



# California Regional Water Quality Control Board Los Angeles Region



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Matthew Rodriguez  
Secretary for  
Environmental Protection

Edmund G. Brown Jr.  
Governor

Ms. Theinan Ly Pfeiffer  
Glenn Lukos Associates  
29 Orchard  
Lake Forest, CA 92630

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7010 3090 0002 1021 9322

## WATER QUALITY CERTIFICATION FOR PROPOSED DEERLAKE RANCH RESIDENTIAL DEVELOPMENT PROJECT (Corps' Project No. SPL-2008-00523-MAS), WATERBODY DEVIL CREEK & BROWNS CANYON CREEK, UNINCORPORATED LOS ANGELES COUNTY NEAR THE CITY OF CHATSWORTH, LOS ANGELES COUNTY (File No. 11-154)

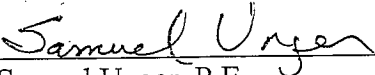
Dear Ms. Pfeiffer:

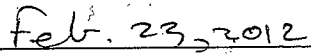
Board staff has reviewed your request on behalf of AEW Capital Management, LP (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on September 24, 2011.

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

  
\_\_\_\_\_  
Date

## DISTRIBUTION LIST

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**ATTACHMENT A**

**Conditions of Certification  
File No. 11-154**

1. Applicant: Eric Samek  
AEW Capital Management, LP  
601 S. Figueroa Street, Suite 2150  
Los Angeles, CA 90017  
Phone: (213) 312-2631 Fax: (213) 312-2655
2. Applicant's Agent: Thienan Ly Pfeiffer  
Glenn Lukos Associates  
29 Orchard  
Lake forest, CA 92630  
Phone: (949) 837-0404 Fax: (949) 837-5834
3. Project Name: Deerlake Ranch Residential Development
4. Project Location: Unincorporated Los Angeles County near the City of Chatsworth

<u>Latitude</u>	<u>Longitude</u>
34.28570556640	-118.60589599600
34.28570556640	-118.60388183600
34.28570556640	-118.59857177700
34.28570556640	-118.59307861300
34.28570556640	-118.59320068400
34.28570556640	-118.59582519500
34.28570556640	-118.59948730500
34.28570556640	-118.59912109400

5. Type of Project: Residential Development
6. Project Purpose: The purpose of the project is to construct a residential development consistent with the policies of the County General Plan and the zoning designations that govern the site. The Project will help attenuate the housing demand in Los Angeles County.
7. Project Description: The Deerlake Project occupies an area of foothill terrain along the southern edge of the Santa Susana Mountains where the range abuts the northwestern end of the San Fernando Valley. Implementation of the current plan for the 230.58-acre site will convert

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approximately 152 acres to residential and other urban uses. The remaining approximately 79 acres will be left as natural open space including the Devil Canyon drainage channel which will remain in its natural state.

The waters of the U.S. to be impacted are generally characterized as narrow ephemeral drainages that are sparsely vegetated with upland species and support a sand and cobble substrate. Many of the drainages have been bisected by existing dirt roads. The majority of the drainages flow in a southerly direction toward Devil Canyon. Two of the drainages flow in an easterly direction toward Browns Canyon, which is located off site.

A Certification (No. 03-153) was issued in 2004 for this residential 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 0.43 acres and 11,707 linear feet of jurisdictional waters of the U.S. in order to construct 388 single-family residential lots 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 current project consists of approximately 314 single-family residential lots, a sheriff station, helipad, and public park on approximately 152 acres with the remaining approximately 79 acres designated as open space. This re-designed project includes further avoidance of Drainages 2, 3, and 4 and tributaries.

Access to the site will be from Topanga Canyon Boulevard and Canoga Avenue. Two bridges will span Devil Canyon near the center and southeastern portion of the site. A proposed trail system will loop the site connecting existing trails at the terminus of Canoga Avenue westerly of Topanga Canyon Boulevard with existing trails to the east, north, and west of the site. The lots will each be a minimum of 6,000 square feet.

The project will balance onsite with approximately 1.8 million cubic yards of cut and fill.

Of the total 16,370 linear feet of waters on site, 7,727 linear feet (0.35 acres) will be permanently impacted and converted into storm

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drain. The remaining 8,643 linear feet will be avoided and consist of Devil Canyon, Drainage 1, Drainage 2.2, and Drainage 4.2.

Drainage 2 will be converted to a storm drain through a length of 209 feet and the remaining 1,059 feet will be fully avoided.

Drainage 2.3 will be converted to a storm drain through a length of 296 feet and the remaining 207 feet will be fully avoided.

Drainage 3 will be converted to a storm drain through a length of 830 feet and the remaining 1,024 feet will be fully avoided.

