



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Rick Doremus
Synergy/Brookfield II
14055 Tahiti Way, Suite 303
Marina del Rey, CA 90292

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7012 3460 0001 6366 0915

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED PARK PLACE PROJECT TRACT 60259 PROJECT (Corps' Project No. 2004-01137-AOA), TICK CANYON WASH, TRIBUTARY TO SANTA CLARA RIVER, CITY OF SANTA CLARITA, LOS ANGELES COUNTY (File No. 14-071) (RE-ISSUANCE 07-049)

Dear Mr. Doremus:

Board staff has reviewed your request on behalf of Synergy/Brookfield II (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on November 14, 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.

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

Should you have questions concerning this Certification action, please contact Valerie Carrillo Zara, P.G., Lead, Section 401 Program, at (213) 576-6759.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

Feb. 3, 2015
Date

DISTRIBUTION LIST

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Bill Orme (via electronic copy)
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ATTACHMENT A

**Project Information
File No. 14-071**

1. Applicant: Synergy/Brookfield II
14055 Tahiti Way, Suite 303
Marina del Rey, CA 90292

Phone: (714) 309-2082
2. Applicant's Agent: Wade Caffrey
VCS Environmental
30900 Rancho Viejo Road, Suite 100,
San Juan Capistrano, CA 92675

Phone: (949) 489-2700 Fax: (949) 489-0309
3. Project Name: Park Place Project Tract 60259
4. Project Location: Santa Clarita, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
34.463889	118.388333
34.465833	118.382778
34.466944	118.370000
34.463056	118.371389
34.456667	118.377222
34.450278	118.392500
34.455000	118.387778
34.455000	118.390556

5. Type of Project: Residential housing development
6. Project Purpose: To construct a residential development and public park, approximately 258 acres in size, which will support approximately 492 residential units in the general vicinity of Santa Clarita.
7. Project Description: The proposed project (Project) will construct 492 single-family dwelling units, associated roadways, public water and sewer infrastructure and a 38-acre park within unincorporated Los Angeles County, adjacent to the City of Santa Clarita.

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The Applicant submitted an application for this project to the Regional Board in 2007. The Regional Board issued a Denial Without Prejudice on March 25, 2008 for the originally proposed project. The denial addressed the need for further analysis of project-specific alternatives and further avoidance and minimization of project impacts. Following the submittal of additional documentation, the Regional Board issued a certification for this project under File No. 07-049 on December 17, 2009. The project was never undertaken.

In 2014, the Applicant applied for a new 401 Certification for a revised project. In the proposed revised project, impacts have been reduced to 1.96 acres (20,057 linear feet) of permanent impacts in comparison to 2.44 acres (23,471 linear feet) of permanent impacts in the 2009 Section 401 Certification. This reduction was from the revisions which shifted the project to the south and east slightly, reducing impacts to several drainages. In addition, the design of the project avoids major impacts to Tick Canyon Wash.

The Project site totals 523 acres. The proposed development consists of single-family residential lots (each 5,000 to 7,000 square feet), including a water tank and pump station. A system of roadways is also planned, including the extension of Shadow Pines Boulevard from its current terminus south of the site. The extension of Shadow Pines Boulevard includes the construction of two bridges over Tick Canyon Wash. Project site access is taken from the Antelope Valley Freeway (SR-14) and Soledad Canyon Road. Additionally, public water and sewer infrastructure will be extended to support the proposed additional residential units.

Existing single-family dwelling units occur on the western Project boundary and a recently-approved single-family detached development, Vesting Tentative Tract No. 48086 (Spring Canyon), is located south east of the Project site. Single-family dwelling units also border the areas to the east and west of the southerly extension of Shadow Pines Boulevard and Tick Canyon Road, between Grandifloras Road and the southern site boundary. A limited number of rural residential units and the SLA Sanctuary, a privately operated animal sanctuary, are located to the north and northeast of the Project site. The rural residential units and the SLA Sanctuary generally obtain access from an approximately 16-foot wide unimproved (dirt) road paralleling Tick Canyon Wash.

