



# CERTIFICATION

STATE OF ARIZONA  
Clean Water Act §401 Water Quality Certification  
U.S. Army Corps of Engineers File No.: SPL-2018-00655  
ADEQ LTF No.: 78798

## 1. AUTHORIZATION

This State Water Quality Certification (WQC) is issued by the Arizona Department of Environmental Quality (ADEQ) under the authority of §401(a) of the Federal Clean Water Act (CWA) (33 U.S.C. §1251 et seq.) and Arizona Revised Statutes (ARS) §49-202.

The conditions listed in Section 5 are in addition to conditions in the pending U.S. Army Corps of Engineers (USACE) Application No. SPL-2018-00655. These conditions are enforceable by the USACE and are subject to civil penalties if violated. Criminal penalties may also be levied if a person knowingly violates any provision of the CWA.

Subject to the conditions in Section 5, ADEQ certifies that based on the information in Section 3, the activities proposed for the reclamation project, **Agua Fria River Sand and Gravel Mine Reclamation**, will not violate applicable Surface Water Quality Standards (SWQS) in the Agua Fria River, located in Sun City, AZ.

Pursuant to ARS 49-202C, ADEQ's review authority extends only to activities occurring within the ordinary high water mark of Waters of the U.S. (WUS). Not all of the project elements involve discharges of dredged or fill material to WUS requiring a §401 WQC.

## APPLICANT INFORMATION

Project Name: Agua Fria River Sand and Gravel Mine Reclamation  
Latitude: 33.682 Longitude: -112.302

Applicant: San-Man, Inc.  
Craig Hills  
1498 West Melody Lane  
Gilbert, AZ 85233

## AUTHORIZING SIGNATURE

\_\_\_\_\_  
Christopher Henninger  
Water Quality Division  
Arizona Department of Environmental Quality

\_\_\_\_\_  
Date

## **2. DESCRIPTION OF ACTIVITIES TO BE CERTIFIED**

The project site is an inactive sand and gravel operation located within the river bottom of the Agua Fria River, in Sun City, AZ. The Agua Fria River is a water of the U.S. and at this reach is ephemeral and has no wetlands in the general vicinity.

The project activities will stabilize the disturbed river bottom area with riprap and soil materials in five phases. Rip-rap materials are available on-site and will be used in the first phase of work. Additional phases involve the placement of imported soil materials to the east of the mine pit and to partially fill the mine pit itself. The construction of fill with defined side slopes will direct storm water flows through the mined area in such a way that potential erosion, including potential head cuts, can be effectively controlled and minimized. The activities match the specific requirements of the Maricopa County Flood Control District for mine closure and compliance with their floodplain use permit.

## **3. INFORMATION REVIEWED**

During the development of this WQC, ADEQ had access to and reviewed the following documents:

- A. U.S. Army Corps of Engineers (USACE), Los Angeles District Public Notice: SPL-2018-00655 for Agua Fria River Sand and Gravel Mine Reclamation, Sun City, AZ, comment period September 6, 2019 – October 7, 2019
- B. CWA §401 WQC application package including the CWA §404 permit application with project descriptions and maps, dated and received by ADEQ on October 9, 2019. Permittee: Craig Hills, San-Man, Inc.
- C. State of Arizona Surface Water Quality Standards (SWQS), Arizona Administrative Code (A.A.C.) Title 18, Chapter 11, Article 1. Designated uses for the Agua Fria River are Agriculture – Livestock (AGL) Aquatic and Wildlife ephemeral (A&We) and Partial Body Contact (PBC).

## **4. NOTIFICATION PROVISIONS**

For any correspondence regarding this project, the ADEQ mailing address is:

Arizona Department of Environmental Quality  
Rosi Sherrill

Surface Water Section / 401 WQCs / mailstop 5415A-1  
1110 West Washington Street  
Phoenix, Arizona 85007

For questions or general comments:

Email: sherrill.laurie@azdeq.gov

Voice: (602) 771-4409

In any correspondence, reference:

Agua Fria River Sand and Gravel Mine Reclamation

USACE File No.: SPL-2018-00655

ADEQ LTF No.: 78798

Reading file: SWP19-00xxx

## 5. **CONDITIONS FOR STATE 401 WATER QUALITY CERTIFICATION**

For the purposes of this WQC, the following definitions apply:

- Waters of the U.S. (WUS) as defined by the USACE and U.S. Environmental Protection Agency (EPA) under the Clean Water Act. This WQC applies only to activities within a WUS.
- Fill material means soil, sand, gravel and other natural materials that are similar in physical, chemical and biological composition to existing natural materials in the project area and which are free from pollutants in quantities and concentrations that can cause or contribute to an exceedance of applicable Surface Water Quality Standards (SWQS).

### **GENERAL CONDITIONS**

1. ADEQ's §401 WQC of these activities proposed by the applicable CWA §404 Permit, does not affect or modify in any way the obligations or liability of any person for any damages, injury, or loss, resulting from these activities. This WQC is not intended to waive any other federal, state or local laws.
2. Issuance of a §401 WQC does not imply or suggest that requirements for other permits including, but not limited to Aquifer Protection Permits, Arizona Pollutant Discharge Elimination System Permits, Construction General Permits, DeMinimis Permits and Reclaimed Water permits are met or superseded. Applicant should contact ADEQ to ensure all applicable permits are obtained.
3. This WQC applies only to the activities described in Section 2 and is based upon the information listed in Section 3. This WQC is valid for the same period as the CWA §404 permit issued by the USACE. The applicant must apply for renewal, modification or extension of this WQC if the CWA§404 permit is renewed, modified, extended or otherwise changed. This WQC may be reopened by ADEQ at any time due to a change (lowered or more stringent) in a SWQS for a parameter likely to result from project activities. ADEQ may add or modify conditions in this WQC to ensure that the applicant's activities comply with the most recent SWQS.

4. The applicant shall provide a copy of this WQC to all appropriate contractors and subcontractors. The applicant shall also post and maintain a legible copy of this WQC in a weather-resistant location at the construction site where it may be seen by the workers.
5. The applicant shall notify ADEQ within 30 days of submitting the notice of completion of work required by the CWA §404 permit for this activity.
6. The applicant is responsible to ensure that certified activities do not cause or contribute to any exceedances of SWQS in any WUS.
7. This WQC does not authorize the discharge of mining, construction or demolition wastes, wastewater, process residues or other potential pollutants to any WUS except as specified in the application, supporting documents, and/or in the CWA §404 permit.

Draft