufficient precautions to prevent discharges of fuel, oil, bitumen, calcium chloride, fresh Portland cement, fresh Portland

cement concrete, raw sewage, muddy water, chemicals, or other harmful materials into the channel of the New River or its banks.

Protection of Natural Channel

- 1) Work areas within the channel of the New River will be surveyed and staked to establish perimeters.
- 2) Plastic netting and/or fencing will be used at the perimeter of the work area to prevent disturbance of adjoining channel and bank areas.
- 3) Clearing limits within the channel will be staked every 10 feet using pin flags and bright yellow plastic tape strung flag-to-flag.

Protection of Cultural Resources

- 1) Contact the City of Peoria or the City of Glendale, as appropriate, and the Arizona State Historic Preservation Office for available site-specific cultural resource information.
- 2) Arrange for a qualified archaeologist to be available to respond to the construction site if cultural resource materials are encountered during construction.

Protection of Wildlife

- 1) Procedures will be developed to prevent harassment, harm, and disturbance of wildlife.

Protection of Vegetation: Tree and Cactus Salvage

- 1) Construction areas will be surveyed to identify significant trees and cactus.
- 2) Significant trees and cactus that will be damaged or destroyed by construction activities are to be salvaged prior to construction by a licensed salvager.
- 3) Salvaged trees and cactus will be replanted as near as possible to their original growing locations.
- 4) All plant salvage or removal operations will comply with the Arizona Native Plant Law. Contractors will contact the Arizona Department of Agriculture

to obtain the necessary information concerning the Arizona Native Plant Law.

DURING CONSTRUCTION

General Practices

- 1) The construction contractor will routinely perform inspection and maintenance activities to maintain the integrity of the work in progress and ensure that marked jurisdictional waters are protected.
- 2) Temporary drainage structures, excavations, and fills will be routinely inspected and maintained in satisfactory condition until the work is completed and accepted.
- 3) Barricades will be erected and warning signs installed to enhance protection where necessary.
- 4) Permanent stormwater conveyance and management structures are to be completed early in the construction schedule.
- 5) Ground disturbance is to be limited to the proposed limits of the work.
- 6) Work within the channel of the New River will not proceed during periods of flow. Work on the banks of the New River will not proceed during periods when soils are soft from extended inundation or saturation.

Air Quality and Dust Control

- 1) All contractors will comply with federal, state, and local standards and control procedures for dust and emissions from vehicles and equipment
- 2) Permanent roads should be paved as soon as possible after grading.
- 3) Trucks transporting materials that contribute dust must be covered.

Construction Debris, Spoils, and Hazardous Materials

- 1) Construction debris will be stockpiled outside of the New River channel and away from its banks.

- 2) Spoils (excess materials) removed from the channel and banks of the New River will be used to construct levees through gravel pits and other areas where the New River channel is to be confined.
- 3) Native soils should be used for fill where fill is required. Fill or surfacing materials originating off-site will be obtained from an authorized local supplier. Native soils or native soils mixtures should be mixed with off-site materials for backfill and surfacing when possible.
- 4) On-site spills will be removed and disposed in a lawful manner. Any pollutant produced on-site by construction activity will be properly disposed.
- 5) No discharged or dredged or fill material on-site will consist of unsuitable material (e.g., trash, debris, automobile bodies, asphalt, etc.). Material discharged shall be free from toxic pollutants in toxic concentrations.
- 6) Construction materials, including concrete, asphalt, and piping will consist of non-toxic materials that do not leach significant pollutants into surface waters.
- 7) Materials obtained from on-site sources, aggregate crushed rock plants, or other potentially contaminated areas will be properly inspected to ensure they do not contain contaminants that might cause a violation of a State surface water quality standard.
- 8) All washing activities (aggregate washing, Portland cement) will occur outside of the New River channel and away from its banks. Washing activities are not to be conducted where wash water could enter storm drains, sanitary sewers, street gutters, open ditches, stormwater channels, or receiving waters.

Noise

- 1) With the exception of emergency repairs only, construction activities will be conducted during typical daytime construction hours. No non-emergency construction activities are to occur prior to one hour before

sunrise. All non-emergency construction activities will cease within one hour after sunset.

Cultural Resources

- 1) If previously unidentified cultural resources are discovered or suspected during clearing or construction, work will cease in that area and the contractor will notify the City of Peoria or the City of Glendale, as appropriate.
- 2) Contractor will contact his on-call archaeologist and work will not resume in the area until cleared to proceed by the State Historic Preservation Office.

Equipment Maintenance

- 1) Construction equipment is to be serviced and maintained in working condition. There is to be no discharge of hydraulic fluid, fuel, or petroleum lubricants to site soils or stormwater.

