CERTIFICATION

STATE OF ARIZONA
Clean Water Act §401 Water Quality Certification
ADEQ LTF No.: 80758

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.

Subject to the conditions in Section 5, ADEQ certifies that based on the information in Section 3, the activities proposed for the Vulture Mountain Recreation Area will not violate applicable Surface Water Quality Standards (SWQS) in Box Wash and other unnamed ephemerals.

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: Vulture Mountain Recreation Area

Latitude: 33.884568 N
Longitude: -112.829716 W

Applicant: Maricopa County DOT
Lydia Warnick
2901 W. Durango Street
Phoenix, AZ 85009

AUTHORIZING SIGNATURE

_____ _____

Justin Bern
Water Quality Division
Arizona Department of Environmental Quality

Date

Reading file: SWP20-0013

2. DESCRIPTION OF ACTIVITIES TO BE CERTIFIED

Maricopa County Parks and Recreation Department (MCPRD) will construct the Vulture Mountains Recreation Area (VMRA), an approximately 98-acre public recreation facility that would include picnic and camping facilities, restrooms, trails and trailheads, off-highway vehicle (OHV) use, day-use facilities, and parking areas.

VMRA construction will occur in two parcels along Vulture Mine Road, referred to as the northern and southern parcels. The proposed Vulture Peak day-use area and campground will be constructed within the northern parcel, and the OHV day-use area will be constructed within the southern parcel.

Maricopa County Department of Transportation (MCDOT) will widen Vulture Mine Road and construct park roads to provide motor vehicle access to the proposed VMRA, to and from Vulture Mine Road. All construction activities will occur within MCPRD's Recreation & Public Purposes (R&PP) Act lease areas, MCDOT's right-of-way (ROW), and temporary construction easements.

Construction of the proposed VMRA would proceed in four phases which would take approximately 4 years. The majority of impacts to waters of the U.S. would occur during grading, paving, road construction, utility installation, and fencing in Phase I. Ancillary construction includes seeding, guardrail iron, intermittent curb construction, roadway striping, and removing and replacing signs as needed.

MCPRD has minimized permanent and temporary impacts to waters of the US as the project design has been refined. Total impacts to jurisdictional waters are 5.367; permanent impacts are 1.455 acres; temporary impacts are 3.912 acres. Other minimization efforts included:

- Limiting the construction footprint within jurisdictional washes to the minimum area needed for new structures and contractor maneuvering (approximately 20' upstream and downstream of structures and 10' around fence and utility lines);
- Limiting all uses of Box Wash to only the segments necessary to access and construct Park Road A;
- Adding or extending dip sections and grading the roadway to drain to prevent truncating the washes that flow through the proposed campground;
- Shifting the proposed walk-in campground and associated access paths west and north to avoid and reduce impacts to adjacent jurisdictional washes;
- Installing the sewer and water lines beneath the park roads and the electrical conduits alongside and generally parallel to the park roads;
- Relocating most of the ET beds to avoid jurisdictional washes;
- Moving the RV dump station away from the park entry and jurisdictional washes;
- Designing non-motorized trails to avoid jurisdictional waters as much as possible; and
- Restricting non-motorized trail and OHV re-route grading/construction to upland areas to minimize temporary and permanent impacts to jurisdictional waters.

3. INFORMATION REVIEWED

During the development of this WQC, ADEQ had access to and reviewed the following documents that are on file with ADEQ:

A. CWA §401 WQC application package including the U.S. Army Corps of Engineers Application (Eng. Form 4345) with project descriptions and maps, dated January 14, 2020 and received by ADEQ on February 5, 2020. Permittee: Lydia Warnick, Maricopa County DOT
B. State of Arizona Surface Water Quality Standards (SWQS), Arizona Administrative Code (A.A.C.) Title 18, Chapter 11, Article 1. Designated uses for Box Wash are: 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 Permits / 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, please reference:
Vulture Mountain Recreation Area
USACE File No.: SPL-2019-00338
ADEQ LTF No.: 80758
Reading file: SWP20-0113

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 the ordinary high water mark (OHWM) of 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 the activities proposed by the applicable USACE 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. If monitoring, by ADEQ or others, indicates that a discharge from the certified activities results in a violation of Arizona's surface water quality standards (numeric or narrative), ADEQ may file a Report of Potential Unauthorized Activity with the USACE, requesting an investigation of the situation.
3. 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. Applicants should contact ADEQ to ensure all applicable permits are obtained.
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 is responsible to ensure that certified activities do not cause or contribute to any exceedances of SWQS in any WUS.
6. 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 USACE permit.

SPECIFIC CONDITIONS

Except as specified in the application and supporting documents, including those documents referenced in Section 3 and allowed in the USACE permit, the following specific conditions apply:

7. The effectiveness of all pollution control measures, including erosion and sediment control measures, shall be inspected, maintained and modified (as necessary) to reduce pollutants and ensure compliance with SWQS in any WUS.
8. Direct runoff of water used for irrigation or dust control shall be limited to the extent practicable and shall not cause downstream erosion or flooding nor cause an exceedance of applicable SWQS in any WUS.
9. Except where the activities certified herein are intended to permanently alter any WUS, all disturbed areas within WUS shall be restored and (re)vegetated as indicated in the application documents if approved by the USACE (including offsite/in lieu mitigation). Denuded areas within WUS not intended to be permanently altered shall be revegetated as soon as physically practicable. Vegetation shall be maintained on unarmored banks and slopes to stabilize soil and prevent erosion. Fill used to support vegetation rooting or growth shall be protected from erosion.
10. Activities shall, as much as practicable, be performed during periods of "no flow" in any ephemeral or intermittent WUS. No work shall be done, nor shall any equipment or vehicles enter any WUS while flow is present, unless all conditions in this WQC are met.

