



Linda S. Adams  
Agency Secretary

# California Regional Water Quality Control Board Los Angeles Region



Arnold Schwarzenegger  
Governor

320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Josephine R. Axt, PhD  
U.S. Army Corps of Engineers  
915 Wilshire Blvd.  
Los Angeles, CA 90017

## WATER QUALITY CERTIFICATION FOR SANTA PAULA CREEK SEDIMENT REMOVAL PROJECT, SANTA PAULA CREEK, CITY OF SANTA PAULA, VENTURA COUNTY (File No. 10-136)


Dear Ms. Axt:

Board staff has reviewed your request on behalf of U.S. Army Corps of Engineers (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on September 15, 2010.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

  
\_\_\_\_\_  
Samuel Unger  
Executive Officer

Sept. 25, 2010  
Date

*California Environmental Protection Agency*



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

## DISTRIBUTION LIST

Josephine R. Axt, PhD  
U.S. Army Corps of Engineers  
915 Wilshire Blvd.  
Los Angeles, CA 90017

Vicki Clark, Staff Attorney  
Environmental Defense Center  
906 Garden Street  
Santa Barbara, CA 93101

Bill Orme (via electronic copy)  
State Water Resources Control Board  
Division of Water Quality  
P.O. Box 944213  
Sacramento, CA 94244-2130

Jessie Altstatt  
Santa Barbara Channel Keeper  
714 Bond Street  
Santa Barbara, CA 93103

Antal Szijj  
U.S. Army Corps of Engineers  
Regulatory Branch, Ventura Field Office  
2151 Alessandro Drive, Suite 255  
Ventura, CA 93001

Peter Brand  
Coastal Conservancy  
1330 Broadway, Suite 1100  
Oakland, CA 94612

Diane Noda  
U.S. Fish and Wildlife Service  
2493 Portola Road, Suite B  
Ventura, CA 93003

Eric Raffini (via electronic copy)  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

**ATTACHMENT A**

**Project Information**

**File No. 10-136**

1. Applicant: U.S. Army Corps of Engineers  
915 Wilshire Boulevard  
Los Angeles, CA 90017
2. Applicant's Agent: Josephine R. Axt, PhD  
U.S. Army Corps of Engineers  
915 Wilshire Boulevard  
Los Angeles, CA 90017
- Phone: (213) 452-3783 Fax: (213) 452-4204

3. Project Name: Santa Paula Creek Improvement Project

4. Project Location: City of Santa Paula, Ventura County

Latitude:

Longitude:

34.3500

119.0333

5. Type of Project: Fish ladder and channel repair project

6. Project Purpose: The purpose of this project is to maintain the fish ladder and channel which were repaired under a 1996 Certification (No. 96-094).

7. Project Description:

**Background:**

Debris and major mudflows passing through Santa Paula Creek toward Santa Clara River necessitated a flood control channel upgrade in 1997. An Environmental Impact Statement/Environmental Impact Report was prepared in 1995 and 1996. The upgrade included the following components:

- Removal of the damaged concrete channel and restoration with an unlined channel bottom. The area covered approximately 1,800 feet of the downstream end of the

## ATTACHMENT A

### Project Information

File No. 10-136

creek and was regraded with a 2:1 trapezoidal channel configuration. The side slopes of the channel were lined with grouted rock.

- Channel capacity improvements took place within a section 1.65 miles long, with the excavation of approximately 624,000 cubic yards of material.
- The side slopes of the channel were lined with grouted rock at a 2:1 slope, to the design water surface profile. The inlet at the upstream end of the project was also lined with grouted rock on a 5:1 slope.
- A fish ladder was constructed in 2002. The ladder consisted of a series of ponds, separated by weirs. The fish ladder was constructed on existing bedrock, and is approximately 650 feet long. The ladder has a 2:1 slope with a bottom width of 13.5 feet.
- The channel transitioned from a trapezoidal configuration to rectangular, with vertical concrete walls under the Telegraph Road Bridge, to maximize channel capacity under the existing bridge.
- Impacts were mitigated with the planting of alluvial, riparian and aquatic habitats. This included planting on channel side slopes and above any grouted areas.

The fish ladder suffered structural damage during storms of 2003 and 2005.

### Project Description:

This proposed project consists of the following repairs:

#### Bridge Pier Nosing Repair

The purpose of pier nosing repair is to correct bridge safety issues caused by storm damage. The pier nosing at the Union Pacific Rail Road bridge and at Highway 126 will be repaired, including the diversion and control of water, demolition and disposal, steel reinforcement, form work, and concrete.