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Other than several unimproved dirt roads, the Project site is vacant. The Project site includes several vegetation types including riversidian sage scrub, sage oak chaparral, and non-native valley and foothill grasslands. Tick Canyon Wash traverses the center of the site in a northeasterly to southwesterly direction and is an active ephemeral watercourse that drains to the Santa Clara River. Tick Canyon Wash is fed by a number of small tributaries throughout the site.

Tick Canyon lies between Mint Canyon to the west and Tapia and Spring Canyons to the east. The Project site displays prominent north-to-northeast trending ridges with secondary northwest-to-west oriented ridges descending to the canyon floor. Within the Project site, elevations range from over 2300 feet to 1790 feet above mean sea level.

The US Army Corps of Engineers issued a Jurisdictional Delineation for the site on May 23, 2005. The applicant's agent, Vandermost Consulting Services (VCS) also visited the site in 2006, and again in November 2013, to confirm that site conditions have not changed from the original delineation. Based on delineation results, approximately 7.64 acres of US jurisdictional waters, of which, 5.83 acres are located within the project site and 1.81 acres are located off-site in the proposed southern and northern extensions of Shadow Pines Boulevard. Approximately 265 acres of the site will be retained as natural open space, which excludes the neighborhood park.

Of the total 5.83 acres of jurisdictional waters on-site, the project permanently impacts 1.96 acres and temporarily impacts 1.42 acres. Temporary impacts occur in Tick Canyon Wash from excavation required to construct Shadow Pines Boulevard and the temporary relocation of power poles. Temporary impacts to Tick Canyon Wash will be restored by planting with native habitat similar to the existing habitat. The off-site permanent impacts total 0.430 acre out of the 1.810 acres of jurisdictional waters.

Vehicular access to the project will be provided through the extension of Shadow Pines Boulevard/Tick Canyon Road from its current terminus at Grandifloras Road to the southern site boundary. That street segment will be confined to the existing publicly

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dedicated right-of-way and constructed to the County's "secondary highway" standards, consistent with the Master Plan of Highways. A second means of publicly assessable vehicular access will be from the eastern extension of Snow Drop Court. In addition, secondary emergency vehicular access to the project will be provided through the extension of Shadow Pines Boulevard/Tick Canyon Road as a private driveway/firelane, from the northern project boundary to Summit Knoll Road.

The private driveway/fire lane will generally follow the existing alignment of the unimproved (dirt) segment of Shadow Pines Boulevard/Tick Canyon Road extending for about 1 mile beyond the northern project boundary. Along that alignment, the road will be the full 26-foot pavement width recommended by the Los Angeles County Fire Department. Of its approximately 1-mile length, only about 630 linear feet will contain a pavement width of less than 26 feet, due to topographic limitations. At no point will the pavement width be less than 20 feet.

Two bridges across Tick Canyon Wash are proposed. An 80-foot wide and approximately 380-foot long bridge constructed along Shadow Pines Boulevard/Tick Canyon Road will cross Tick Canyon Wash near the site's southwestern corner, generally in the area where Shadow Pines Boulevard/Tick Canyon Road enters the project and about 700 feet from the site's southwestern boundary. Another stream crossing is proposed near the northeastern corner of the project (Street "Q"). At that location, a four-way intersection will be created and a 56-foot or 60-foot wide bridge, approximately 280-feet long, will be constructed to provide direct vehicular access from Shadow Pines Boulevard/Tick Canyon Road to the proposed neighborhood park site.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
Individual Permit No. 2004-01137-AOA.
9. Other Required
Regulatory Approvals: California Department of Fish and Wildlife
Streambed Alteration Agreement
10. California
Environmental Quality
Act Compliance: The City of Los Angeles, Department of Regional Planning prepared an Environmental Impact Report (EIR) for this project. A Notice of Determination was filed with the State Clearinghouse on June 11, 2007.