Solid Waste Management

- 1) Provide adequate disposal facilities.
- 2) Solid waste is to be collected and removed from work areas in the channel of the New River at the end of every workday.
- 3) Sanitary facilities are to be located outside the channel of the New River. They are to be kept clean and well maintained to avoid soiling of adjacent areas.

Sediment and Erosion Control

- 1) Maintain erosion and sediment control facilities. Periodic removal of sediment, cleaning, and repair and replacement of damaged components is required, especially following significant storm events.
- 2) SWPPP is to be modified and updated to conform with changing construction conditions.

- 3) Install permanent erosion and sediment control facilities as scheduled and according to construction plans.

FOLLOWING CONSTRUCTION

General Practices

- 1) Upon completion of construction, areas of temporary disturbance are to be re-graded to pre-existing grades and drainage patterns.
- 2) The channel and banks of the New River will be left in acceptable condition with all construction materials, equipment, trash, and non-native materials removed from area within which the project work took place.

Air Quality and Dust Control

- 1) Areas of disturbance are to be re-stabilized following completion of construction.

Temporary Erosion and Sediment Controls

- 1) Following completion of the construction project, all temporary erosion and sediment control structures and facilities are to be demolished and/or removed from the project site and their locations restored.

Appendix A

**CWA Section 404 Individual Permit
and
Section 401 Water Quality Certification**

DEPARTMENT OF THE ARMY PERMIT

Co-Permittees:

Mr. David A. Moody
City of Peoria
Public Works Administration
8401 W. Monroe Street
Peoria, Arizona 85345-6560

Mr. Larry Broyles
City of Glendale
Engineering Department
5850 W. Glendale Avenue
Glendale, AZ 85301

Permit Number: 1999-16449-SDM

Issuing Office: Los Angeles District

Note: The term "you" and its derivatives, as used in this permit, means the permittees or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To implement the Middle New River Watercourse Master Plan ("Plan"), which consists of the following: from above the New River confluence with Skunk Creek to Pinnacle Peak Road (Reaches 1 and 2, about 5.5 miles), proposed new bank improvements will consist of rock filled wire baskets for bank armoring. The channel bottom will be graded as required and will remain natural. The plan uses most of the existing bank armoring. From Pinnacle Peak Road to below the New River Dam (Reach 3), about 3 miles, this portion of the New River channel and floodplain will be managed using predominantly non-structural controls and procedures. The existing natural channel, with minor improvements to maintain channel location and protect sensitive bank areas, will be used to convey floodwaters. An erosion setback buffer zone has been delineated along the 100-year floodplain of the New River and the channel will be permitted to migrate from side to side within this delineated zone. New construction will generally not be allowed within the buffer zone. The proposed project will impact a total of 179 acres of the New River (128 acres of temporary impact and 37 acres of permanent impact.) See the attached drawings.

Project Location: In the New River along both banks at (Section 35, T5N, R1E; Sections 2, 11, 14, 23, 26, 34, & 35, T4N, R1E; and Sections 3, & 10, T3N, R1E), Peoria and Glendale, Maricopa County, Arizona.

Permit Conditions

General Conditions:

1. The time limit for completing the authorized activity ends on **November 30, 2011**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification from this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.

Special Conditions: See attached sheet.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - () Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the

issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give you favorable consideration to a request for an extension of this time limit.

Your signatures below, as co-permittees, indicate that you accept and agree to comply with the terms and conditions of this permit.

David A. Moody
(PERMITTEE)
David A. Moody P.E.
PWO City of Peoria

11/19/01
(DATE)

Steve J. Broyles
(PERMITTEE)

11-27-01
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

for Cindy Lester
Mark F. Sudol, D.Env.
Chief, Regulatory Branch
(for the District Engineer)