The Rail Road Bridge consists of one pier nose and Highway 126 consists of two pier noses. Each pier nose will require approximately 5 cubic meters of material to be removed and backfilled to provide sufficient work space. Approximately 2.5 cubic yards of concrete for the pier nose patch will be needed and

## ATTACHMENT A

### Project Information File No. 10-136

each pier nose will be covered by metal plating. The Highway 126 location will have a portion of grouted rock slope protection removed in order to access the front of pier nosing. Material will be disposed at the Toland Landfill.

Stream diversion is not necessary, however, a one-time crossing is necessary to gain access. To avoid impacts to water quality, block netting will be set up to exclude fish and other aquatic species from crossing areas. A biologist will monitor the work activities while this portion of the project is conducted. Turbidity readings will be taken above and below the crossings and during repairs to ensure the work is not having an effect on water quality. Erosion control devices such as silt fencing and sand bags will be used to ensure no materials enter the creek during repair of the bridge pier noses.

The anticipated time for this portion of the project is approximately three weeks. A total of 0.03 acres of temporary impact will occur for this portion of the project.

#### **River Run Rock Mulch**

Placement of river run rock mulch will occur within a 1,200 square meter landscaping area on the west bank near the fish ladder. Rock is being placed in order to cover the exposed geotextile fabric. River rock mulch consists of 8-inch to 18-inch diameter, native river rock. The rock had been collected and sorted from a sediment removal project last year.

This portion of the project will occur outside of waters of the U.S.

#### **Install Safety Railing**

A section of damaged safety railing will be replaced with a new safety railing along the maintenance road underpass at Highway 126. The railing is approximately 40 meters in length.

Installation will occur outside of waters of the U.S.

#### **Concrete Overpour Sections**

The purpose of the repair and overpour structures is to provide a location for the drainage from the road ditches to enter into the flood control channel. Repair of concrete overpour sections consists of reconstructing the structures at the following stations: Station 31+30; Station 32+91; and Station 35+00. New overpour

## ATTACHMENT A

### Project Information

File No. 10-136

structures will consist of reinforced concrete, typically 5.8 meters wide and extend 10, 14 and 12 meters in length; respectively. All materials removed from the site will be disposed at the Toland Landfill.

A total of 0.05 acres of temporary impacts will occur due to the repair of these structures: 0.014 acres; 0.017 acres and 0.020 acres; respectively.

#### **Fish Ladder Cleanout**

Since the original installation of the steelhead (*O. mykiss*) fish ladder, the US Army Corps of Engineers (Corps) has not been able to turn the project over to the Ventura County Watershed Protection District (VCWPD) or perform the necessary maintenance and sediment removal activities due to funding constraints. Recently, the Corps received appropriation funds for the sediment removal and to restore the fish passage through the American Recovery and Reinvestment Act (ARRA).

The National Marine Fisheries Service (NMFS) issued a Biological Opinion (BO) in 2000 and an amended BO in 2009. Conditions identified in the 2000 BO and in the 2009, Amended BO will be followed during the repairs. The Corps also will award a contract for five years of monitoring to ensure that terms and conditions will be followed after the completion of the sediment removal.

Approximately 3 days will be required to remove sediment from the fish ladder. The first day will be taken up by diverting the water out of the fish ladder and on to the project inlet apron. Sediment will be removed on the second and third days. Approximately 820 cubic meters of material from the fish ladder weirs will be removed. This work will be completed prior to November 1st, which marks the start of the steelhead migratory season provided in the biological opinion for the project.

Water diversion will need to be performed for this activity. During the sediment removal process, a temporary water diversion plan will be developed and followed throughout the construction period. Ventura County Watershed Protection District has an existing Water Diversion Guide from their December 2007 Maintenance Program EIR that gives details on Water Diversion operation methods and this sediment removal project will follow those

ATTACHMENT A

Project Information  
File No. 10-136

specific requirements.

A total of 0.66 acres of temporary impact will occur due to the fish ladder repair project.

8. Federal Agency/Permit: National Marine Fisheries Service  
Biological Opinion
9. Other Required Regulatory Approvals: California Department of Fish and Game  
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: An Environmental Impact Statement/ Environmental Impact Report was prepared in 1995 and 1996 and a Supplemental Environmental Assessment Addendum was provided in October of 2004.
11. Receiving Water: Santa Paula Creek (Hydrologic Unit No. 403.21)
12. Designated Beneficial Uses: MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, COLD, WILD, RARE, MIGR, WET
13. Impacted Waters of the United States: Non-wetland waters (vegetated streambed): 0.74 acres total temporary impact  
Fish ladder repairs: (0.66 acres) temporary impact  
Bridge nose piers: (0.03 acres) temporary impact  
Concrete overpour: (0.05 acres) temporary impact
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: None.

