



# California Regional Water Quality Control Board

## Los Angeles Region



Linda S. Adams  
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Arnold Schwarzenegger  
Governor

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

Linna Wei  
California Department of Transportation  
100 S. Main Street  
Los Angeles, CA 90012

### WATER QUALITY CERTIFICATION FOR PROPOSED VEN-150 SANTA PAULA CREEK FISH WEIR MODIFICATION PROJECT (Corps' Project No. 2009-00558-VCC), VENTURA COUNTY (File No. 09-137)

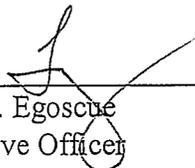
Dear Ms. Linna Wei:

Board staff has reviewed your request on behalf of CA Dept. of Transportation (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on March 4, 2010.

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

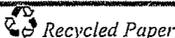
The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Dana Cole, Section 401 Program, at (213) 576-5733.

  
\_\_\_\_\_  
Tracy J. Egoscue  
Executive Officer

3/16/10  
\_\_\_\_\_  
Date

*California Environmental Protection Agency*



## DISTRIBUTION LIST

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

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

Veronica Chen  
U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
P.O. Box 532711  
Los Angeles, CA 90053-2325

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

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

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

Jessie Altstatt  
Santa Barbara Channel Keeper  
714 Bond Street  
Santa Barbara, CA 93103  
For Ventura Co. only. Erase me please!

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

**ATTACHMENT A**

**Project Information**  
**File No. 09-137**

1. Applicant: California Department of Transportation  
100 S. Main Street  
Los Angeles, CA 90012  
  
Phone: (213) 897-0840 Fax: (213) 897-0685
2. Project Name: Ven-150 Santa Paula Creek Fish Weir Modification Project
3. Project Location: North of the City of Santa Paula, Ventura County

<u>Latitude</u> (decimal degrees)	<u>Longitude</u> (decimal degrees)
34.4265	119.0900
34.4266	119.0889
34.4266	119.0890
34.4265	119.0900
34.4266	119.0889
34.4266	119.0890
34.4265	119.0900
34.4265	119.0900

4. Type of Project: Repair of concreted Rock Weir and Rock Slope

5. Project Purpose: The proposed project (Project) will replace the destroyed check dams (channel stabilizers and concrete rock slope protection). This section of the creek was heavily damaged in major flood events estimated to be close to the 100-year level during the winter of 2005. The 2005 storm destroyed several grade control structures and created an eight-foot high waterfall that is impassable to upstream migrating steelhead.

The objective is to stabilize this portion of Santa Paula Creek and to permanently remedy the steelhead migration barrier that has been present since the 2005 storm. This project will benefit the steelhead trout and other sensitive fish by increasing their migratory corridors and habitats for spawning along the Santa Paula Creek.

## ATTACHMENT A

### Project Information

File No. 09-137

#### Project Description:

The check dams were initially constructed to protect the abutments of Santa Paula Bridge and retaining wall adjacent to Route 150 at Santa Paula Creek. The Project will construct concrete rock weirs and concrete rock slope protection with the capacity to facilitate fish passage upstream of Santa Paula Creek adjacent to State Route 150. Additional drainage work will include the repair of existing, damaged 12-inch-diameter galvanized corrugated metal pipes. Two educational kiosks will be erected on State Route 33.

The proposed project is located adjacent to Route 150 on Santa Paula Creek. It is downstream of bridge No. 52-105, at Post-mile 28.7 within the Santa Paula Creek in Ventura County. It is a mountainous location, on the east slope of Sulfur Mountain. Agriculture and scattered homes are the prevalent land use. A small private college, Saint Thomas Aquinas, is adjacent to the project site. Most of the area is covered with native vegetation, consisting of riparian scrub and coast live oak-walnut woodlands.

Access to the project site has been planned to reduce the impact to the existing riparian vegetation. Construction equipment will be lowered down to the creek from the freeway side. This access will minimize the impact to the existing native vegetation. Construction equipment to be used during project construction includes excavators, loaders, dump trucks, rollers, backhoes, bulldozers, graders, cranes, concrete mixing trucks and pickup trucks.

