



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Agency Secretary

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Arnold Schwarzenegger
Governor

Mr. Ron Horn
Sikand Engineering
15230 Burbank Blvd., Suite 100
Van Nuys, CA 91411

WATER QUALITY CERTIFICATION FOR PROPOSED TRACT 47807 PROJECT (Corps' Project No. 2006-01764-PHT), UNNAMED TRIBUTARIES TO SLOAN CANYON CREEK, CASTAIC, LOS ANGELES COUNTY (File No. 06-197)

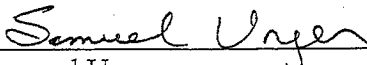
Dear Mr. Horn:

Board staff has reviewed your request on behalf of Spirit Holdings, Inc. (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on November 10, 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 Valerie Carrillo, lead, Section 401 Program, at (213) 576-6759.



Samuel Unger
Executive Officer

Dec. 23, 2010
Date

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

DISTRIBUTION LIST

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ATTACHMENT A

Project Information
File No. 06-197

1. Applicant: Spirit Holdings, Inc.
(Sikand Engineering)
15230 Burbank Blvd., Ste. 100
Van Nuys, CA 91411

Phone: (818) 787-8550
2. Applicant's Agent: Jan Heppert
Lockhart & Associates, Inc.
7983 Santa Cruz Ave.
Orange, CA 92869

Phone: (714) 289-1817 Fax: (714) 289-1907
3. Project Name: Tract 47807
4. Project Location: Castaic, Los Angeles County

Longitude: 118° 39' 49"; Latitude: 34° 29' 47"
Longitude: 118° 39' 02"; Latitude: 34° 29' 47"
Longitude: 118° 39' 02"; Latitude: 34° 29' 22"
Longitude: 118° 39' 05"; Latitude: 34° 29' 22"
Longitude: 118° 39' 05"; Latitude: 34° 29' 19"
Longitude: 118° 39' 32"; Latitude: 34° 29' 19"
Longitude: 118° 39' 32"; Latitude: 34° 29' 32"
Longitude: 118° 39' 49"; Latitude: 34° 29' 32"

Basin A 118° 39' 23"; Latitude: 34° 29' 48"
Basin B 118° 39' 21"; Latitude: 34° 29' 40"
Basin C 118° 39' 23"; Latitude: 34° 29' 35"
Basin D 118° 39' 29"; Latitude: 34° 29' 30"
Basin E 118° 39' 16"; Latitude: 34° 29' 24"
5. Type of Project: Housing development
6. Project Purpose: The purpose of the proposed project is to construct 33 single-family residences and associated infrastructure including five debris basins and also to provide long-term maintenance of the basins.

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7. Project Description:

Background:

The original Application was submitted to the Regional Board in 2006. The design was Denied Without Prejudice on October 15, 2007, due to concerns over the extent of avoidance and minimization of impacts from the proposed project. The project design was originally to include 77 residential units within the 199 acres. The project proposed the widening of Romero Canyon Road and providing other public infrastructure, including linkage to the public sewer system and improved drainage facilities. Permanent impacts associated with the original design were 0.418 acres.

Current Project Description:

The revised project design will now only develop 33 lots within a development area of 113.8 acres. Originally, the development extended to the southern and western edges of the property line. The 33 lots that remain in the plan are the same lots as in the original plan. The 44 lots to the south and east have entirely been eliminated. The average lot size will be 2 acres with a minimum lot size of 1.3 acres. The project still proposes the widening of Romero Canyon Road and providing other public infrastructure, including linkage to the public sewer system and improved drainage facilities. The quantity in cubic yards of material to be used as fill is estimated to be 1.02 million cubic yards.

In order to construct the main roadway through the proposed project, 3 of the 5 main drainages on the property site will be completely underground. A soft-bottom channel (vegetated swale) will be constructed as along the roadway and the banks will be vegetated with native trees and shrubs.

Five debris basins will be constructed as part of the public infrastructure. The project also proposes maintenance of these structures consistent with ACOE General Permit 45.

