



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Ms. Amy Glad  
Pardee Homes  
10880 Wilshire Boulevard Suite 1900  
Los Angeles, CA 90024

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7009 2820 0001 6537 7177

**WATER QUALITY CERTIFICATION FOR PROPOSED PITTS RANCH NORTH/SOUTH BASIN AND OUTLET AREA MAINTENANCE PROJECT (Corps' Project No. 2013-00231-AOA), CALLEGUAS CREEK, CITY OF CAMARILLO, VENTURA COUNTY (FILE NO. 13-067)**

Dear Ms. Glad:

Board staff has reviewed your request on behalf of Pardee Homes (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on March 7, 2014.

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.

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

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

Samuel Unger  
Samuel Unger, P.E.  
Executive Officer

4-9-14  
Date

## DISTRIBUTION LIST

Martin Rasnick  
Glenn Lukos Associates  
29 Orchard  
Lake Forest, CA 92630

Jessie Altstatt  
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714 Bond Street  
Santa Barbara, CA 93103

Peter Brand  
Coastal Conservancy  
1330 Broadway, Suite 1100  
Oakland, CA 94612  
For large Santa Clara River & Calleguas Creek

Aaron Allen  
U.S. Army Corps of Engineers  
Regulatory Branch, Ventura Field Office  
2151 Alessandro Drive, Suite 255  
Ventura, CA 93001

Paul Amato  
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

**ATTACHMENT A**

**Project Information**  
**File No. 13-067**

1. Applicant: Ms. Amy Glad  
Pardee Homes  
10880 Wilshire Boulevard Suite 1900  
Los Angeles, CA 90024  
  
Phone: (310) 446-1240 Fax: (310) 446-1292
2. Applicant's Agent: Martin Rasnick  
Glenn Lukos Associates  
29 Orchard  
Lake Forest, CA 92630  
  
Phone: (949) 837-0404 Ext. 20 Fax: (949) 837-5834
3. Project Name: Pitts Ranch North/South Basin And Outlet Area Maintenance Project
4. Project Location: Camarillo, Ventura County

<u>Location</u>	<u>Latitude</u>	<u>Longitude</u>
Northern Basin	34.237141	-119.006820
Northern Basin	34.236916	-119.006655
Northern Basin	34.236597	-119.006563
Northern Basin	34.236304	-119.006640
Northern Basin	34.235875	-119.006836
Northern Basin	34.236161	-119.007269
Northern Basin	34.236588	-119.006854
Northern Basin	34.236996	-119.006986
Northern Basin Outlet	34.236123	-119.006565
Northern Basin Outlet	34.236101	-119.006317
Northern Basin Outlet	34.236074	-119.005877
Northern Basin Outlet	34.236199	-119.005449
Northern Basin Outlet	34.236249	-119.005275
Northern Basin Outlet	34.236051	-119.005276
Northern Basin Outlet	34.235991	-119.005969
Northern Basin Outlet	34.236055	-119.006460
Southern Basin	34.230222	-119.007875
Southern Basin	34.230014	-119.007279

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<u>Location</u>	<u>Latitude</u>	<u>Longitude</u>
Southern Basin	34.230165	-119.006936
Southern Basin	34.229979	-119.006448
Southern Basin	34.22972	-119.006556
Southern Basin	34.229728	119.007294
Southern Basin	34.229799	-119.007895
Southern Basin	34.229979	-119.008174
Southern Basin Outlet	34.229532	-119.007177
Southern Basin Outlet	34.229557	-119.007128
Southern Basin Outlet	34.229273	-119.007166
Southern Basin Outlet	34.229168	-119.007218
Southern Basin Outlet	34.229169	-119.007251
Southern Basin Outlet	34.229266	-119.007272
Southern Basin Outlet	34.229425	-119.007248
Southern Basin Outlet	34.229554	-119.117230
Southern Basin Outlet	34.22957	-119.008199
Southern Basin Outlet	34.229419	-119.008526
Southern Basin Outlet	34.229235	-119.008800
Southern Basin Outlet	34.228912	-119.008843