Caltrans will install a series of 14 rock weir grade control structures and repair grouted rock-slope protection on an approximate 370-foot section of Santa Paula Creek.

To construct the project, water diversion will be created using a coffer dam made from sand or gravel bags and a plastic corrugated pipe that will act as a culvert. Prior to water diversion the creek will be blocked off with nets to ensure steelhead juveniles cannot enter the diversion area. After the construction area is blocked off, a biologist will survey the aquatic habitat for steelhead. Steelhead will be captured via seine or dip nets or both and relocated prior to dewatering and water diversion. The construction area will then be dewatered, and creek flows will be diverted around the construction area for the duration of project construction, which is expected to be about six months.

## ATTACHMENT A

### Project Information File No. 09-137

After the project area is dewatered, the main creek channel will be excavated to a depth of about eight to twelve feet to reach the underlying shale bedrock (bedrock). Concrete debris leftover from the damaged grade control structures and damaged grouted rock slope protection will be removed from the creek channel.

A layer of concrete will be placed over the existing bedrock to create a foundation for the rock weirs and step-pools. Permeable gravel will be placed over the concrete, which will promote groundwater conveyance.

On top of the permeable gravel, a two-ton class rock layer will be placed that will serve as a scour protection and primary foundation layer for the rock weirs and step-pools. The voids in the two-ton class rock layer will be filled with native creek substrate including small boulders, cobbles, gravel, and fines. The approximate six-ton single layer of rocks, comprising the rock weirs, will be placed over the two-ton class rock layer and chained together in two or three rock groups to increase mass of resistance. The voids in the rock weir will be filled with small boulders as well as native cobbles, gravels and fines.

Pools between rock layers will be constructed of small boulders, cobbles, gravel, fines and one or two boulder clusters per pool consisting of three boulders per cluster to create flow diversity. To repair damaged rock slope protection and stabilized banks, four-ton class rock will be placed along the new toes of bank slope. Creek flows will be restored through the main channel after construction is complete. Vegetation will be recruited throughout the project area that will adjust to the natural creek substrate used in the engineered pools and rock weir void filler.

The permanent impact area includes the streambed, stream bank, and partial riparian area along the stream that will be altered during construction, 0.428 acres. Construction will be primarily in the stream and the amount of excavation will be 9,670 cubic yards.

The temporary impact area includes the temporary access points and the area in between the Environmental Sensitive Area fencing and the permanent impact area, 0.276 acres.

Project construction is slated to begin in late May and conclude in

**ATTACHMENT A**

**Project Information  
File No. 09-137**

late October or early November 2011.

6. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP No. 27 and 33 (Permit No. 2009-00558-VCC)
7. Other Required Regulatory Approvals: California Department of Fish and Game  
Streambed Alteration Agreement
8. California Environmental Quality Act Compliance: California Department of Transportation finds the Project Categorically Exempt from CEQA pursuant to "Class 1(d) (PRC 21084; 14 CCR 15300 et seq.)
9. Receiving Water: Santa Paula Creek (Hydrologic Unit No. 403.21)
10. Designated Beneficial Uses: MUN\*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, MIGR, SPWN  
  
\*Conditional beneficial use
11. Impacted Waters of the United States: Non-wetland waters (vegetated streambed): 0.276 temporary acres (260) linear feet) and 0.428 permanent acres (370 linear feet)
12. Dredge Volume: None
13. Related Projects Implemented/to be Implemented by the Applicant: Construction is completed for widening of Sisar Creek Bridge and Santa Paula Creek Bridge. The following table shows Caltrans' proposed projects in the next five (5) years that might have impacts to Santa Paula Creek:

## ATTACHMENT A

### Project Information File No. 09-137

County	Route	Postmile	Project Description
Ventura	150	20.5/31.5	Storm damage repair
Ventura	150	22.5/23.5	Restore 6 damaged slopes
Ventura	150	22.7/22.8	Storm damage repair
Ventura	150	26.6/30.5	Restore slope
Ventura	150	27.0/31.0	Rebuild a section of failed roadway

#### 14. Avoidance/ Minimization Activities:

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

- Biological surveys of the project area shall be performed in locations having increased biological sensitivity as determined by the District Biologist;
- Surveys shall be conducted at most two weeks prior to the clearing and grubbing of vegetation;
- Surveys for nesting birds shall be conducted when clearing and grubbing of vegetation, having the potential to support nesting birds, cannot be avoided during the nesting season between March 1st and September 1st;
- Bridges shall also be surveyed for nesting birds and exclusionary measures shall be implemented to prevent nesting during construction activities;
- All applicable Construction Best Management Practices for water quality shall be implemented to minimize project affects to jurisdictional drainages;

## ATTACHMENT A

### Project Information File No. 09-137

- All Federal and State litter laws shall be followed by the contractors;
- Access will be limited to one pathway only. The designed pathway will have the least impact to the native plants and riparian habitat;
- Access limit will be flagged or marked out in some manner;
- Access path will be re-contoured back to original if necessary, and blocked so as not to allow public access upon project completion;
- Work will be conducted during the dry season from April 1st to November 1st;
- Work will occur during daylight hours only, to minimize impacts on nocturnal wildlife activity;
- Vehicle maintenance will not be conducted in the streambed;
- Staging and storage of materials shall be at a minimum of 100 feet from edge of top of bank;
- A water diversion plan shall be submitted to the NOAA, CDFG, USFWS, ACOE and RWQCB for their approval prior to implementation;
- An environmentally sensitive area shall consist of an area within and near the limits of construction where access is prohibited or limited for the preservation of existing vegetation and the protection of biological habitat;
- Impacts to riparian habitat will be mitigated in consultation with the regulatory agencies once drainages design details are finalized;

15. Proposed  
Compensatory  
Mitigation:

The Applicant proposes mitigation onsite at 1:1 for 0.428 acres and off site at 2:1 mitigation for 0.856 acres, for a total of 1.284 acres

**ATTACHMENT A**

**Project Information**

**File No. 09-137**

16. Required  
Compensatory  
Mitigation:

The Applicant shall provide 1.56 acres of mitigation for impacts to vegetated streambed. See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

## ATTACHMENT B

### Conditions of Certification File No. 09-137

#### 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. 14, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

## ATTACHMENT B

### Conditions of Certification

File No. 09-137

6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact the Land Disposal Unit, at (213) 620-6119 for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the

## ATTACHMENT B

### Conditions of Certification

File No. 09-137

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 maintenance activities within waters of the State during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any maintenance activities are to be held within five (5) days of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
15. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
16. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during all construction activities where clearing involves areas to be partially cleared (i.e. some vegetation is to remain in the same reach or in an adjacent reach). 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** 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 construction or maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
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

## ATTACHMENT B

### Conditions of Certification

File No. 09-137

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.

20. The Applicant shall restore the proposed **0.276 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 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.
21. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **0.276 acres** waters of the United States by creating or restoring riparian habitat at a minimum **1:1** area replacement ratio (**0.276 acres**). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.428 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 (**1.284 acres**). Total mitigation provided shall be **1.560 acres**.

## ATTACHMENT B

### Conditions of Certification File No. 09-137

If the Applicant proposes funding to a third-party organization for the creation or restoration of a total of **1.284 acres** of vegetated streambed riparian habitat within waters of the United States/Federal jurisdictional wetlands, then funding shall apply to mitigation acreage only, exclusive of administrative costs. 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.

22. 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.
23. A *Habitat Mitigation Monitoring Plan* was submitted to this Regional Board on March 3, 2010. In accordance with the mitigation plan signed February 19, 2010 the mitigation required above shall be adhered to as long as the mitigation requirements in acreage stated above are met.
24. 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;

**ATTACHMENT B**

**Conditions of Certification**

**File No. 09-137**

- (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.

25. All applications, reports, or information submitted to the Regional Board shall be signed:

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

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

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

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

ATTACHMENT B

Conditions of Certification

File No. 09-137

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

27. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **09-137**. Submittals shall be sent to the attention of the 401 Certification Unit.
28. 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.
29. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to the Department of Transportation (Caltrans) under NPDES No. CAS000003 and Waste Discharge Requirements Order No. 99 - 06 - DWQ. 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.
30. 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. 99-08-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.
31. 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.
32. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

## ATTACHMENT B

### Conditions of Certification

File No. 09-137

33. *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.

34. 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.