



Matthew Rodriguez  
Secretary for  
Environmental Protection

## California Regional Water Quality Control Board Los Angeles Region

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



Edmund G. Brown Jr.  
Governor

Mr. John Andreotti  
Santa Clarita Land, JME, LLC  
1275 Spinnaker Drive, Suite 205  
Ventura, CA 93001

### **CONDITIONAL CERTIFICATION FOR PROPOSED SPRING CANYON VTTM 48086 PROJECT (Corps' Project No. 2004-00004-AOA), SPRING AND TAPIE CANYONS, TRIBUTARIES TO THE SANTA CLARA RIVER, SANTA CLARITA VALLEY, UNINCORPORATED PORTION OF LOS ANGELES COUNTY (File No. 11-055)**

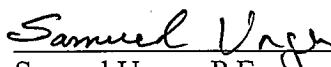
Dear Mr. Andreotti:

Board staff has reviewed your request on behalf of Santa Clarita Land, JME, LLC (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on July 6, 2011.

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, P.E.  
Executive Officer

Sept. 30, 2011  
Date

## DISTRIBUTION LIST

Thienan Ly Pfeiffer (via electronic copy)  
Glenn Lukos Associates  
29 Orchard  
Lake Forest, CA 92630

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

Rick Mayfield (via electronic copy)  
California Department of Fish and Game  
Streambed Alteration Team  
4949 View Ridge Avenue  
San Diego, CA 92123

Aaron Allen (via electronic copy)  
U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
P.O. Box 532711  
Los Angeles, CA 90053-2325

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

Jim Bartel  
U.S. Fish and Wildlife Service  
6010 Hidden Valley Road  
Carlsbad, CA 92009

**ATTACHMENT A**

**Project Information**

**File No. 11-055**

1. Applicant: John Andreotti  
BC Land Group  
1275 Spinnaker Drive, Suite 205  
Ventura, CA 93001  
Phone: (805) 642-8967 Fax: (805) 642-2004
2. Applicant's Agent: Thienan Ly Pfeiffer  
Glen Lukos Associates  
29 Orchard  
Lake Forest, CA 92630  
Phone: (949) 837-0404 Fax: (949) 837-5834
3. Project Name: Spring Canyon VTTM 48086 Housing Development
4. Project Location: Santa Clarita area, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
34.50350822150	118.64760611400
34.50350823100	118.64323056000
34.52108207230	118.64733279300
34.51182666030	118.64768771200
34.51370567240	118.64282681200
34.50796238170	118.63360905100
34.50889493010	118.64004015200
34.50713983840	118.64111349600

5. Type of Project: Housing Development
6. Project Purpose: The purpose of the proposed project is to provide an economically viable, planned, residential community on 269 acres, which provides approximately 542 single family lots and associated public amenities, including approximately 279 acres of open space which meets the needs of the County, near the City of Santa Clarita.
7. Project Description: The Spring Canyon, VTTM 48086, project site is characterized by two large canyons, Tapie and Spring Canyons, with moderately flat to steep, hilly terrain. The two canyons are part of a larger watershed that encompasses approximately 1,211 acres. The site is within part of Soledad basin, which lies between the Sierra Pelona.

## ATTACHMENT A

### Project Information

File No. 11-055

foothills to the north and the San Gabriel Mountains to the south.

Implementation of the current development plan for the 548.1-acre site will convert about 242.1 acres of natural terrain to urban uses. Approximately 306 acres will remain as natural and landscaped open space. Most of the Spring Canyon drainage channel will remain in its natural state.

Onsite drainage proceeds via sheet flow into numerous unmarked, ephemeral drainage courses, which ultimately discharge into the two streams (USGS "blueline") that occur onsite in Tapie Canyon (**Drainage A**) and Spring Canyons (**Drainage B**). These two drainages ultimately converge in the southwesterly portion of the site and the combined flow is conducted under the freeway via an existing concrete culvert to the Santa Clara River drainage. The drainages on the project site are considered ephemeral, having surface water only during and immediately following heavy rainfall.