11/15/01
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

SPECIAL CONDITIONS
PERMIT NO. 1999-16449-SDM

- a. The permittees shall comply with all requirements and conditions in the letter of state water quality certification that the Arizona Department of Environmental Quality signed on February 2, 2001. This certification demonstrates that the permittees have complied with Section 401(a) of the Clean Water Act. A copy of this letter is enclosed.
- b. The City of Peoria and the City of Glendale are each responsible for implementing mitigation according to the mitigation plan, *Middle New River Watercourse Master Plan, Habitat Mitigation Plan*, Stantec Consulting Inc., October 2001 (copy attached). Temporary impacts are expected for a maximum of 128 acres, which will be mitigated by recontouring and hydroseeding the disturbed areas with locally native seed mix. Permanent impacts are expected to occur within a maximum of 37 acres of the New River. Mitigation for these areas is proposed at two sites along the river, one in Glendale and the other in Peoria. Mitigation may be delayed for up to 5 years from the start of construction, due to collection of fees from the various developers. Mitigation will only be required for impacts that occur.
- c. Beginning November 30, 2002, and each year thereafter that this permit is valid, the permittees shall submit a status report to the Corps that includes the following information: 1. a 1 inch-1500 feet scale diagram (on 11x17 paper) of current impacts to the New River. 2. a tabulation of impacts to waters of the United States that have occurred to date. 3. mitigation that has occurred to date, including fees collected and land obtained. 4. a notarized statement by each developer/owner performing work under this permit, including detailed information regarding the location of the subject property, the name, address and phone number of the property owner, the nature of the activities planned on the subject parcel, and the developer/owner's affirmation that they are aware of, and intend to comply with the terms and conditions of this permit. 5. cultural resources that have been impacted. If no improvements have been made within the previous year, the permittees must still provide a status report to the Corps. If the status report is delinquent for over 30 days, the Corps will revoke the permit.
- d. For projects occurring on the bank of the New River, additional review and/or permits may be required from the Corps of Engineers in addition to the activities authorized under this permit. The permittees shall make this known to all landowners or developers performing work under this permit. It is the responsibility of each landowner to comply with all applicable laws and regulations.
- e. Should previously unknown historic or archaeological remains be discovered while accomplishing activities authorized by this permit, the permittees shall immediately cease work in the area of discovery and this office shall be immediately notified. The permittees is restricted from entering any archeological sites on or adjacent to the project area.
- f. Any area of temporary excavation, within the boundaries of the ordinary high water mark, shall be replaced with clean fill to a minimum of 100% density of the original ground.
- g. Stockpiles of construction materials shall be stored outside of jurisdictional waters.
- h. During construction the work site shall be maintained such that no construction debris or material spillover is allowed in the watercourse. Upon completion of the work all construction debris and excess material shall be removed from the jobsite, and outside of the Corps' jurisdictional area.

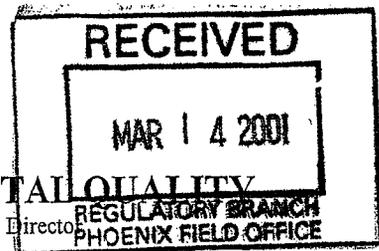
i. Equipment shall not operate in the flowing waters of the watercourse. The permittees shall suspend all operations when there is water within the project area, and shall remove all equipment from within the ordinary high watermark until the area is dried out.

j. The work area shall be restored after construction to an environmentally acceptable condition. All construction materials and residues, construction equipment, and other non-native materials shall be removed and properly disposed outside of the 100-year floodplain.

k. All operation and maintenance activities shall be performed in accordance with the *Middle New River Watercourse Master Plan, Operation and Maintenance Plan*, Stantec Consulting, May 25, 2000. Operation and maintenance shall be allowed for the life of the permit.

l. The jurisdictional waters of the United States, regulated by Section 404 of the Clean Water Act, after construction activities are completed, shall be the confined between the banks of the New River, including 14 acres of new waters of the United States.

m. A Section 404 permit issued by the Corps does not grant any property rights or exclusive privileges. Also, it does not authorize any injury to the property or rights of others or authorize interference with any existing or proposed federal project. Furthermore, the permittees are still required to obtain any other applicable federal, state or local authorizations.



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Governor Jane Dee Hull

Jacqueline E. Schafer, Director

FPPDU01:0023

ADEQ 401/404 FILE NO. 3923

February 2, 2001

Applicants: City of Glendale
Engineering Department
Attn: Grant I. Anderson
5850 West Glendale Avenue
Glendale, Arizona 85301

Agent: Stantec Consulting, Inc.
Attn: Scott S. Schlund
7776 Point Parkway West
Suite 290
Phoenix, Arizona 85044

City of Peoria
Public Works Administration
Attn: David A. Moody
8401 West Monroe Street
Peoria, Arizona 85345-6560



Subject: CWA 401 Water Quality Certification, State of Arizona for: The Middle New River Watercourse Master Plan, (Section 35, T5N, R1E; Sections 2, 11, 14, 23, 26, 34 and 35, T4N, R1E; and Sections 3 and 10, T3N, R1E), U.S. Army Corps of Engineers (ACOE) P/N No. 1999-16449-SDM, Glendale and Peoria, Maricopa County, Arizona.

Dear Mr. Anderson:

The Arizona Department of Environmental Quality (ADEQ), Water Quality Division has reviewed information on the cities of Glendale and Peoria Middle New River Watercourse Master Plan project for water quality certification pursuant to Sections 401 and 404 of the federal Clean Water Act. Section A of this certification describes the activities to be certified, the references listed in Section B were used as the basis for certification. The review has determined that when the applicant adheres to Conditions C.1. through C.9. listed in Section C, the certified activities should comply with State surface water quality standards.

