



CERTIFICATION

STATE OF ARIZONA
Clean Water Act §401 Water Quality Certification
U.S. Army Corps of Engineers File No.: SPL-2018-00704
ADEQ LTF No.: 75199

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-2018-00704. 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 Cavasson Mixed-Use Development will not violate applicable Surface Water Quality Standards (SWQS) in the Middle Gila watershed.

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

APPLICANT INFORMATION

Project Name: Cavasson Mixed-Use Development
Latitude: 33° 39' 31.99" Longitude: -111° 54' 43.49"
Applicant: Nationwide Realty Investors, Ltd.
James Rost
c/o Grayhawk Development
7377 Doubletree Ranch Road, Suite 100
Scottsdale, AZ 85258

AUTHORIZING SIGNATURE

Christopher Henninger
Water Quality Division
Arizona Department of Environmental Quality

Date
Reading file: SWP19-0057

2. DESCRIPTION OF ACTIVITIES TO BE CERTIFIED

The proposed project, Cavasson, will be built as a 134-acre mixed-use development with residential, hotel, retail, services and office space; including the installation of utility infrastructures. Additional construction entails widening Hayden Road by one lane in each direction between Loop 101 and Legacy Parkway, the construction of an open channel along Hayden Road, and a power line drainage channel between Thompson Peak Parkway and Hualapai Drive.

The existing project area is undeveloped desert land that is bordered on three sides by roads and streets. The power line channel work area is bisected by Hayden Road and abuts the City of Scottsdale Water Campus on the east.

Small, shallow swales, rivulets, and erosion features are evident on the ground surface, carrying storm flows through the project area. Two unnamed washes, designated as Wash A and Wash B, are 2,602 feet and 2,895 feet in length, respectively. The waters exhibit traditional jurisdictional indicators for ephemeral washes such as incised banks, evidence of debris in the wash bottoms, sandy beds, and more dense vegetation patterns along the watercourse periphery. Typical bed widths range from 2' to 6' with one widened bed of up to 20' in Wash A. Braiding is restricted to one location each within Wash A and B. Generally, scour marks identify the ordinary high water mark as being 2-6" above the wash beds.

There are no Impaired or Outstanding Waters within 1 mile upstream or ½ mile downstream of the project area. There are no known wetlands in the project area or vicinity. No perennial water bodies, special aquatic sites, or intermittent Waters would be affected by the project.

3. INFORMATION REVIEWED

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

- A. U.S. Army Corps of Engineers (USACE), Los Angeles District Public Notice: SPL-2018-00704 for Cavasson; comment period December 28, 2018 – January 29, 2019.
- B. CWA §401 WQC application package including the CWA §404 permit application with project descriptions and maps, dated December 4, 2017 and received by ADEQ on January 11, 2019. Permittee: James Rost, Nationwide Realty Investors Ltd.
- 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 ephemeral washes 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 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:
Cavasson Mixed-Use Development
USACE File No.: SPL-2018-00704
ADEQ LTF No.: 75199
Reading file: SWP19-0057

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.