The waters of the U.S. to be impacted are generally characterized as open, sandy, gravel and cobble filled washes, devoid of vegetation or sparsely vegetated with open, alluvial scrub. The lower portions of both drainages are degraded to various degrees due to constant dumping, off-road vehicle use and target shooting.

A Certification (No. 03-153) was issued in 2003 for this housing project. However, this Certification was for a project with significantly greater impacts within waters. Implementation of the previously designed project would have permanently impacted approximately 2.39 acres of jurisdictional waters of the U.S. and 1.01 temporary acres of waters, through the permanent fill of portions of Drainage A and portions of Drainage B and its tributaries for building pads and associated infrastructure. This previously-certified project was never constructed.

In 2011, the Regional Board received a new application for a similar project on the proposed project site. The proposed project involves the development of approximately 269 acres within 548 acres of the Spring Canyon property for 542 single-family residential uses, as well as provision of space for several public service agencies. This re-designed project includes further avoidance of Drainage B, which decreased the original plan for home lots by approximately 30 lots. The current proposal for the

## ATTACHMENT A

### Project Information

File No. 11-055

project will consist of 0.74 acres of temporary impact (1,703 linear feet) and 2.39 acres (11,482 linear feet) of permanent impact. The previous Certification included impacts within 18,448 linear feet. Therefore, the overall project total linear feet of avoided waters is approximately 13,173 linear feet.

The project construction will temporarily impact Drainage A (Tapie Canyon) through the modification of the channel for a length of 1,312 feet. Another 2,620 linear feet of Drainage A will be converted into storm drain. The remaining 6,088 linear feet will be fully avoided.

Drainages A1, A2, and A3 will be completely avoided for a total length of 1,809 feet.

The project construction will temporarily impact Drainage B (Spring Canyon) through the modification of the channel for a length of 371 feet. Another 3,722 linear feet of Drainage A will be converted into storm drain or hardened with riprap. The remaining 3,907 linear feet will be fully avoided.

In addition, tributaries to Drainage B will be impacted.

Drainage B1 will be entirely converted into a storm drain, through a length of 695 feet.

Drainage B2 will be modified through a length of 20 feet and the remaining 654 feet will be fully avoided.

Drainage B3 will be converted to a storm drain through a length of 341 feet and the remaining 118 feet will be fully avoided.

Drainage B4 will be converted to a storm drain through a length of 989 feet and the remaining 18 feet will be fully avoided.

Drainage B5 will be converted to a storm drain through a length of 484 feet.

Drainage B6 will be will be converted into storm drain or hardened with riprap for a length of 2,631 feet and the remaining 1,108 feet will be fully avoided.

## ATTACHMENT A

### Project Information File No. 11-055

The total grading required for project implementation is expected to be approximately 3,830,000 cubic yards of cut and fill that will be balanced on site. The project will be constructed over a period of approximately three (3) years.

8. Federal Agency/Permit: U.S. Army Corps of Engineers  
Individual Permit (Permit No. 2004-00004-AOA)
9. Other Required Regulatory Approvals: California Department of Fish and Game  
Streambed Alteration Agreement  
No. 1600-2003-5115-R5 (Amended July 3, 2006)
10. California Environmental Quality Act Compliance: The County of Los Angeles, Department of Regional Planning, approved the project's Final Environmental Impact Report (EIR No. 96-044, SCH No. 97031043) on March 24, 2005.
11. Receiving Water: Spring and Tapie Canyons, tributaries to the Santa Clara River (Hydrologic Unit No. 403.51)
12. Designated Beneficial Uses: IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET
13. Impacted Waters of the United States: Non-wetland waters (unvegetated streambed): 0.74 temporary and 2.39 permanent acres
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Lot runoff to be infiltrated from the graded pad areas through on-site pervious soils.
  - All catch basins- with inserts to capture floatables and reduce pollutants.

## ATTACHMENT A

### Project Information

File No. 11-055

- Slope protection- conveys runoff from the tops of slopes and stabilize disturbed slopes with landscaping per county standard.
- Vegetated slopes with native or drought tolerant vegetation to minimize erosion.
- Rip rap at the outlets of storm drains, culverts, and conduits to minimize erosion.
- Earth levee with erosion mat to stabilize permanent riverbank.
- Street runoff to be collected into a catch basin and storm drainpipes to be outlet onto natural alluvial canyons or canyon wash alluvium serving as infiltration surfaces.
- All catch basins and inlets shall be stenciled with "Warning Drain to Ocean" notes and symbols per NPDES BMP standards.
- Extended/Dry detention basin- infiltrate the runoff through basin bottom.