5. Type of Project: Detention basin maintenance
6. Project Purpose: The proposed project will maintain two existing detention basins and their outlets into and within Calleguas Creek to ensure that each of these facilities function at their original flood control design capacity for the Pitts Ranch Residential Development.
7. Project Description: Maintenance activities will include sediment removal, vegetation removal, and trash and debris removal (Project). The Project will conduct periodic excavation, land clearing, repair, and maintenance of existing detention basin structures and appurtenances, fire hazard clearing, and vegetation removal to restore the basins and outlet maintenance areas to their original flood design capacity.
- Both detention basins were constructed in upland areas adjacent to Calleguas Creek; however, each basin now contains wetlands. Both the areas of proposed maintenance at the detention basin outlets extend into Calleguas Creek. Waters of the United States associated with the Project, including the basins constructed in

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previously upland areas, totals 1.64 acres, of which 1.00 acre is wetlands. Specifically, waters associated with the northern basin and its outlet maintenance area totals 0.87 acres, of which 0.46 acres are wetlands, and waters associated with the southern basin totals 0.77 acres, of which 0.54 acres are wetlands. The linear-foot impacts to streambeds total 1,541 linear feet, of which 743 linear feet consists of vegetated streambed and 798 linear feet includes wetlands.

#### Northern Basin

The northern basin is located immediately adjacent to Calleguas Creek at the east end of Via Secoya near its intersection with Alta Vista Place. Waters associated with the northern basin totals 0.66 acre, of which 0.46 acre consists of wetlands.

#### North Basin Outlet Maintenance Area

The north basin outlet maintenance area is located immediately east of the north basin along the fringe of Calleguas Creek. Waters associated with the north basin outlet maintenance area totals 0.21 acre, none of which consists of wetlands, and a total of 406 linear feet of streambed will be temporarily disturbed.

#### Southern Basin

The southern detention basin is located immediately adjacent to Calleguas Creek at the south end of Avenida Navidad near its intersection with Marsala Way. Waters associated with the southern basin totals 0.64 acre, of which 0.49 acre consists of wetlands.

#### South Basin Outlet Maintenance Area

The south basin outlet maintenance area is located immediately south-southwest of the south basin along the fringe of Calleguas Creek. Waters associated with the south basin outlet maintenance area totals 0.13 acre, of which 0.05 acre consists of wetlands, and 585 linear feet of streambed is present.

Sediment and vegetation removal operations may occur as needed each year, or following a single storm event; however, such operations would be restricted within Calleguas Creek to outside of the nesting season, unless a nesting bird survey conducted by a qualified biologist confirms that no birds are nesting within the

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proposed maintenance areas.

The frequency of cleanouts will be dependent upon watershed conditions and the occurrence and/or magnitude of storm events.

Sediment removal in the basins will occur when the quantity of sediment in a detention basin or outlet maintenance area has reached 25% of original design depth. Sediment removal within the outlet maintenance areas in Calleguas Creek will occur as needed.

In addition to sediment removal and disposal, ongoing maintenance activities associated with the North and South Basins detention basins will include:

- Mowing of vegetation, as necessary;
- Remove litter and debris from the basin banks and bottom, as required;
- Repairing access roads, basin slopes and embankments that have eroded, inlet structures, fencing, and other existing structures and appurtenances; and
- Removing ponded water, trash, and invasive vegetation/weeds for vector control purposes (in compliance with vector control requirements).

Sediments may be temporarily stored within adjacent upland areas outside of jurisdiction during maintenance periods until removed from the site by truck or other appropriate means. Sediment removed from the Project will be transported to a legal point of disposal.

Proposed maintenance activities will not occur within the outlet maintenance areas within Calleguas Creek when flowing water is present. Proposed removals will only occur when the creek is not flowing.

- |                           |                                                                        |
|---------------------------|------------------------------------------------------------------------|
| 8. Federal Agency/Permit: | U.S. Army Corps of Engineers<br>NWP No. 43 (Permit No. 2013-00231-AOA) |
| 9. Other Required         | California Department of Fish and Wildlife                             |