The 2004 delineation conducted by Gonzales Environmental Consulting was done with the best available technology at that time. The linear foot calculations were made by drawing a straight line down the center of the ephemeral drainages. When the ECORP Consulting firm did the 2010 delineation, they also used the best available technology, which was GPS information collected in the field and calculated using GIS technology. This led to a more accurate analysis of the entire property, including the linear foot

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measurements in the drainages. The existing linear foot measurements on the site were documented more precisely from 9,008 to 11,310 feet, an increase of 2302 feet. The area of the permanent impact actually decreased from 7726 linear feet to 7510 linear feet. The old project design called for impacts to 86% of the drainage linear foot measurements. The new project design calls for impacts to 66% of the drainage linear foot measurements. Total permanent impacts associated with the current project design are 0.231 acres.

In order to develop the site, 3 of the 5 main ephemeral drainages (Drainages 1, 2 and 3) will be impacted for a total length of 7,510 linear feet. The drainages span approximately 0.5 to 25 feet. The total area to be permanently impacted within the drainages is 0.231 acres. Within the property site, another two ephemeral drainages will not be impacted. Drainages 4 (0.07 acres) and Drainage 5 (0.03 acres) will be preserved for a total length of 1,282 linear feet. The following are descriptions of the jurisdictional areas on the property:

- Drainage 1 is approximately 3,604 linear feet and varies in width from 1 to 4 feet. Total acreage within waters of the U.S. is 0.153 acre. The area of permanent impact will be within 0.111 acres (3,001 linear feet).
- Drainage 2 is approximately 3,967 linear feet and varies in width from 1 to 5 feet. Total acreage within waters of the U.S. is 0.110 acre. The area of permanent impact will be within 0.100 acres (3,639 linear feet).
- Drainage 3 is approximately 1,748 linear feet and varies in width from 0.5 to 25 feet. Total acreage within waters of the U.S. is 0.040. The area of permanent impact will be within 0.020 acres (870 linear feet).
- Drainage 4 is approximately 1,735 linear feet and varies in width from 2 to 4 feet. Total acreage within waters of the U.S. is 0.040 acre. No impacts will occur in Drainage 4.
- Drainage 5 is approximately 256 linear feet and varies in width from 2 to 5 feet. Total acreage within waters of the U.S. is 0.012 acre. No impacts will occur in Drainage 5.

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The acreage impacted within California Department of Fish and Game jurisdiction totals 1.99 acres of stream and riparian areas.

Army Corps' of Engineers will be issuing a Nationwide 29 permit based on the calculations within the 2006 delineation. Regardless of which delineation is utilized, the Regional Board recognizes the differences in delineations based on the latest technology and is certifying the project with the impacts specified in the 2010 delineation. All conditions of the mitigation requirements within this Certification will meet the requirements within the 404 ACOE permit, regardless of which delineation information is utilized.

In addition to the need to demonstrate the minimization of impacts, the October 15, 2007 Denial Without Prejudice discussed two additional concerns which which required addressing so that the Regional Board could certify the proposed project. The concerns were: 1) the potential for channelization and downstream effects; and 2) the diminishment of flood storage, habitat and habitat-connectivity. The new project plan includes altered designs and additional application materials to address these concerns. In order to ensure the project does not cause any adverse effects downstream, there are three debris basins located along the western road and vegetated swales along each north-south running roads. In addition, there is a large detention basin at the southern (most downstream) end of the project site. These features will allow for storm flows to percolate prior to exiting the project site. These features will work together to slow the flow of water off-site and mitigate the potential erosional effects downstream of the proposed project.

The project has been minimized such that the area will retain its rural nature with lots averaging greater than two (2) acres. The vegetated swales will provide habitat connectivity and will mimic the lost natural channel to an extent.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 29 (Permit No. 2006-01764-PHT)
9. Other Required California Department of Fish and Game

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- Regulatory Approvals: Streambed Alteration Agreement No. 1600-2006-0370-R5
10. California Environmental Quality Act Compliance: The Los Angeles County Department of Regional Planning approved the Negative Declaration for the proposed project in February 1992.
11. Receiving Water: Unnamed drainages tributary to Sloan Canyon Creek, tributary to Santa Clara River (Hydrologic Unit No. 403.51)
12. Designated Beneficial Uses: MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD

*Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (streambed): 0.231 permanent acres (7,510 permanent linear feet)
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Standard Best Management Practices (BMP's) will be implemented in order to maintain clean water flows and reduce impacts during construction to adjacent sensitive habitat areas.
 - Temporary construction fencing will be used to identify the agreed limits of disturbance within the drainage areas.
 - Spoil sites shall not be located within the drainage, or where

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spoil shall be washed back into a drainage, or where it will cover aquatic or riparian vegetation.

- No heavy equipment shall operate in stream/wash areas.
- Staging/storage areas for equipment and materials shall be located outside of the drainage areas.
- Access to the work site will be via existing roads and access ramps.
- Precautions to minimize turbidity/siltation shall be considered during project planning and implementation. This may require that the work site be isolated and/or the construction of the silt catchment basins, so that silt, or other deleterious materials are not allowed to pass to downstream reaches.
- Preparation shall be made so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the possibility of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
- Plastic sheeting or visquine will be readily available, and will cover exposed spoil piles and exposed areas to prevent these areas from being released into any drainage areas. These covering materials shall be applied when it is evident rainy conditions threaten to erode any freshly graded area.
- All construction debris and associated materials shall be removed from the work site upon completion of this project.
- Silty/turbid water shall not be discharged into any storm drains or drainage areas. Such water will be settled, filtered, or otherwise treated prior to discharge. Silt barriers such as straw hay bales, will be placed and maintained, around storm drain inlets for a period of nine (9) months after the completion of grading operations or until the threat of erosion from surrounding drainages ceases. Silt around silt barriers will be removed on an as-needed basis to prevent silty/turbid water from

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flowing around the silt barriers during storm events. Silt removal will take place after each inch of rainfall, until the threat of erosion ceases.

17. Proposed
Compensatory
Mitigation:

The Applicant has proposed to provide compensatory mitigation for permanent impacts associated with this project, through the purchase of mitigation credits from the Mountain Recreation Conservation Authority (MRCA). The amount of in-lieu funding is proposed at a 3:1 ratio, based upon the CDFG acreage impacts. The total acreage to be purchased will be 2.655 acres. Based on impacts to waters of the U.S., this will represent an actual mitigation ratio of 11.5:1.

18. Required
Compensatory
Mitigation:

The Regional Board will require compensatory mitigation for all permanent impacts associated with the proposed project at a ratio of 11.5:1, through in-lieu funding provided to the MRCA.

The areas within the created soft-bottom channels or within detention basins will not qualify for any mitigation credit.

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

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STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.

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5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.
6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste 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 the Regional Board 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.

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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 target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.
14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
15. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
16. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
17. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during all construction activities involving any vegetation clearing. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
18. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** 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.

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19. All project/maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
20. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:

- pH
- temperature
- dissolved oxygen
- turbidity
- total suspended solids(TSS)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to diversion and then monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Downstream TSS shall be maintained at ambient levels. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

21. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years. The Applicant

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shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.

22. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **0.231 acres** of vegetation within waters of the United States by providing in-lieu funding to the Mountain Recreation Conservation Authority (MRCA). A total of 2.665 acres of credit for waters of the U.S. will be purchased for conservation/restoration. This will correspond to a ratio of 11.5:1 for all permanent impacts associated with the proposed project. The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. The Mitigation Plan shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.
23. 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.
24. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report 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. This report shall include as a minimum, the following documentation:
 - (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results (as required) compiled in an easy to interpret format;
 - (f) A certified Statement of “no net loss” of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and

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- (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
25. Prior to any subsequent maintenance activities within the project areas, 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 existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
26. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.
 - (c) For a sole proprietorship, by the proprietor.
 - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
27. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

"I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the 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)"

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28. The Applicant shall ensure a Report of Waste Discharge (RoWD) be filed for the proposed project, should any person discharge waste, or propose to discharge waste, other than into a community sewer system, which could affect the quality of the waters of State per Section 13260(a) of the California Water Code. Please note that the Applicant is required to file a complete RoWD/Form 200 with this Regional Board at least 120 days prior to commencing the discharge from the proposed project. The Form 200 can be downloaded from the State Board's website at <http://www.swrcb.ca.gov/sbforms/form200.pdf>.
29. The project shall ensure connection to a Public Sewage Treatment System within 12 months of installation of the sewerage lateral collection line within 200 feet of the property. The project shall maintain compliance with Assembly Bill 885 and all local requirements for operation and maintenance of septic systems.
30. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **06-197**. Submittals shall be sent to the attention of the 401 Certification Unit.
31. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
32. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2009-009-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
33. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
34. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of

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noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

35. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.

36. 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.

