

Los Angeles Regional Water Quality Control Board

Mr. Richard Gable  
ARI Soledad Circle, LLC  
20951 Burbank Blvd., Suite B  
Woodland Hills, CA 91367

**WATER QUALITY CERTIFICATION FOR PROPOSED SOLEDAD CIRCLE ESTATES TENTATIVE TRACT MAP 062343 PROJECT (Corps' Project No. 2006-00362-KW), UNNAMED TRIBUTARY TO SANTA CLARA RIVER, SANTA CLARITA, LOS ANGELES COUNTY (File No. 11-112)**


Dear Ms. Davies:

Board staff has reviewed your request on behalf of ARI Soledad Circle, LLC (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on October 10, 2012.

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

Feb. 4, 2013  
Date

## DISTRIBUTION LIST

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Land Design Consultants, Inc.  
199 S. Los Robles Ave, #250  
Pasadena, CA 91101

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State Water Resources Control Board  
Division of Water Quality  
P.O. Box 944213  
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Jeff Humble (via electronic copy)  
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4949 View Ridge Avenue  
San Diego, CA 92123

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Regulatory Branch, Los Angeles District  
P.O. Box 532711  
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Paul Amato (via electronic copy)  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
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Jim Bartel  
U.S. Fish and Wildlife Service  
6010 Hidden Valley Road  
Carlsbad, CA 92009

**ATTACHMENT A**

**Project Information  
File No. 11-112**

1. Applicant: Karen M. Davies  
ARI Soledad Circle, LLC  
20951 Burbank Blvd., Ste. B  
Woodland Hills, CA 91367  
  
Phone: (818) 480-5504 Fax: (818) 884-2205
2. Applicant's Agent: Christy Cuba  
Land Design Consultants, Inc.  
199 S. Los Robles Ave, #250  
Pasadena, CA 91101  
  
Phone: (626) 578-7000 Fax: (626) 578-7373
3. Project Name: Soledad Circle Estates - Tentative Tract Map 062343

4. Project Location: Santa Clarita, Los Angeles

<u>Latitude</u>	<u>Longitude</u>
34.2505	118.2858
34.2451	118.2858
34.2451	118.2848
34.2455	118.2847
34.2500	118.2859
34.2453	118.2856
34.2452	118.2844
34.2500	118.2853

5. Type of Project: Housing Development
6. Project Purpose: The proposed Soledad Circle Estates project (Project) will involve construction of 147 residential, detached-condominium cluster-homes.
7. Project Description: The Project site is currently undeveloped land in Soledad Canyon.

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The Project will convert the 19.53-acre site (Site) into a residential community single-family condominium homes along with a large recreational area and two smaller recreational lots. A deceleration lane will be constructed offsite adjacent to the eastbound side of Soledad Canyon Road to allow traffic to safely enter the proposed development. The Project will grade 150,000 cubic yards of earth and its use will be balanced onsite (the Project will not require any export of fill material). Project implementation is scheduled to start as soon as all permitting, certification, and plans are approved. The duration of project is indeterminate at this time.

The proposed project will impact natural resources on site through construction, including 1.97 acres of jurisdictional waters and riparian habitat onsite. The mitigation plan prepared for this project proposes the creation of 2.60 acres of habitat onsite. Mitigation for the implementation of the project will also include the acquisition of 5.00 acres of offsite habitat within the Santa Clara River watershed.

The City of Santa Clarita is requiring a deceleration lane for the transition between east bound Soledad Road and the Penlon Road access to the development. To address increased high level water flow during storm events, a double box culvert is being constructed along the wetland to divert runoff from the development. In this offsite area, located south of Soledad Canyon Road and north of the Southern Pacific Railroad tracks, Land Design Consultants conducted wetland delineation on August 24, 2005 to determine jurisdiction (JD) under the U.S. Army Corps of Engineers (Corps) and the California Department of Fish and Wildlife (CDFW). It was determined that there is 0.396-acre of Corps JD that includes 0.258 acres of wetlands, and 0.775 acres of CDFW JD. All areas that fell under Corps JD fell under CDFW.