Subject to the conditions in Section C, this letter certifies that the activities in the Middle New River Watercourse Master Plan project located along 8.5 miles of New River from Skunk Creek north to the New River Dam (Figure 1), should not have a negative impact to the chemical, physical or biological integrity of the jurisdictional waters of the U.S. (WUS).

A. DESCRIPTION OF ACTIVITIES TO BE CERTIFIED

1. The purpose to the Middle New River Watercourse Master Plan project is to maintain the New River as a floodwater conveyance corridor downstream of the New River Dam. The New River from its confluence with Skunk Creek northward to the New River Dam, is subject to development pressure in response to population growth in the adjoining cities of Glendale and Peoria. The Middle New River Watercourse project was developed to provide the cities of Glendale and Peoria a comprehensive program for the management of the New River and adjoining land subject to development.

The project area has been subdivided into three sub-reaches that have similar physical and hydraulic characteristics. Reach numbering is from downstream to upstream, and nomenclature is in river miles above the confluence with Skunk Creek:

- Reach 1 extends from River Mile (RM) 8.655 to RM 11.949 (confluence with Skunk Creek to Beardsley Road alignment).
 - Reach 2 extends from RM 11.949 to RM. 14.197 (Beardsley Road alignment to Pinnacle Peak Road alignment).
 - Reach 3 extends from RM 14.197 (Pinnacle Peak Road alignment) to the New River Dam.
2. The activities will result in the excavation of approximately 657,000 cubic yards (cy) of native soils and the discharge of approximately 449,000 cy of fill material. The proposed activities for Reaches 1 and 2 include realigning a grading the banks, installing rock-filled wire armoring, grading within the channel and providing grade control and maintenance access. Activities for Reach 3 include excavating a pilot channel for flood flows, minor bank armoring and establishing erosion set backs, which will define development limits. The proposed activities will impact approximately 179 acres of jurisdictional WUS. Fill material will consist of clean native soils, rock, wire baskets and other construction materials.
 3. Approximately 14 acres of new WUS will be created by the proposed project. In addition, approximately 165 acres of mitigation are proposed for the New River Watercourse project.

B. BASIS FOR CONDITIONAL STATE 401 WATER QUALITY CERTIFICATION

1. State of Arizona, Water Quality Standards for Surface Waters, Arizona Administrative Code (A.A.C.) Title 18, Chapter 11, Section 108, Narrative Water Quality Standards, Section 109 Numeric Water Quality Standards, Appendix A.

Designated uses include **Aquatic & Wildlife (ephemeral waters), Partial Body Contact (PBC) and Agricultural Livestock Watering (AgL)**, A.A.C. R18-11-104, Appendix B.

2. ADEQ Water Quality Division Form 404-015 (401 Certification Application), signed June 28, 2000 and received in ADEQ on June 30, 2000 from Mr. Robert Larkin representing the cities of Glendale and Peoria. Additional documents submitted with the application included, in part, the following:
 - a. Applicant's Responses to ADEQ Policy for Protecting Water Quality During Facility Construction.
 - b. Middle New River Watercourse Master Plan Project Alternatives Analysis, Prepared by Stantec Consulting, Inc. for the Flood Control District of Maricopa County, May 25, 2000, and received by ADEQ June 30, 2000.
 - c. Middle New River Watercourse Master Plan, Operation and Maintenance Plan, Prepared by Stantec Consulting, Inc. for the Flood Control District of Maricopa County, May 25, 2000, and received by ADEQ June 30, 2000.
3. ACOE Public Notice No. 1999-16449-SDM downloaded for the L.A. District website January 12, 2001. Comment Period January 8, 2001 through February 6, 2001.

C. CONDITIONS FOR STATE 401 WATER QUALITY CERTIFICATION

This State Water Quality Certification is issued by ADEQ under the authority of Section 401(a) of the federal Clean Water Act (33 U.S.C. §1251 et seq.). The conditions listed below apply to the Section 404 Permit issued by the ACOE. The 404 Permittee shall follow these conditions in developing the project permitted under ACOE 404 Permit No. 1999-16449-SDM. These conditions are enforceable by the U.S. Environmental Protection Agency and ACOE. Civil penalties up to a maximum of \$25,000 per day of violation may be levied if these Certification conditions are violated. Criminal penalties may also be levied if a person knowingly violates any provision of the federal Clean Water Act. The following conditions are in addition to any special conditions developed by the ACOE for 404 Permit.