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- Regulatory Approvals: Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The City of Camarillo determined the proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 Existing Facilities. A Notice of Determination was filed with the Ventura County Clerk on February 4, 2010.
11. Receiving Water: Calleguas Creek Reach 2 (Hydrologic Unit Code 180701030107)
12. Designated Beneficial Uses: MUN\*, AGR, GWR, FRSH, WARM, COLD, WILD, RARE, WET, REC1, REC2
- \*Conditional beneficial use
13. , Impacted Waters of the United States: Federal jurisdictional wetlands: 1.00 temporary and 0.00 permanent acres
- Non-wetland waters (unvegetated streambed): 0.64 temporary and 0.00 permanent acres
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:
- Work will be conducted under no flow conditions to preclude any impacts to water quality;
  - If nuisance water is present in the lower portions of the basins during sediment removal, measures will be implemented to

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ensure that sediment entrainment is minimized to the maximum extent practicable through the use of sand bags or hay bales at the basin outfalls and inlet structures;

- Proposed maintenance activities will not occur within the outlet maintenance areas within Calleguas Creek when flowing water is present;
- Equipment and vehicles will be staged outside of the detention basins and outlet maintenance areas to ensure that potential impacts to water quality associated with the presence of equipment and vehicles are minimized;
- All vehicle or equipment maintenance will be performed outside of jurisdictional areas and appropriate measures will be taken to ensure that any spills (e.g., fluids) will be completely removed, if such should occur, in adjacent upland areas;
- All maintenance vehicles and equipment will be kept in good working order (free from leaks occurring);
- Appropriate BMPs will be maintained in order to ensure construction materials remain within the construction work boundaries;
- All construction materials will be cleaned up within the construction work boundaries;
- Maintenance will be performed outside of the rainy season to the greatest extent practicable to minimize potential impacts to water quality and as such, no diversion of normal low flows are planned or proposed;
- If low flows are leaving the detention basins, or the outlet maintenance areas, hay bales or sand bags will be installed, as needed, at the basin outfalls and inlet structures to capture sediments;
- Upon completion of any maintenance activities, the hay bales or sand bags will be removed along with any sediment trapped by the sand bags or hay bales;



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- Sediments may be temporarily stored within adjacent upland areas during maintenance periods until removed from the site via truck or other suitable means. Sediments removed from the project will be transported to a city and/or County of Ventura-approved landfill.

17. Proposed  
Compensatory  
Mitigation:

None

18. Required  
Compensatory  
Mitigation:

While debris removal and vegetation management are generally considered temporary impacts, this project intends to continue periodic maintenance in perpetuity to maintain flood control capacity. In addition, while some of the area to be maintained was constructed in previously upland areas, the outlet maintenance areas are in Calleguas Creek. For these reasons a 1:1 compensatory mitigation ration will be required. The Applicant shall provide 1.64 acres of mitigation for impacts to waters of the state an U.S. 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. 13-067

#### 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 Wildlife's (CDFW) 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 CDFW's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

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

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### Conditions of Certification File No. 13-067

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. 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.
16. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge (ROWD)** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.

Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

17. All project and 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.
18. 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.

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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.

19. The Applicant shall provide **compensatory mitigation** to offset the proposed temporary loss of **1.64 acres** waters of the United States by creating or restoring wetland or riparian habitat at a minimum **1:1** area replacement ratio (**1.64 acres**). If the Applicant proposes funding to a third-party organization for the creation or restoration of **1.64 acres** within waters of the United States/Federal jurisdictional wetlands, then funding shall apply to mitigation acreage only, exclusive of administrative costs. The mitigation site shall be located within the Calleguas-Conejo Creek 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.

**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**

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made between the Applicant and a third party organization regarding compensatory mitigation efforts.

20. The Applicant shall submit to this Regional Board **Annual 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 and project completion 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:
  - (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 and a detailed schedule including whether or not work has begun on the Project;
  - (d) Copies of all permits revised as required in Additional Condition 1;
  - (e) Water quality monitoring results for each reach (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
  - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
21. 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.

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(d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

22. 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)"

23. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **13-067**. Submittals shall be sent to the attention of the 401 Certification Unit.
24. 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.
25. The project shall comply with the local regulations associated with the Regional Board's Municipal Stormwater Permit issued to Ventura County and co-permittees under NPDES No. CAS004002 and Waste Discharge Requirements Order No. R4-2010-0108. This includes the Stormwater Quality Urban Impact Mitigation Plan (SQUIMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall 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.
26. 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.

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27. 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.
28. *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.
29. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application at least 90 days prior to termination of this Certification if renewal is requested.