11. When flow is present in any WUS within the project area, the applicant and any contractor will not alter the flow by any means except to prevent erosion or pollution of any WUS.
12. Any disturbance within the ordinary high water mark of a WUS that is not intended to be permanently altered shall be stabilized to prevent erosion and sedimentation.
13. Applicant will take measures necessary to prevent approaches to any WUS crossing from causing erosion or contributing sediment to any WUS.
14. When flow in any WUS in the work area is sufficient to erode, carry or deposit material, activities certified herein shall cease until:

    - The flow decreases below the point where sediment movement ceases; or
    - Control measures have been undertaken: equipment and materials easily transported by flow are protected with non-erodible barriers or moved outside the flow area.

15. Silt laden or turbid water resulting from activities certified herein shall be managed in a manner to reduce sediment load prior to discharging so as not to exceed SWQS in any WUS.
16. Any washing or dewatering of fill material must occur outside of any WUS prior to placement and the rinsate from such washing shall be settled, filtered or otherwise treated to prevent migration of pollutants (including sediment) or from causing erosion to any WUS. Other than replacement of native fill or material used to support vegetation rooting or growth, fill placed in locations subject to scour must resist washout whether such resistance is derived via particle size limits, presence of a binder, vegetation, or other armoring.
17. If activities certified herein are likely to cause or contribute to an exceedance of SWQS in any WUS, operations shall cease until the problem is resolved or until control measures have been implemented.
18. Except as approved in the USACE permit, construction material and/or fill (other than native fill or that necessary to support re-vegetation) placed in any WUS, shall not include pollutants in concentrations that will that will cause or contribute to a violation of a SWQS in any WUS.

    Acceptable construction materials that will or may contact water in any WUS are: untreated logs and lumber; natural stone (crushed or not), crushed clean concrete (recycled concrete); native fill; precast, sprayed or cast-in-place concrete (including soil cement and unmodified grouts); steel (including galvanized); plastic and aluminum. Other materials allowed for this project, only if placed in accordance with application and supporting documents, are mining residues including tires, waste rock, gangue and tailings. Use of other materials may be allowed, but require prior written approval from ADEQ.
19. The applicant will erect any barriers, covers, shields and other protective devices as necessary to prevent any construction materials, equipment or contaminants/pollutants from falling, being thrown or otherwise entering any WUS.

20. Area(s) must be designated, entirely outside of any WUS, for equipment staging and storage. In addition, the applicant must designate areas, located entirely outside of any WUS, for fuel, oil and other petroleum product storage and for solid waste containment. All precautions shall be taken to avoid the release of wastes, fuel or other pollutants to any WUS.

    Any equipment maintenance, washing or fueling that cannot be done offsite will be performed in the designated area with the following exception: equipment too large or unwieldy to be readily moved, such as large cranes, may be fueled and serviced in the WUS (but outside of standing or flowing water) as long as material specifically manufactured and sold as spill containment is in place during fueling/servicing. All equipment shall be inspected for leaks, all leaks shall be repaired and all repaired equipment will be cleaned to remove any fuel or other fluid residue prior to use within (including crossing) any WUS.

21. Upon completion of the activities certified herein, areas within any WUS shall be promptly cleared of all forms, piling, construction residues, equipment, debris or other obstructions.

22. If fully, partially, or occasionally submerged structures are constructed of cast-in-place concrete instead of pre-cast concrete, applicant will take steps using sheet piling or temporary dams to prevent contact between water (instream and runoff) and the concrete until it cures and until any curing agents have evaporated or are no longer a pollutant threat.

23. Washout of concrete handling equipment must not take place within any WUS and any washout runoff shall be prevented from entering any WUS.

24. Any permanent WUS crossings (other than fords) shall not be equipped with gutters, drains, scuppers or other conveyances that allow untreated runoff (due to events equal to or lesser in magnitude than the design event for the crossing structure) to directly enter a WUS if such runoff can be directed to a local stormwater drainage, containment and/or treatment system.

25. Permanent and temporary pipes and culvert crossings shall be adequately sized to handle expected flow and properly set with end section, splash pads, headwalls or other structures that dissipate water energy to control erosion.

26. Debris will be cleared as needed from culverts, ditches, dips and other drainage structures in any WUS to prevent clogging or conditions that may lead to washout.

27. All temporary structures constructed of imported materials and all permanent structures, including but not limited to, access roadways; culvert crossings; staging areas; material stockpiles; berms, dikes and pads, shall be constructed so as to accommodate overtopping and resist washout by streamflow.

28. Any temporary crossing, other than fords on native material, shall be constructed in such a manner so as to provide armoring of the stream channel. Materials used to provide this armoring shall not include anything easily transportable by flow. Examples of acceptable materials include steel plates, untreated wooden planks, pre-cast concrete planks or blocks; examples of unacceptable materials include clay, silt, sand and gravel finer than

cobble (roughly fist-sized). The armoring must, via mass, anchoring systems or a combination of the two, resist washout.

29. No vehicles or equipment shall ford any unarmored WUS crossing when flow is present.
30. Any ford, other than fords on native material, shall be designed, and maintained as necessary, to carry the proposed traffic without causing erosion or sedimentation of the stream channel while dry or during a flow event equal to or less than the design event for the crossing.
31. Temporary structures constructed of imported materials are to be removed no later than upon completion of the permitted activity.
32. Temporary structures constructed of native materials, if they provide an obstacle to flow, or can contribute to or cause erosion, or cause changes in sediment load, are to be removed no later than upon completion of the permitted activity.