1. General Conditions
 - a. This Certification is for the activities described in Section A to allow for the impact of 179 acres to WUS for the construction of the Middle New River Watercourse project. This certification is valid for the same period as the ACOE 404 permit. If project construction has not been started by the time specified in the ACOE 404 permits, the applicant shall notify as follows:

**Arizona Department of Environmental Quality
Water Quality Division,
Federal Permits and Program Development Unit
Attention: Surface Water Quality 401 Certification
ADEQ 401/404 File No.3923, ACOE PN# 1999-16449-SDM
3033 North Central Avenue, Phoenix, AZ 85012**

ADEQ will then have the option of extending, modifying or denying this Certification.

- b. The applicant shall provide a copy of these State 401 Water Quality Certification Conditions to all appropriate contractors and subcontractors. The applicant shall also post a copy of these conditions in a water resistant location at the construction site where it may be seen by the workers.
- c. This Certification is void if the construction is not consistent with the activities described in Section A.
- d. The cities of Glendale and Peoria are responsible for the construction and maintenance of the project and any adverse cumulative impacts that it may cause.

2. Necessary Permits

The cities of Glendale and Peoria are responsible for obtaining all other permits, certifications and licenses that may be required by federal, state or local authorities. Activities which may require other approvals include, but are not limited to: construction activities disturbing greater than five acres of land [NPDES Stormwater Permit], use of reclaimed wastewater for dust control or irrigation [Reclaimed Water Permit], or dewatering of construction sites to a surface waterbody [NPDES Process Wastewater Permit].

3. Erosion Protection Measures

- a. Erosion control and/or other bank protection features (silt fences, straw bales, mulching, or rock rip rap) shall be used to minimize erosion and soil loss, where appropriate. Denuded areas shall be revegetated as soon as possible with native plants and seed.
- b. If construction operations are likely to create an erosion problem, operations shall cease until the problem is resolved or until reasonable control measures have been undertaken.

- c. Earthen fill placed in locations subject to scour shall contain not more than ten percent (10%) of particles finer than 0.25 mm diameter (passing a No. 60 sieve, on a dry weight basis).
- d. Upon completion of construction, the work area shall restore and maintain the stability of upstream and downstream segments of New River with respect to erosion and sedimentation.

4. Chemicals and Materials Handling

- a. The permittee shall use designated areas for chemical (herbicide) and petroleum storage, solid waste containment, and equipment washing. These designated areas shall all be located outside of jurisdictional waters.
- b. The permittee shall have a spill containment plan and an equipment maintenance plan available on site at all times.

5. Contaminated Soils and Materials

- a. The permittee is responsible for ensuring construction material and/or fill, placed within the ordinary high water mark (OHWM), be free from substances that can cause or contribute to pollution of a surface water.
- b. Debris (such as soil, silt, sand, rubbish, cement, asphalt, oil or petroleum products, organic materials, tires or batteries) derived from construction or demolition activities shall not be deposited at any site where it may be washed into WUS.

6. Runoff

Runoff and seepage from roadways, embankments, and other alterations of the natural environment shall not cause a violation of Surface Water Quality Standards.

7. Conditions Related to Flow Events

- a. Access roadways and staging areas shall be designed to allow normal storm flows to pass unimpeded. There shall be no significant change to the hydraulic conditions of the upstream and downstream watercourses as a result of these temporary construction features.
- b. Berms, bank stabilization, headworks and channels shall be designed to allow normal storm flows to pass unimpeded. There shall be no

significant change to the hydraulic conditions of the upstream waters as a result of these constructed features.

- c. Frequent fording of flowing ephemeral washes with construction equipment shall not be permitted.

8. Construction Related Activities

- a. Construction materials, including native soils, rock and other construction materials shall consist of materials that do not leach pollutants into surface waters.
- b. Activities shall be conducted and monitored to ensure that pollution from concrete formation and equipment washing does not drain into New River.
- c. Silt laden or turbid water resulting from construction activity shall be settled, filtered or otherwise treated prior to discharge to ensure no violation of the turbidity or narrative standards.
- d. Upon completion of authorized activities, all disturbed areas along the bank and streambed shall be restored to preconstruction conditions, as practicable. At a minimum, the work shall maintain the stability of upstream and downstream segments of New River with respect to erosion and sedimentation.
- e. After completion of construction, the work area and all disturbed areas along the bank and streambed shall be restored to an environmentally acceptable condition. All construction residues, equipment and non-native materials shall be removed from and properly disposed of outside the OHWM.
- f. Rock used in the construction of the low flow and lateral channels, shall be washed outside of the 100-year floodplain of New River prior to placement to remove fines which may cause or contribute to a violation of the turbidity and/or narrative standards.

9. Standards Issues

Any discharge occurring as a result of activities certified in the Middle New River Watercourse Master Plan project shall not cause a violation of Surface Water Quality Standards. Applicability of this condition is as defined in section R18-11-102 of the A.A.C. Title 18, Chapter 11, Article 1 - Water Quality Standards for Surface Water.