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11. Receiving Water: Tick Canyon Wash to the Santa Clara River (Hydrologic Unit Code: 180701020403)
12. Designated Beneficial Uses: MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET
- *Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (unvegetated streambed): 1.417 temporary acres (3,397 linear feet) and 1.956 permanent acres (20,057 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:
- Construction fencing will be erected around preservation areas to prevent contamination, erosion, disturbance, or entry of heavy equipment during construction activities.
 - Bird surveys will be conducted if vegetation removal is proposed during the nesting season.
 - If an active bird nest is discovered, disturbance within 300 feet (500 feet for raptors) will be postponed until the nest is vacated, offspring have left the nest area, and there is no evidence of further attempts at nesting, as determined by the project biologist.
 - Limits of avoidance will be demarcated with flagging or fencing.
 - Watering during construction and irrigation of finished areas will be utilized to reduce wind erosion and dust.

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- Temporary debris basins, silt fences, straw bale dikes, sand bags, drainage swales, check dams, sediment traps, temporary earthen dikes will be utilized to prevent sediments from exceeding the undisturbed or prior construction condition(s) and as needed during the rainy season.
- Equipment washing and mixing of concrete and other chemicals will be performed in designated areas, and will be lined with an impermeable material.
- All waste, including vegetation, clearing, washing, and grubbing material, equipment maintenance material, building material and sewage will be disposed of in accordance to all applicable federal, state, and local laws, regulations, and ordinances.
- Hazardous or dangerous materials will be set aside a locked, weather resistant storage area, with containers tightly closed. Containers will be checked for leaks or deterioration. All products will be labeled clearly.
- If a spill incident occurs, any spills or excess of toxic materials shall be cleaned immediately and disposed of and reported as required by local, state and federal regulations.
- Sediments and other materials will not be tracked from the site by vehicle traffic. Construction entrance roadways will be stabilized to inhibit sediments from being deposited onto public ways. Any accidental deposition will be immediately cleaned up.
- Non-stormwater runoff from equipment or vehicle washing and any other activity at the work site will be contained.
- At completion of the work, the worksite will be cleared of debris

17. Proposed
Compensatory
Mitigation:

The Applicant has proposed to provide mitigation as specified in the "Final Compensatory Habitat Mitigation and Monitoring Plan for Park Place Project/Tentative Tract 60259," dated September 2014, approved by the U.S. Army Corps of Engineers.

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18. Required
Compensatory
Mitigation:

The Regional Board will require the following compensatory mitigation:

The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of 1.42 acres of non-wetland waters of the United States by restoring non-wetland habitat at a minimum 1:1 area replacement ratio (1.42 acres). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to 1.96 acres of non-wetland waters of the United States by creating non-wetland habitat at a minimum 1.62:1 area replacement ratio (3.17 acres), by restoring non-wetland habitat at a minimum 0.83:1 area replacement ratio (1.63 acres), and by preserving a 13.5-acre parcel containing 2.44 acres of non-wetland streambed.

See *Attachment B, Conditions of Certifications, Additional Conditions* for additional requirements for the compensatory mitigation.

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Conditions of Certification File No. 14-071

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, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

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6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. 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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by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2011-0002-DWQ and 2004-0009-DWQ.

14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
15. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
16. Sediment removal at each phase shall not go beyond the extent as defined in the application packet.
17. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
18. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
19. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge (ROWD)** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.
20. 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.
21. 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

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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.

22. 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.
23. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **1.42 acres** waters of the United States by restoring riparian habitat at a minimum **1:1** area replacement ratio (**1.42 acres**). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **1.96 acres** of vegetation within waters of the United States by restoring riparian habitat at a minimum **1.62:1** area replacement ratio (**3.17 acres**), by restoring non-wetland habitat at a minimum 0.83:1 area replacement ratio (**1.63 acres**), and by preserving a 13.5-acre parcel containing 2.44 acres of non-wetland streambed. The previous Certification required created or restored habitat of 2.44 acres within the 13.5-acre preserved site. The Applicant shall follow the "Final

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Compensatory Habitat Mitigation and Monitoring Plan for Park Place Project/Tentative Tract 60259," dated September 2014, approved by the U.S. Army Corps of Engineers.

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

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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.

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 _____.

(Signature)
(Title)"

27. All communications regarding this project and submitted to this Regional Board shall identify the Project **File Number 14-071**. 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 Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. R4-2012-0175. 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. 2012-0011-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.

30. 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.

31. 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

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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.

32. *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.

33. 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.