## ATTACHMENT A

### Project Information File No. 10-136

#### 16. Avoidance/ Minimization Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- A pre-maintenance biological survey must be conducted by a qualified biologist for facilities with potential habitat for native aquatic species prior to initiation of the water diversion and any construction work.
- Identification of erosion control BMPs, including methods, materials and installation, maintenance and removal requirements.
- Location of proposed upstream and downstream water quality monitoring sites will be identified and documented.
- The water diversion and work area dewatering system must be in place and functional before in-channel work is started. While the water diversion is in place, it must be operational at all times (24 hours a day).
- Inspection and maintenance of the water diversion and associated erosion and sediment control BMPs should be conducted on a daily basis.
- Maintenance and/or repair activities shall not be conducted during a rainfall event.
- No excavation/construction equipment and/or materials shall be stored within Santa Paula Creek, including wetlands and dry streambeds. All staging and storage areas shall be located outside any surface waters and equipped with adequate containment provisions.
- All equipment or vehicles operated within or adjacent to surface waters shall be checked and maintained daily to prevent leaks/discharges of materials. No equipment maintenance shall be performed within or near surface waters.

#### 17. Proposed Compensatory Mitigation:

The Applicant has proposed to mitigate for temporary impacts by planting alluvial, riparian and aquatic habitats.



## ATTACHMENT A

### Project Information

File No. 10-136

18. Required  
Compensatory  
Mitigation:

The Regional Board will require the Applicant to provide compensatory mitigation at a ratio of 2:1 for all temporary impacts associated with the proposed project. Therefore, a total of 1.48 acres of restoration in the vicinity of the project site will be required. The restoration may consist of exotic/invasive species removal and revegetation with native riparian habitat.

See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

## ATTACHMENT B

### Conditions of Certification File No. 10-136

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the Ventura County Watershed Protection District Water Diversion Plan, and

## ATTACHMENT B

### Conditions of Certification

File No. 10-136

all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact the Land Disposal Unit, at the Regional Board for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.

## ATTACHMENT B

### Conditions of Certification

File No. 10-136

13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.
14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
15. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during all construction activities within the channel. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
16. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
17. All project/maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
18. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls,

## ATTACHMENT B

### Conditions of Certification

File No. 10-136

and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:

- pH
- temperature
- dissolved oxygen
- turbidity
- total suspended solids(TSS)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to diversion and then monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Downstream TSS shall be maintained at ambient levels. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

19. The Applicant shall restore **all areas** of TEMPORARY IMPACT to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
20. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **0.74** acres waters of the United States by creating or restoring riparian habitat at a minimum **2:1** area replacement ratio (**1.48 acres**). The mitigation site shall be located within the project vicinity unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:
  - (a) The boundary of the mitigation site shall be clearly identified on a map of suitable resolution and quality and shall also be defined by latitude and longitude.
  - (b) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)

## ATTACHMENT B

### Conditions of Certification File No. 10-136

(c) Success criteria shall be established.

**This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States** and shall include copies of all agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

21. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** until mitigation success has been achieved and reported. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. At a minimum the Annual Reports shall include the following documentation:
- (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
  - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
  - (c) The overall status of project including a detailed schedule of work;
  - (d) Copies of all permits revised as required in Additional Condition 1;
  - (e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
  - (f) A certified Statement of “no net loss” of wetlands associated with this project;
  - (g) Discussion of any monitoring activities and exotic plant control efforts; and
  - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
22. Prior to any subsequent activities within the project areas, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the existing conditions; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
23. All applications, reports, or information submitted to the Regional Board shall be signed:

ATTACHMENT B

Conditions of Certification

File No. 10-136

- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
- (b) For a partnership, by a general partner.
- (c) For a sole proprietorship, by the proprietor.
- (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

24. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

"I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
(Signature)  
(Title)"

- 25. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **10-136**. Submittals shall be sent to the attention of the 401 Certification Unit.
- 26. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
- 27. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Ventura County and co-permittees under NPDES No. CAS004002 and Waste Discharge Requirements Order No. R4-2010-0108. This includes the Stormwater Quality Urban Impact Mitigation Plan (SQUIMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2009-009-DWQ. All

## ATTACHMENT B

### Conditions of Certification File No. 10-136

stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.

28. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
29. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
30. *Enforcement:*
  - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
  - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.



**ATTACHMENT B**

**Conditions of Certification**

**File No. 10-136**

31. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.