ADEQ 401 Water Quality Certification of these activities to operate under the terms of the ACOE Individual Permit under the referenced article, does not affect or modify in any way the obligations or liability of any person for any damages, injury, or loss, resulting from an impacted area discharge. The Department may modify or withdraw its determination if the information relied upon is inaccurate or not implemented as proposed. If, in the future, the Department determines that the terms and conditions of the Certification have been violated, or discharges from the activities have caused or contributed a violation to the surface water quality standards, the Director may revoke the Certification. This Certification is not intended to waive any other federal, state or local laws.

Thank you for your cooperation and efforts to protect our finite and precious water resource.

Sincerely,

Authorized ADEQ Signature



3-9-01

Michele Robertson, R.G.

Date

Water Permits Section Manager

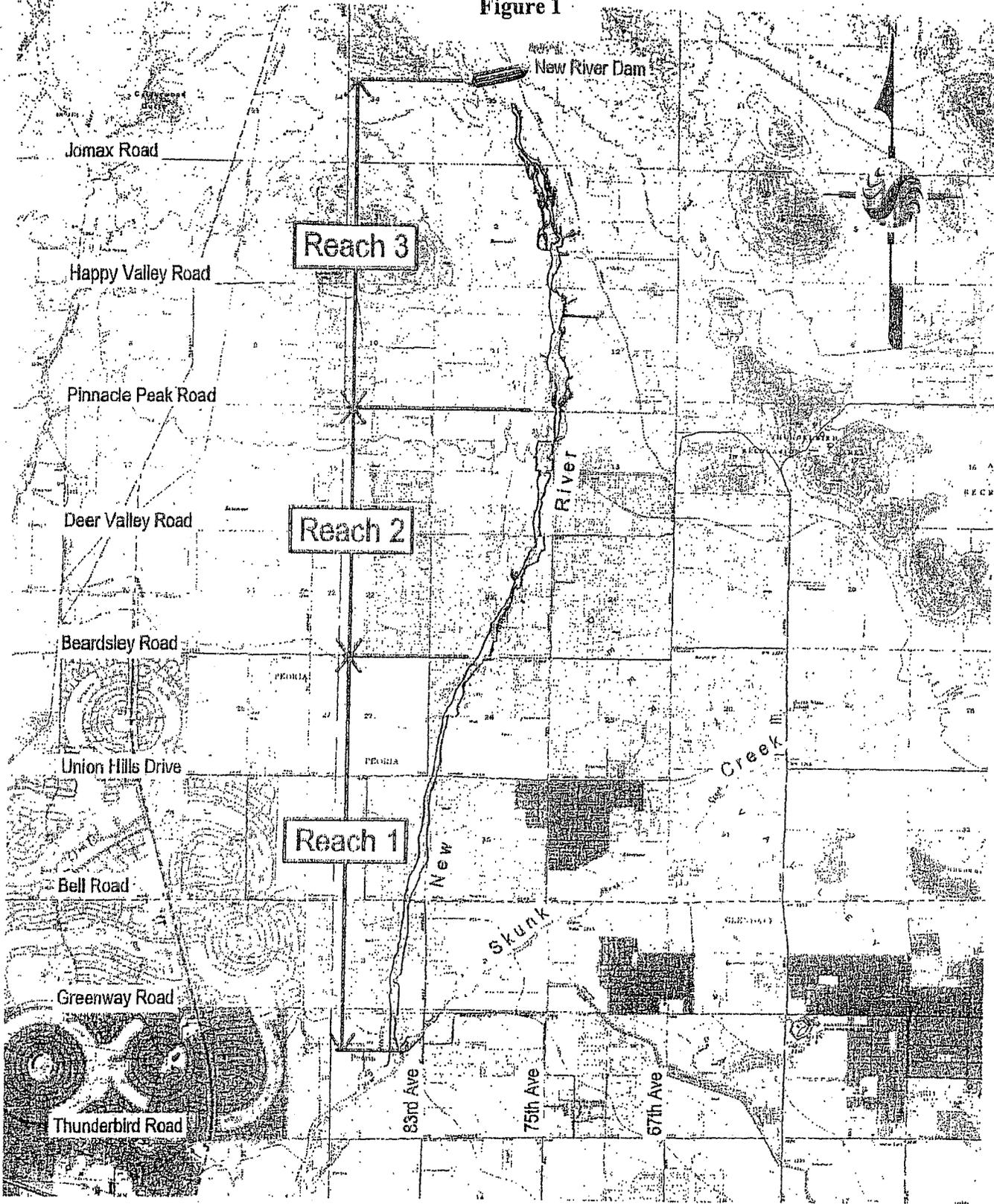
Water Quality Division

MR:ACT:act

Enclosures: Figure 1 (1 page)

cc: Corps of Engineers Regulatory Branch, Attn: Sallie McGuire (RE: 1999-16449-SDM),
3636 North Central Avenue, Suite 760, Phoenix, Arizona 85012
Stantec Consulting, Inc., Attn: Robert Larkin, 8211 South 48th Street, Phoenix, Arizona
85044
Mr. Tim Vendlinski, Manager, Wetlands Regulatory Office, USEPA (WTR-8)