Drainage 3.1 will be converted to a storm drain through a length of 226 feet and the remaining 52 feet will be fully avoided.

Drainage 3.2 will be entirely converted to a storm drain through a length of 234 feet.

Drainage 3.3 will be converted to a storm drain through a length of 104 feet and the remaining 41 feet will be fully avoided.

Drainage 4 will be converted to a storm drain through a length of 624 feet and the remaining 1,113 feet will be fully avoided.

Drainage 4.1 will be converted to a storm drain through a length of 377 feet and the remaining 188 feet will be fully avoided.

Drainage 4.3 will be converted to a storm drain through a length of 429 feet and the remaining 1,009 feet will be fully avoided.

Drainage 4.4 will be entirely converted to a storm drain through a length of 546 feet.

Drainage 4.5 will be converted to a storm drain through a length of 605 feet and the remaining 171 feet will be fully avoided.

Drainage 4.6 will be entirely converted to a storm drain through a length of 620 feet.

Drainage 4.7 will be entirely converted to a storm drain through a length of 258 feet.

Drainage 5 will be entirely converted to a storm drain through a

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length of 487 feet.

Drainage 7 will be converted to a storm drain through a length of 416 feet and the remaining 184 feet will be fully avoided.

Drainage 7.1 will be converted to a storm drain through a length of 197 feet and the remaining 79 feet will be fully avoided.

Drainage 9 will be converted to a storm drain through a length of 1,012 feet and the remaining 29 feet will be fully avoided.

Drainage 9.7 will be entirely converted to a storm drain through a length of 257 feet.

The drainages will be filled with the native soils from site during the grading process. There is no export of material required for the project, so all cut material will be deposited into the drainages. The impacted drainages will ultimately become part of storm drain systems.

Although the previously certified project was not developed, all compensatory mitigation for impacts to waters of United States under the previous Certification, has been implemented. Compensatory mitigation has been provided onsite within Devil Canyon and two miles north of the Project site on the Browns Canyon Mitigation parcel.

The project meets the LID approach to preserve natural waterways to minimize effective imperviousness by preserving the entire reach of Devil Canyon, which is the high-functioning perennial riparian stream on site. The two bridges that will span Devil Canyon are full span bridges and were designed as such to maintain full connectivity of the riparian stream.

Also, compared to the project that was certified in 2004, which authorized 11,707 linear feet of impacts, the proposed project represents a 34% reduction of linear feet impacts to waters of the United States (3,980 linear feet) and a 19% reduction in residential lots (74 units). The un-impacted reaches of the drainages represent full avoidance whereby no impacts (not even temporary) will occur. These avoided segments will be left as is, and kept above ground. This 34% reduction in linear feet of impacts demonstrates a significant amount of avoidance/minimization as compared to the

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prior certified project.

8. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP No. 29 (Permit No. SPL-2008-00523-MAS)
9. Other Required Regulatory Approvals: California Department of Fish and Game  
Streambed Alteration Agreement (No. 1600-2003-5131-R5)
10. California Environmental Quality Act Compliance: The County of Los Angeles approved the project's Final Environmental Impact Report (Deerlake Ranch, SCH No. 200061049) on 01/14/2004.
11. Receiving Water: Devil Creek & Browns Canyon Creek (Hydrologic Unit No. 405.21)
12. Designated Beneficial Uses: MUN\*, GWR, REC-1, REC-2, WARM, WILD.  
\*Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (streambed): 0.35 permanent acres (7,727 linear feet)
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:
- In compliance with the National Pollutant Discharge Elimination System (NPDES), a Stormwater Pollution Prevention Plan (SWPPP) and Standard Urban Storm Water Mitigation Plan (SUSMP) will be developed to identify specific pollution prevention measures that will eliminate or control potential point and non-point pollution sources on site, during, and following, the Project's construction phase and will be submitted prior to Project construction activity.
  - Installing Continuous Deflection Units (CDU) to filter storm