A total of 0.050 acres of Corps JD and 0.119 acres of CDFW JD will be temporarily impacted from the widening of the road and the construction of the culvert in the offsite area. Temporary impacts include those caused by equipment or personnel and would be restored upon project completion (as described in the Mitigation and Monitoring Plan received by this Regional Board July 7, 2011). Permanent impacts in the wetland areas will include 0.063 acres of Corps JD and 0.184 acres of CDFW JD.

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To address temporary and permanent impacts to offsite jurisdictional waters, 0.750 acres of waters of the US will be created adjacent to the existing wetland. Willows, cattails, cottonwoods, and other wetland vegetation will be planted and low flow nuisance water from the area will be diverted to support the new wetland and riparian area. Wetland vegetation will be removed prior to work commencing in the existing area and restoration will be implemented upon completion in this temporary impact area, which will be 0.591 acres. Restoration will include replacement of original vegetation from transplants and cuttings as well as the addition of new vegetation.

8. Federal Agency/Permit: U.S. Army Corps of Engineers  
Individual Permit No. 404 (Permit No. 2006-00362-KW)
9. Other Required Regulatory Approvals: California Department of Fish and Wildlife  
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The City of Santa Clarita approved a Mitigated Negative Declaration for the project.
11. Receiving Water: Unnamed tributary to Santa Clara River (Hydrologic Unit no. 403.55)
12. Designated Beneficial Uses: MUN\*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET  
  
\*Conditional beneficial use
13. Impacted Waters of the United States: Federal jurisdictional wetlands: 0.041 temporary acres (294 linear feet) and 0.178 permanent acres (353 linear feet).  
  
Non-wetland waters (streambed): 0.009 temporary acres (233 linear feet) and 0.705 permanent acres (1,977 linear feet)

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14. 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.

15. Avoidance/  
Minimization  
Activities:

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

- All clearing and grubbing of the project site shall take place between August 15 and February 15 to ensure nesting birds are not present.
- The set aside areas will be lined with an impermeable liner and all washings or residue will be collected and properly disposed of following construction.
- A complete Storm Water Pollution Prevention Plan (SWPPP) will be prepared, approved by the County, and implemented to prevent downstream impacts from runoff and erosion.
- Monitoring of the SWPPP measures will take place monthly during the summer and weekly during the winter. SWPPP measures will also be checked after each rain event. A monitoring report will be prepared and presented to the County bi-annually or whenever measures are not being adequately implemented.
- If biofiltration detention basins are not feasible, CDS devices will be installed in all storm drains at appropriate locations to capture and filter the first 0.75 inch of rainfall and all regular nuisance runoff.
- A hazardous materials collection site shall be located within the development, which will allow free drop off of oils, paints, insecticides, etc. by community residents.
- The measures adopted that will limit pollution in the Santa Clara River and the potential negative impact on aquatic species include direct rooftop runoff to yards or vegetated areas, slope protection, use of permeable materials for sidewalk and driveway, etc.

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16. Proposed  
Compensatory  
Mitigation:

At least 2.882 acres of riparian or wetland habitat will be created on and offsite for impacts to jurisdictional waters. This habitat includes the 2.6 acres that will be created through the formation of a newly manufactured stream course onsite. And, from the 2.882 acres of riparian or wetland habitat created on and offsite, 2.202 acres created will be waters of the United States (1.92 acres onsite and 0.282 acres offsite). From the 2.202 acres of waters created onsite and offsite, 0.575 acres created will be jurisdictional wetlands (0.45 onsite, 0.125 offsite); 1.457 acres created will be vegetated streambed (1.30 onsite, 0.157 offsite); and 0.170-acre created will be unvegetated streambed (onsite).

Furthermore, 0.750-acre of jurisdictional waters will be created adjacent to the project site to address temporary and permanent impacts to the offsite jurisdictional waters.

All temporary impact areas will be restored with in-kind habitat. Offsite, restoration will be implemented upon completion in the temporary impact area, from which wetland vegetation will have been removed prior to work commencing. The size of this temporary impact area to be restored will be 0.591-acre, and restoration will include the replacement of original vegetation from transplants and cuttings as well as the addition of new vegetation.

Five acres of riparian habitat, of which 3.72 acres are waters of the United States, will be acquired in the Santa Clara River wash and maintained through a conservation easement to the Mountains Recreation and Conservation Authority (MRCA). The 5 acres is intended to be deeded in fee to the City of Santa Clarita after the MRCA easement is recorded.

17. Required  
Compensatory  
Mitigation:

The Applicant shall provide 0.575 acres of like mitigation for impacts to jurisdictional impacts, and 2.115 acres of like mitigation for impacts to vegetated streambed. 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. 11-112

#### 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. 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. Please contact the Land Disposal Unit at (213) 620-2253 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 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

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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. 2011-0002-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. See:

[http://www.waterboards.ca.gov/losangeles/publications\\_forms/forms/npdes-wdr\\_forms.shtml](http://www.waterboards.ca.gov/losangeles/publications_forms/forms/npdes-wdr_forms.shtml)

for the ROWD form (Form 200), and

[http://www.waterboards.ca.gov/losangeles/publications\\_forms/forms/general\\_npdes\\_application\\_forms.shtml](http://www.waterboards.ca.gov/losangeles/publications_forms/forms/general_npdes_application_forms.shtml)

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for Regional Board staff contact and information. Please be advised that the above web sites are listed for convenience only, and they may be revised or located to other web addresses without notice.

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.
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

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violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

23. The Applicant shall restore the proposed **0.05 acres** 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.
24. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporal and permanent loss of waters of the United States. Table I below lists the impact by jurisdictional wetland and vegetated streambed, permanent and temporary impact, impact ratio requirement, and mitigation acreage totals. Actual mitigation must be equal to or greater than the mitigation required (**0.575 acres** of jurisdictional wetland, **2.124 acres** of vegetated streambed):

**TABLE I**

<b>Jurisdictional Wetland (in acres)</b>		
	<b>Impact</b>	<b>Mitigation</b>
Permanent Impact	0.178	0.534 (3:1)
Temporary Impact	0.041	0.041 (1:1)
<b>Total</b>		<b>0.575</b>
<b>Vegetated Streambed (in acres)</b>		
	<b>Impact</b>	<b>Mitigation</b>
Permanent Impact	0.705	2.115 (3:1)
<b>Total Mitigation Acreage</b>		<b>0.575 + 2.115 = 2.690</b>

If the Applicant proposes funding to a third-party organization in part or total for the creation or restoration for the mitigation required in Item 24 above in waters of the United States, then funding shall apply to mitigation acreage only, exclusive of administrative costs. The mitigation site shall be located within the Santa Clara River Watershed unless otherwise approved by this Regional Board. 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.

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**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.

25. 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.
26. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation success 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 and answered appropriately whether or not mitigation has been performed:
  - (e) Color photo documentation of the pre- and post-project and mitigation site conditions;
  - (f) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
  - (g) The overall status of project including a detailed schedule of work;
  - (h) Copies of all permits revised as required in Additional Condition 1;
  - (i) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
  - (j) A certified Statement of “no net loss” of wetlands associated with this project;
  - (k) Discussion of any monitoring activities and exotic plant control efforts; and
  - (l) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
27. 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

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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.

28. 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.

29. 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)"

30. 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>.

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31. 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.
32. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **11-112**. Submittals shall be sent to the attention of the 401 Certification Unit.
33. Any modifications of the Project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
34. 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. R2012-0175. 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.
35. 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.
36. 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.

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37. *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.
38. 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.