Figure 1



P:\28900058\Acadri\3\degs\404\permit\orig\fig1-404-192.dwg
 2000 December 03, 8:45 a.m.

Not to Scale

Public Notice #1999-16419-SDM
 Cities of Peoria and Glendale, Arizona

Applicants

City of Peoria
 City of Glendale

Figure No.

Title

Middle New River
 Watercourse Masterplan
 12.02.00 82000192



Stantec

Appendix B

**Acknowledgement Forms for Compliance with
CWA Section 404 Permit
and
Section 401 Certification**

**CLEAN WATER ACT SECTION 404 INDIVIDUAL PERMIT
TERMS AND CONDITIONS
ACOE PERMIT NO. 1999-16449-SDM**

I have read the Clean Water Act Section 404 Individual Permit in its entirety. I understand the contents and acknowledge my responsibility to ensure compliance with all general and special conditions contained therein. I understand that any violation of the permit is enforceable by the U.S. Army Corps of Engineers.

1) Name of the owner/developer/lessee (print) _____
Company/firm name _____
Complete address _____
Telephone number _____
Signature _____ Date _____

2) Name of the project manager (print) _____
Company/firm name _____
Complete address _____
Telephone number _____
Signature _____ Date _____

3) Attach the following:

- Project schedule including tasks, time (in weeks), estimated start date, and estimated completion date.
- List of contractor(s), address(es), and telephone number(s).
- Project location map.

4) Return this original form and attachments to the appropriate municipal engineering authority:

City of Glendale
Engineering Department
5850 W. Glendale Avenue
Glendale, Arizona 85301
Attn: City Engineer

City of Peoria
Public Works/Engineering
8401 W. Monroe, #210
Peoria, Arizona 85345
Attn: Public Works/Engineering Director

5) Send a copy of the form and attachments to:

Stantec Consulting Inc.
8211 S. 48th Street
Phoenix, Arizona 85044
Attn: Mr. Scot Schlund

6) Retain a copy for your files.

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION
TERMS AND CONDITIONS
ADEQ 401/404 FILE NO. 3923, ACOE PN# 1999-16449-SDM**

I have read the terms and conditions of the Clean Water Act Section 401 Water Quality Certification from the Arizona Department of Environmental Quality dated March 9, 2001. I will comply with all terms and conditions throughout all phases of project development. I understand that any violation of the certification is enforceable by the U.S. Environmental Protection Agency.

1) Name of the owner/developer/lessee (print) _____
Company/firm name _____
Complete address _____
Telephone number _____
Signature _____ Date _____

2) Name of the project manager (print) _____
Company/firm name _____
Complete address _____
Telephone number _____
Signature _____ Date _____

- 3) Attach the following:
- Project schedule including tasks, time (in weeks), estimated start date, and estimated completion date.
 - List of contractor(s), address(es), and telephone number(s).
 - Project location map.

4) Return this original form and attachments to the appropriate municipal engineering authority:

City of Glendale
Engineering Department
5850 W. Glendale Avenue
Glendale, Arizona 85301
Attn: City Engineer

City of Peoria
Public Works/Engineering
8401 W. Monroe, #210
Peoria, Arizona 85345
Attn: Public Works/Engineering Director

5) Send a copy of the form and attachments to:

Stantec Consulting Inc.
8211 S. 48th Street
Phoenix, Arizona 85044
Attn: Mr. Scot Schlund

6) Retain a copy for your files.

Appendix C

Implementation Procedures Checklist

**MIDDLE NEW RIVER WATERCOURSE MASTER PLAN
CHECKLIST OF SECTION 404 AND SECTION 401
COMPLIANCE PROCEDURES
(CITY USE ONLY)**