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- water runoff prior to discharging to the storm drain system.
- Stenciling catch basins and storm drain inlets with prohibitive language (such as: "NO DUMPING- DRAIN INTO OCEAN") and/or graphical icons to discourage illegal dumping.
  - Provide trash cans and recycling receptacles along pedestrian walkways.
  - Utilizing non-toxic pesticides and fertilizers in the landscaping areas of the project.
  - Storing all onsite materials within a designated bermed area.
  - Removing waste oil from the site every three months for recycling by a permitted recycling facility.
  - Maintaining all work equipment which has the potential to cause storm water pollution in good working order.
  - Delineating clearing limits, easements, setbacks, sensitive areas, vegetation, and drainage courses by marking them in the field.
  - Designating areas for routine equipment maintenance, parking, and refueling located away from storm drain inlets.
  - Conducting major equipment repair offsite.
  - Scheduling grading for the dry season, if possible.
  - Storing all construction materials and stockpiles in a manner that provides protection from rainfall and wind.
  - Storing stockpiled materials and wastes under a roof of plastic sheeting.
  - Washing residuals and fines onto dirt areas rather than down the street into storm drain inlets.
  - Placing trash cans around the site for the immediate clean up debris and waste.
  - Using water trucks during grading operation, as required, to dampen the soil and prevent wind erosion and deposition of dust onto public and private streets
  - Conducting street sweeping, as necessary, to clean sand, dust, or debris from paved streets.
  - Routinely maintaining all vehicle and heavy equipment to avoid leaks.
  - Taking great care in obtaining and transferring liquid substances with the potential for environmental contamination.
  - Informing all onsite and temporary construction workers of good housekeeping procedures and potential consequences of allowing even a spill to go unattended.

17. Proposed  
Compensatory

The Applicant shall compensate for impacts to 0.35 acres of water of the United States by enhancing and preserving at least 1.72 acres



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Mitigation: of riparian habitat within the Los Angeles River watershed.

To compensate for unavoidable impacts to jurisdictional areas, the Applicant has implemented the *Deerlake Ranch Jurisdictional Habitat Mitigation Plan for Devil Canyon*, dated May 23, 2005, which proposed to enhance southern cottonwood-willow riparian forest, southern willow scrub, and southern coast live oak riparian forest habitats within 12.4 acres of Devil Canyon, located within the Deerlake Ranch residential Project Site.

The primary tool of enhancement is the eradication of 2.5 acres of giant reed (*Arundo donax*) and castor bean (*Ricinus communis*). Giant reed, a grass native to eastern Asia, chokes riparian areas, out-competes native vegetation, disturbs flood control, increases susceptibility to fire, and reduces/ eliminates habitat for native fauna, including the endangered least Bell's vireo (*Vireo bellii pusillus*), which is native to the locale. After the plan for eradicating the giant reed and castor bean has been implemented, the mitigation area will function as enhanced wildlife and native plant habitat. The *Deerlake Ranch Jurisdictional Habitat Mitigation Plan for Devil Canyon* was implemented in 2005 and completed in 2010.

In addition to the enhancement in Devil Canyon, a 160-acre site (known as the Browns Canyon mitigation site) north of the Project site was purchased by the Applicant specifically as part of the compensatory mitigation for the Project. The Browns Canyon mitigation site supports approximately 1.65 acres of waters of the U.S. In 2005, Envicom Corporation initiated the *Plummer's Mariposa Lily Salvage, Propagation, and Transplantation Program*, which involved salvaging seeds and bulbs on site, propagating the seeds at a nursery, and transplanting both the salvaged and propagated bulbs in designated areas on the Browns Canyon mitigation site. In 2005, the Browns Canyon mitigation site was dedicated in fee to the Mountains Recreation and Conservation Authority to be preserved as open space in perpetuity.

18. Required  
Compensatory  
Mitigation:

The Regional Board will require the Applicant to provide compensatory mitigation at a ratio of 3:1 (enhancement within waters) for permanent impacts within waters. The proposed mitigation described above is sufficient to meet the Regional Board mitigation requirements.

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

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#### 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.

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5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved (Construction Plan), and 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 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 regarding the disposal of solid wastes.
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.

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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.
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. Sediment removal at each phase shall not go beyond the extent as defined in the application packet.
17. 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.
18. 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.
19. 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.
20. 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.

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21. All project/construction 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.
22. 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.

23. The Applicant shall provide COMPENSATORY MITIGATION for the proposed permanent impacts to **0.35 acres** of vegetation within waters of the United States/Federal jurisdictional wetlands by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum 3:1 area replacement ratio. The *Deerlake Ranch Jurisdictional Habitat Mitigation Plan for Devil Canyon*, dated May 23, 2005, identifies the boundary of the mitigation site,

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type of mitigation, and success criteria, and provides sufficient mitigation to meet the Regional Board requirement.

24. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
  - (a) The Applicant has submitted 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**. The Annual Reports described 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 final annual monitoring report (2010) documented successful completion of the required mitigation.
25. 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 (e) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
26. 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.
27. 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

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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)"

- 28. 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 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>.
- 29. 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.
- 30. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **11-154**. Submittals shall be sent to the attention of the 401 Certification Unit.
- 31. 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.
- 32. 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.
- 33. 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



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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.

34. 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.
35. *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.

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.