#### 17. Proposed Compensatory Mitigation:

The Applicant has proposed the following:

The streambeds supporting 5.34 acres of Riversidean alluvial fan sage scrub (RAFSS) within Spring & Tapie Canyons onsite will be enhanced through the removal of perennial non-native vegetation. An additional 5.39 acres of RAFSS will be planted within Spring & Tapie Canyons. All onsite mitigation will occur within the preserved drainages onsite. The preserved drainages consist of all drainages not impacted by the development footprint.

The Applicant has purchased and dedicated the approximately 184-acre Violin Canyon mitigation parcel located offsite near Castaic. Within Violin Canyon, 18.29 acres of streambed will be enhanced through the removal of perennial non-native vegetation. The entire 184-acre site has been deeded to the Mountains Recreation and Conservation Agency along with an endowment to manage the site.

## ATTACHMENT A

### Project Information File No. 11-055

18. Required  
Compensatory  
Mitigation:

The Regional Board will require the Applicant to provide compensatory mitigation at ratios of 2:1 and 3:1, for temporary and permanent impacts; respectively. In addition, the Applicant shall provide mitigation as proposed above, which shall be inclusive of the Regional Board mitigation requirements.

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. 11-055

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

## ATTACHMENT B

### Conditions of Certification File No. 11-055

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 (213) 620-6119 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.
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

## ATTACHMENT B

### Conditions of Certification

File No. 11-055

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.
15. 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.
16. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
17. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities. 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.
18. 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 (ROWD)** 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.

19. 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.

## ATTACHMENT B

### Conditions of Certification File No. 11-055

20. 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, 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.

21. The Applicant shall restore **all areas** of TEMPORARY IMPACTS 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.
22. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **0.74** acres waters of the United States by enhancing or restoring riparian habitat at a minimum **2:1** area replacement ratio (**1.48 acres**). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **2.39 acres** of

## ATTACHMENT B

### Conditions of Certification

File No. 11-055

vegetation within waters of the United States/Federal jurisdictional wetlands by creating or restoring riparian habitat at a minimum 3:1 area replacement ratio (7.17 acres). 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.)
- (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.

23. The Applicant shall submit to this Regional Board **Annual Project and Mitigation Monitoring Reports** (Annual Reports) by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation/(project) success/(completion) has been achieved and documented. 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. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking) or any delays in the mitigation process. 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.

ATTACHMENT B

Conditions of Certification  
File No. 11-055

24. Prior to any subsequent maintenance activities within the subject drainages/basin, 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 drainage's/basin's existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (d) 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.
25. All applications, reports, or information submitted to the Regional Board shall be signed:
- (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.
26. 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)"

27. The Applicant shall ensure a Report of Waste Discharge (ROWD) be filed for the proposed project, should any person discharge waste, or propose to discharge waste, other than into a community sewer system, which could affect the quality of the waters of State per Section 13260(a) of the California Water Code. Please note that the Applicant is required to file a

## ATTACHMENT B

### Conditions of Certification

#### File No. 11-055

complete RoWD/Form 200 with this Regional Board at least 120 days prior to commencing the discharge from the proposed project. The Form 200 can be downloaded from the State Board's website at <http://www.swrcb.ca.gov/sbforms/form200.pdf>.

28. The project shall ensure connection to a Public Sewage Treatment System within 12 months of installation of the sewerage lateral collection line within 200 feet of the property. The project shall maintain compliance with Assembly Bill 885 and all local requirements for operation and maintenance of septic systems.
29. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **11-055**. Submittals shall be sent to the attention of the 401 Certification Unit.
30. 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.
31. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) 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 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.
32. 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.
33. 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.

## ATTACHMENT B

### Conditions of Certification File No. 11-055

#### 34. *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.

35. 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.