PRIOR TO CONSTRUCTION

No.	Item	Compliance Date	Approved By
1	Pre-Construction Meeting and distribution of Compliance Handbook		
2	Responsibility for Compliance forms received		
3	Construction/Drainage Easements and Right of Entry approved by City		
4	Site Assessment completed and approved by City		
5a	Construction documents (including grading and drainage plans) approved by City		
5b	Construction documents (including grading and drainage plans) approved by FCDMC (where required)		
6a	Stormwater Pollution Prevention Plan (SWPPP) approved by City		
6b	Stormwater Pollution Prevention Plan (SWPPP) approved by FCDMC		
6c	Notice of Intent submitted to EPA and ADEQ		
6d	Dust Control Permit obtained from Maricopa County Air Quality Division.		
6e	Arizona Reclaimed Wastewater Reuse Permit (required if wastewater treatment plant effluent is used for dust suppression)		
6f	Other Federal and/or State Ground and/or Surface Water Discharge Permit(s)		
6g	ADEQ Aquifer Protection Permit (if necessary for containment of construction vehicle wash water)		
7a	Construction area surveyed and staked, clearing and disturbance limits defined.		
7b	Outer boundaries of erosion buffer zone staked and fenced with plastic fencing (only applies to area north of Pinnacle Peak Rd.)		
7c	Area of disturbance determined and mitigation approved by City.		
7d	Arizona Dept. of Agriculture contacted for instructions regarding native plant salvage or removal.		
7e	Native plant salvage plan approved by city.		
7f	Native plants inventoried and salvaged.		
7i	Arizona State Historic Preservation Office contacted regarding cultural resources, requirements of Section 106 of National Historic Preservation Act met (only applies to area north of Pinnacle Peak Rd.).		

**MIDDLE NEW RIVER WATERCOURSE MASTER PLAN
CHECKLIST OF SECTION 404 AND SECTION 401
COMPLIANCE PROCEDURES
(CITY USE ONLY)**

PRIOR TO CONSTRUCTION

No.	Item	Compliance Date	Approved By
7j	Cultural Resource Clearance reviewed and approved by USACE and city (only applies to area north of Pinnacle Peak Rd.).		
7k	Qualified archaeologist retained to monitor ground-disturbing construction activities (only applies to area north of Pinnacle Peak Rd.).		

Comments:

**MIDDLE NEW RIVER WATERCOURSE MASTER PLAN
CHECKLIST OF SECTION 404 AND SECTION 401
COMPLIANCE PROCEDURES
(CITY USE ONLY)**

DURING CONSTRUCTION

No.	Item	Compliance Date	Approved By
1	Copies of Implementation Handbook containing Section 404 Permit and Section 401 Certification maintained at construction site.		
2	Sequence of construction, implementation schedule, and SWPPP revised as necessary.		
3	Final construction documents and revised SWPPP approved by City.		
4	Qualified archaeologist present on-site during ground-disturbing activities (only applies to area north of Pinnacle Peak Rd.).		
5	Construction within New River Channel restricted to storm drain outfall structures, grade control structures, roadway bridges, roadway crossings, utility crossings, channel maintenance, paths and trails, and bank protection.		
6a	SWPPP BMPs constructed (include control/diversion, slope protection, sediment trapping, drainageway and stream protection, temporary and permanent stabilization, vegetative controls)		
6b	Non-sediment pollution controls (dust control, hazardous materials containment) in place.		
7	Conscientious site maintenance procedures (equipment maintenance, solid waste management, designated wash-down area(s), on-site/off-site tracking control, roadway sweeping, protected chemical and construction materials storage areas, spill containment plans and structures).		
8a	SWPPP, completed inspection forms, additional NPDES records, and monthly and annual reports maintained in 3-ring binder.		
8b	BMP selection justification, monitoring reports, evaluation reports on file and available for inspection.		
9a	BMPs in use monitored and evaluated monthly and following significant storm events.		
9b	Containment of potential pollution sources monitored and maintained.		
9c	Facility site plans maintained and revised to accurately reflect current conditions.		

**MIDDLE NEW RIVER WATERCOURSE MASTER PLAN
CHECKLIST OF SECTION 404 AND SECTION 401
COMPLIANCE PROCEDURES
(CITY USE ONLY)**

DURING CONSTRUCTION

No.	Item	Compliance Date	Approved By
10a	BMPs modified, replaced, or discontinued to reflect changes in design, construction, operation, or maintenance.		
10b	Ineffective BMPs modified or replaced.		
11	Construction procedures consistent with ADEQ Policy for Protecting Water Quality During Facility Construction.		
12	Monthly and annual 404/401 compliance reports submitted to City.		

Comments:

**MIDDLE NEW RIVER WATERCOURSE MASTER PLAN
CHECKLIST OF SECTION 404 AND SECTION 401
COMPLIANCE PROCEDURES
(CITY USE ONLY)**

FOLLOWING CONSTRUCTION

No.	Item	Compliance Date	Approved By
1	As-built construction plans and documents approved by City.		
2	SWPPP Notice of Termination with supporting data and documentation submitted to EPA, ADEQ, and City.		
3	City notified within 10 days of project completion.		

Comments: