



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Ms. Katherine Rubin
Los Angeles Department of Water and Power
111 N. Hope Street, Room 1213
Los Angeles, CA 90012

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7014 2870 0001 4613 6264

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED CASTAIC CREEK MAINTENANCE, ELDERBERRY FOREBAY SEDIMENT REMOVAL, AND SPILLWAY REPAIR WORK PROJECT (Corps' Project No. SPL-2007-1230-GS), CASTAIC CREEK, CITY OF CASTIAC, LOS ANGELES COUNTY (File No. 16-082)

Dear Ms. Rubin:

Board staff has reviewed your request on behalf of Los Angeles Department of Water and Power (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on October 12, 2016.

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.

Please read this entire document carefully. 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 Dana Cole, Section 401 Program, at (213) 576-5733.



Samuel Unger, P.E.
Executive Officer

Oct. 26, 2016
Date

DISTRIBUTION LIST

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**Project Information
File No. 16-082**

1. Applicant: Ms. Katherine Rubin
Los Angeles Department of Water and Power
111 N. Hope Street, Room 1213
Los Angeles, CA 90012

Phone: (213) 367-0436 Fax: (213) 367-3377

2. Project Name: Castaic Creek Maintenance, Elderberry Forebay Sediment
Removal, and Spillway Repair Work

3. Project Location: Castaic, Los Angeles County

Castaic Creek Maintenance

<u>Latitude</u>	<u>Longitude</u>
34.59260	-118.66149
34.59158	-118.66159
34.59090	-118.66058
34.59051	-118.65950
34.58955	-118.65670
34.58935	-118.65634
34.58876	-118.65528
34.58808	-118.65443
34.58856	-118.65371
34.58929	-118.65479
34.58985	-118.651598
34.58998	-118.65636
34.59068	-118.65774
34.59114	-118.65908
34.59155	-118.66014
34.59267	-118.66122

Elderberry Forebay Sediment Removal

<u>Latitude</u>	<u>Longitude</u>
34.58788	-118.65281
34.58734	-118.65366
34.58156	-118.64886
34.58643	-118.65373
34.58604	-118.65424
34.58139	-118.64986
34.57863	-118.64862

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34.57951	-118.64640
34.58441	-118.65005

4. Type of Project: Basin maintenance, spillway repair, and sediment removal
5. Project Purpose: The purpose of the project is to perform basin maintenance, repair the spillway retaining walls, and remove the build-up of sediment in the Elderberry Forebay at the Castaic Power Plant.

This maintenance work is required every two to three years to restore the capacity of the debris basins to prevent sediment and debris from flowing into Elderberry Forebay. Impacts will occur over 62 acres and along 7,250 linear feet.

6. Project Description: The Castaic Power Plant facilities include: the Power Plant, appurtenant buildings, structure and equipment; the tailrace channel; Elderberry Forebay; Elderberry dam and appurtenant structures; Castaic Creek Storm Bypass Channel (Bypass Channel); and Check Dams 1, 2, and 3 located within the Bypass Channel.

Similar maintenance work will be required on the debris basins, scheduled for October 2016. Approximately 90,000 cubic yards of sediment will be removed from the three debris basins in the Bypass Channel; 40,000 cubic yards from Basin 1, 30,000 cubic yards from Basin 2, and 20,000 cubic yards from Basin 3. The debris pile will be prepared by removing tamarisk and vegetation from the top of spoil pile and re-establishing haul route to and around the debris pile. Invasive species will be removed from the basins, sills, and check dams. Removed sediment from the debris basins will be placed and compacted at the designated debris pile site.

Castaic Creek Maintenance

Check Dams 1, 2, and 3 are located within the Bypass Channel. Debris basins are located upstream of each check dam in order to reduce sediment and debris from entering the reservoir (Elderberry Forebay) which ensures the reliable operations of Castaic Power Plant.

The debris basins and check dams slow the winter runoff laden with sediment and allow the sediment load to drop in the debris basins. These debris basins are almost full. Any additional sediment flow

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from the bypass channel will be deposited in the adjacent tailrace channel (a water channel below the dam) which may cause mechanical damages during pump-back operations.

Typical project work will include: the removal of sediment and vegetation from the basins behind the check dams; grading for temporary access into the settling basins; deposition of excavated sediment and debris in designated spoil pile area; maintenance and repair of miscellaneous culverts; repair or maintenance of Bypass Channel banks, dikes; restoration/repair/maintenance/replacement of Check Dam structures, foundation, and sills.

Grading for temporary ramps from the access road to the basin will be required to allow ingress and egress of equipment into the settling basins to perform work. Grading and compacting of the spoils pile will be necessary to ensure sheet flow drainage, and concrete may be applied in the case that a check dam may need repair. A stream crossing upstream from Basin 1 will be temporarily reestablished for proposed haul route to the spoils pile by laying down pipe and covering with gravel for equipment and vehicles to drive over. An arroyo toad fence along a portion of the haul route near Basin 1 will be installed. Once sediment removal is completed, the existing grade will be restored.

Debris pile areas, located outside of the waterways have been designed to accept and store debris and sediment that is excavated from the waterways described above.

Some repairs **may** be required to repair check dams, embankments, and other facilities depending on the results of the site investigations. **If so, an Amendment to this Certification** will be required.

Castaic Creek maintenance will temporarily impact 15 acres of the Castaic Creek bypass channel.

Elderberry Forebay Sediment Removal

Elderberry Forebay acts as a reservoir for Castaic Power Plant to store water for pumped-storage hydroelectricity generation and as a storage reservoir for releases to Castaic Lake as requested by the California Department of Water Resources. Due to years of storm runoff laden with debris and sediment flowing into the reservoir, the storage capacity of the reservoir has decreased affecting the hydro-generation activities of the plant.

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Typical project work will include the draining of the reservoir, grading for temporary access into the bypass channel and tailrace channel, removal of sediment and vegetation from the bypass channel leading into Elderberry Forebay, removal of debris and sediment from the tailrace channel and Elderberry Forebay, and deposition of excavated sediment and debris in designated spoil pile area.

Grading for temporary ramps from the access road to the bypass channel leading into Elderberry Forebay and the tailrace channel will be required to allow ingress and egress of equipment to perform the sediment removal work. A stream crossing upstream from Basin 1 will be temporarily reestablished for proposed haul route to the spoils pile by laying down pipe and covering with gravel for equipment and vehicles to drive over. Grading and compacting of the spoils pile will be necessary to ensure sheet flow drainage. Once sediment removal is completed, the existing grade will be restored.

Maintenance activities **may** include surveying Elderberry Forebay and use hydraulic dredging to remove approximately 1,000,000 cubic yards. **In that event an Amendment to this Certification** will be required.

Sediment removal involves the removal of debris from the reservoir from the Bypass Channel, Tailrace Channel, and removal of debris and sediment in the reservoir, and will temporarily impact 45 acres.

Spillway Repair Work

To maintain the function of the spillway, maintenance activities, such as removal of debris from wall drains to prevent water pressure build-up behind the wall, replacement of concrete slabs on grade, and replacement of the fence located near the outlet of the spillway with a breakaway fence to prevent any obstruction in the case of flooding. Work will require the removal of debris from wall drains, replacement of concrete slabs on grade, and replacement of the fence.

Typical project work will include removal of debris from wall drains to prevent water pressure build-up behind the wall, replacement of concrete slabs on grade, and replacement of the fence located near the outlet of the spillway with a breakaway fence to prevent any obstruction in the case of flooding.

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Spillway repair work will temporarily impact approximately two acres of the spillway.

Equipment

Equipment used will be water trucks, grader, articulated dump trucks, dozer, excavator, loader, dewatering pumps, and cement trucks. Excavator, dozer, and loader will be used to remove the sediment and debris and dump trucks will be used to haul debris material to spoils piles. Dewatering pumps will be used to dewater the basin and water trucks will be used for dust control.

Schedule

Castaic Creek Maintenance – In accordance with the California Department of Fish and Wildlife Streambed Alteration Agreement, all maintenance work will be scheduled between September 1st to March 1st. The anticipated project start date for the upcoming maintenance is October 3, 2016 and project completion is November 9, 2016. Castaic Creek maintenance work is required every 2-3 years depending on the intensity of the storm events.

Elderberry Forebay Sediment Removal – Debris removal is scheduled for October 2016 to December 2016. Surveying and hydraulic dredging of Elderberry Forebay is scheduled to occur in the future, and performed on an as needed basis.

Spillway Repair Work – Repair work will be performed on an as needed basis.

- | | |
|---|---|
| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
Individual Permit (Permit No. 2007-1230-GS) |
| 8. Other Required
Regulatory Approvals: | California Department of Fish and Wildlife
Streambed Alteration Agreement |
| 9. California
Environmental Quality
Act Compliance: | The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15001 (Existing Facilities) |

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10. Receiving Water: Santa Clara River Watershed:
Castaic Creek (Hydrologic Unit Code: 180701020305)
Elderberry Forebay (Hydrologic Unit Code: 180701020305)
Castaic Lake (Hydrologic Unit Code: 180701020305)
11. Designated Beneficial Uses:
- Castaic Creek
MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE
- Elderberry Forebay
MUN*, IND, PROC, AGR, GWR, FRSH, POW, REC-1, REC-2, WARM, WILD, RARE, SPWN
- Castaic Lake
MUN*, IND, PROC, AGR, GWR, FRSH, POW, REC-1, REC-2, WARM, COLD, WILD, RARE, SPWN
- *Conditional beneficial use
12. Impacted Waters of the United States:
- Non-wetland waters (streambed): 15 temporary acres
- Lake/Reservoir: 47 temporary acres
13. Dredge Volume: None
14. Related Projects Implemented/to be Implemented by the Applicant:
- This project is a continuation of the Castaic Creek Maintenance Project and Spillway Repair Work certified on October 3, 2011 under File Number 11-137.
- October 3, 2011 to December 2, 2011:
A total of 50,960 cubic yards of sediment was removed from the three debris basins upstream of each check dam. 32,340 cubic yards was removed from Basin 1; 8,170 cubic yards from Basin 2; and 10,450 cubic yards from Basin 3. The material was hauled to existing spoil pile. Repair to Check Dam 2 was also performed. Approximately 250 feet of damaged concrete sill was pushed back approximately four feet, voids between check dam and sill were filled with rip rap, and a damaged portion was filled with shotcrete.
- October 3, 2013 to October 25, 2013
The Applicant removed a total of 13,160 cubic yards (cubic yards)

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of sediment from the three debris basins upstream of each check dam. 3,900 cubic yards was removed from Basin 1, 3,420 cubic yards from Basin 2, and 5,840 cubic yards from Basin 3. The work included clearing and grubbing existing spoil pile, removing tamarisk and other vegetation from the worksite and removing sediment from the basins. The maintenance included hauling the excavated materials.

Spillway Wall Repair Work

Due to failure of the Elderberry Forebay Dam Emergency Spillway left wall, the left wall panels of the spillway were demolished and reconstructed. Work on the left wall began in August 2014 and completed in May 2015. The right wall of the emergency spillway was inspected and it was determined that these walls also needed replacement. Work on the right wall began in July 2015 and completed in January 2016.

15. Avoidance/ Minimization Activities:

The Applicant has proposed to implement several best management practices, including, but not limited to, the following:

- All employees working on the project will attend an employee training program that outlines best management practices (BMPs) compliance, as well as attend additional training as necessary.
- Drip pans or oil-absorbing mats will be placed under equipment that has the potential to leak.
- Drip pans will be cleaned as necessary to maintain their effectiveness.
- Spills of any type will be cleaned immediately. If absorbent materials are used for spills, it will be removed and taken to a legal point of disposal.
- The on-site supervisor will be notified of any spills, in case emergency response agencies or regulatory agencies need to be notified.
- Adequate supplies will be available at all times to handle spills and leaks.
- All materials will be stored in away from waterways when not in

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use

- Hazardous waste, anti-freeze, hydraulic fluids, gasoline, diesel fuel, oils, and other petroleum products and chemicals will be stored in seal-tight containers, placed within secondary containment, and labeled.
- Dumpsters and trash receptacles will be covered during storm events and windy conditions to contain trash and debris.
- Hazardous waste will be disposed of in accordance with the manufacturer's recommendations and applicable local, state, and federal requirements.
- Portable toilets will be located upwind and uphill, located away from any waterways.
- Portable toilets will be secured to prevent tipping during windy conditions, and contained to prevent any spills or leaks from discharging.
- Work will not be conducted during heavy rains or storm events.
- Prior to a storm event, the project site will be stabilized.
- Stockpiles will be covered.
- Vehicles and equipment shall pass over shaker plates to prevent soil tracking out of the site.
- Native vegetation removal shall be performed by hand or with a limited use involving herbicide application.
- If herbicide application is necessary, only herbicides approved for aquatic contact shall be used.
- A qualified biological monitor shall be on-site during all project operations that involve vegetation removal, grading, water diversions, dewatering, exposed work areas, and work within sensitive habitats or areas where sensitive species may be present.
- Environmental Education Program for all project personnel entering the project area to:

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- (1) illustrate potential sensitive native species and their habitat;
- (2) discuss any specific measures to protect the species;
- (3) what to do if the species is observed; and
- (4) how to coordinate with the on-site biological monitor.

- Maintenance activities will not be initiated during the arroyo toad breeding season, March 15th through July 1st of each year.
- Work shall be limited to the period of daylight hours to limit disturbances on wildlife activity.
- All oak, walnut, and sycamore trees within the work area shall be clearly marked, fenced off, or flagged to prevent equipment from operating within the drip line of these trees.

16. Proposed
Compensatory
Mitigation:

The Applicant has proposed to remove invasive (non-native) species anywhere within the work site and, in addition, 1/3 of the lower basin will not be disturbed.

17. Required
Compensatory
Mitigation:

The Applicant will provide 62 acres of compensatory mitigation in invasives removal for temporary impacts to waters of the state.

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

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Conditions of Certification File No. 16-082

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 (the California Department of Fish and Wildlife's (CDFW) Streambed Alteration Agreement copy was received August 23, 2016, and is valid through December 30, 2027). **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 CDFW'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. 15, 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.

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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.
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. 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.

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14. 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 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.
16. 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.
17. 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.

18. All project or 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.
19. 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:

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- 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%. A summary of the analyses and compliance above shall be included. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

20. The Applicant shall provide **COMPENSATORY MITIGATION** to offset the proposed temporary loss of **62.0** acres waters of the United States by restoring or enhancing riparian habitat at a minimum **1:1** area replacement ratio (**62.0 acres**). The Applicant shall submit a **Proposed Mitigation Report** which shall include:
 - (a) Documentation from the third party indicating that funds have been used for mitigation acreage only, which do not include administrative costs.
 - (b) 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.
 - (c) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
 - (d) 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 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation and project success and completion has been achieved and documented. The Annual Reports shall describe in detail

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all of the project/construction activities performed during the previous year and all restoration and mitigation efforts. 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 whether or not work has begun on the Project and a detailed schedule;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results for each reach (as required) compiled in a spreadsheet 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. 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.
23. 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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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.

31. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application at least 90 days prior to termination of this Certification if renewal is requested.