



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Agency Secretary

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

Arnold Schwarzenegger
Governor

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

Ventura Regional Sanitation District
Chi Hermann
1001 Partridge Drive, Suite 150
Ventura, CA 93003

WATER QUALITY CERTIFICATION FOR PROPOSED LANDFILL DRAIN OUTFALL MAINTENANCE PROJECT (Corps' Project No. 2009-00498-CLH), SANTA CLARA RIVER, CITY OF OXNARD, VENTURA COUNTY (File No. 09-089)

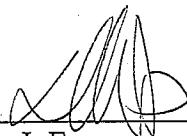
Dear Mr. Chi Hermann:

Board staff has reviewed your request on behalf of Ventura Regional Sanitation District (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on February 26, 2010.

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

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

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


Tracy J. Egoscue
Executive Officer

Chief Deputy EO
for

3-22-10
Date

California Environmental Protection Agency



DISTRIBUTION LIST

Matt Ingamells
Padre Association, Inc.
1861 Knoll Drive
Ventura, CA 93003

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

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

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

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

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

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

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

Jessie Altstatt
Santa Barbara Channel Keeper
714 Bond Street
Santa Barbara, CA 93103

ATTACHMENT A

**Project Information
File No. 09-089**

1. Applicant:

Chi Hermann
Ventura Regional Sanitation District
1001 Oartridge Drive, Suite 150
Ventura, CA 93003

Phone: (805) 658-4614 Fax: (805) 933-1298

2. Applicant's Agent:

Matt Ingamells
Padre Association, Inc.
1861 Knoll Drive
Ventura, CA 93003

Phone: (805) 644-2220 ext. 13 Fax: (805) 644-2050

3. Project Name:

Landfill Drain Outfall Maintenance

4. Project Location:

City of Oxnard, Ventura County

<u>Latitude</u> (decimal degrees)	<u>Longitude</u> (decimal degrees)
--------------------------------------	---------------------------------------

McGrath Drain:

34.2332	119.2292
34.23354	119.22945

Patterson Drain:

34.23349	119.21709
34.23386	119.21753

East Landfill Drain:

34.23334	119.22124
34.23378	119.22128

5. Type of Project:

Landfill Drain Outfall Maintenance (Project)

6. Project Purpose:

Three storm drains operate within two landfills (the Bailard and Coastal Landfills). These three drains – designated the McGrath

ATTACHMENT A

Project Information File No. 09-089

Drain, the East Landfill Drain, and the Patterson Drain - empty into the Santa Clara River

The Ventura Regional Sanitation District (VRSD) proposes to conduct:

- (1) Maintenance of the McGrath Drain outlet to minimize the potential for flood-related damage to agricultural crops;
- (2) Maintenance of the East Landfill Drain outlet to provide adequate flow from the outlet to the nearest channel of the Santa Clara River. This will prevent ponding at the Bailard Landfill (a violation of permitting); and
- (3) Removal of sediments at the Patterson Drain outlet to increase flow through the drain and prevent ponding at the Coastal Landfill, for the same reasons stated above.

7. Project Description:

McGrath Drain

VRSD will remove sediment from the metal pipe culverts, through flushing and mechanical removal. In addition, a pilot channel will be recovered and cleared of vegetation to provide a path for storm flows discharged by the McGrath Drain. The pilot channel will be approximately 100 feet long, 20 feet wide, and about three feet deep (approximately 222 cubic yards). The total impact area is anticipated to be about 0.05 acres. The work is projected to take a few days to complete. The pilot channel will be reestablished every three to five years, depending on the rate of sediment accumulation at the drain outlet.

The proposed pilot channel will result in the loss of 0.05 acres of immature arroyo willow riparian forest, dominated by *Arundo donax*, and red willow and arroyo willow trees mostly less than 3 inches in diameter. Reestablishment of the pilot channel every 3 to 5 years could prevent maturation of the riparian forest. However, mature riparian forest in the project area is rare due to channel scouring associated with flood flows. Therefore, the proposed project will not result in the loss of mature riparian forest.

East Landfill Drain

VRSD will remove riparian vegetation and sediment to provide a

ATTACHMENT A

Project Information File No. 09-089

path for storm flows discharged by the East Landfill Drain. The pilot channel will be approximately 160 feet long and 20 feet wide and about 3 feet deep (356 cubic yards). The total impact area is anticipated to be about 0.07 acres. Work is projected to take a few days to complete. The pilot channel would be re-established every 3 to 5 years, depending on the rate of sediment accumulation at the drain outlet.

The proposed pilot channel will result in the loss of 0.07 acres of arroyo willow riparian forest, dominated by *Arundo donax* and arroyo willow. Reestablishment of the pilot channel every 3 to 5 years could prevent maturation of the riparian forest. However, mature riparian forest in the project area is rare due to channel scouring associated with flood flows. Therefore, the proposed project will not result in the loss of mature riparian forest.

Patterson Drain

Sediment removal was conducted at the drain terminus by the City of Oxnard in 2008. The river end of the trench has begun to fill with sediment and extension of the French drain as a pilot channel is needed. VRSD will convert the existing trench to a pilot channel and extend it an additional 50 feet to provide a path for storm flows discharged by the Patterson Drain. The resulting pilot channel will be approximately 265 feet long and 20 feet wide and about 3 feet deep. The total impact area is anticipated to be about 0.12 acres. Work is projected to take a few days to complete. The pilot channel will be reestablished every 3 to 5 years, depending on the rate of sediment accumulation at the drain outlet.

The proposed pilot channel will result in the loss of 0.12 disturbed arroyo willow riparian forest dominated by the invasive *Arundo donax*. Most of this area was disturbed by sediment removal in 2008, and plant cover and habitat value is low. Reestablishment of the pilot channel every three to five years could prevent maturation of the riparian forest. However, mature riparian forest in the project area is rare due to channel scouring associated with flood flows. Therefore, the proposed project will not result in the loss of mature riparian forest.

ATTACHMENT A

Project Information
File No. 09-089

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 3 (Permit No. SPL-2009-00498-CLH)
9. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The Ventura Regional Sanitation District found the proposed project to be Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section (15301 Existing Facilities).
11. Receiving Water: Santa Clara River (Hydrologic Unit No. 403.11)
12. Designated Beneficial Uses: MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, COLD, WILD, RARE, MIGR, WET

*Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (streambed): 0.24 permanent acres (525 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:
- All ground disturbance shall be limited to the dry season, when surface flow at the project sites is absent and periods when rainfall is not predicted.

ATTACHMENT A

Project Information

File No. 09-089

- Areas where work has been completed shall be stabilized or re-vegetated prior to the start of the rainy season.
- If surface water is present at the outlet of the Patterson Drain when maintenance is conducted, the water will be pumped to a tank or settling pond prior to discharge to the riverbed.
- Straw wattles (or equivalent measures) shall be used to trap suspended sediment downstream of the project site during creation of the pilot channels.
- Vegetation within the project sites shall not be removed or damaged and the work area shall be flagged to identify its limits prior to clearing and grubbing.
- Construction materials and soil piles shall be placed in designated areas to prevent contamination by spillage or entering waters.
- Waste and debris generated during construction shall be stored in designated waste collection areas and containers placed away from watercourses.
- Waste and debris shall be disposed of regularly.
- All fueling of heavy equipment shall occur in a designated area away and out of the Santa Clara River, such that any spillage would not enter surface waters.
- Designated fueling areas shall include a drain pan.
- Emergency absorbent materials shall be kept on site to clean up spills.
- Vehicles and equipment shall be maintained properly to prevent leakage of hydrocarbons and coolant, and shall be examined for leaks on a daily basis.
- All maintenance shall occur in a designated offsite area. The designated area shall include a drain pan or drop cloth.
- Any accidental spill of hydrocarbons or coolant that may occur

ATTACHMENT A

Project Information File No. 09-089

on the construction site shall be cleaned immediately.

- Absorbent materials shall be maintained on the construction site for this purpose.
- The Regional Board shall be notified immediately in the event of an accidental spill.
- Spill clean up and disposal of waste shall be taken to a legal point of disposal.
- One or more qualified biologists shall be present prior to any heavy equipment activity within the work area where the pool at the outlet of the Patterson Drain shall be slowly pumped dry.
- A pre-construction survey of the work areas and vicinity shall be conducted by a qualified biologist within 48 hours of initiation of construction to detect two-striped garter snake.
- If any two-striped garter snakes are detected or encountered they shall be relocated if deemed to be at risk from construction activities. The relocation site shall offer suitable long-term habitat, and located at least 500 feet from construction activities.
- If any arroyo chub or Southwest Pond Turtle is identified, the animals shall be relocated to the Santa Clara River.
- Bird breeding bird surveys shall be conducted from September 1 to February 15 (bird breeding season) by a qualified biologist.
- Any nests within proximity to this Project will have buffer areas established and maintained around each active nest.
- No heavy equipment activity would be allowed within the buffer area until the young fledged or the nest is abandoned.

17. Proposed
Compensatory
Mitigation:

None

ATTACHMENT A

Project Information
File No. 09-089

18. Required
Compensatory
Mitigation:

The Applicant shall provide 0.72 acres of mitigation for vegetated streambed within the Santa Clara River Watershed. See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

ATTACHMENT B

Conditions of Certification

File No. 09-089

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.

ATTACHMENT B

Conditions of Certification File No. 09-089

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 (213) 620-6119 for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.

ATTACHMENT B

Conditions of Certification File No. 09-089

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 maintenance activities within waters of the State during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any maintenance activities are to be held within five (5) days of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
15. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during all construction activities where clearing involves areas to be partially cleared (i.e. some vegetation is to remain in the same reach or in an adjacent reach). The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
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** 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 construction, maintenance, or 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.

ATTACHMENT B

Conditions of Certification File No. 09-089

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. 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 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 shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
20. The Applicant shall provide COMPENSATORY MITIGATION for the proposed permanent impacts to **0.24 acres** of vegetation within waters of the United States/Federal jurisdictional

ATTACHMENT B

Conditions of Certification

File No. 09-089

wetlands by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum 3:1 area replacement ratio (**0.72 acres**). The mitigation site shall be located within the Santa Clara River Watershed unless otherwise approved by this Regional Board.

If the Applicant proposes funding to a third-party organization for the creation or restoration of a total of **0.72 acres** of vegetated streambed riparian habitat within waters of the United States/Federal jurisdictional wetlands, then funding shall apply to mitigation acreage only, exclusive of administrative costs.

The mitigation site shall be located within the Santa Clara River Watershed unless otherwise approved by this Regional Board. The Applicant shall submit a Proposed Mitigation Report which shall include:

- (a) Documentation from the third party indicating that funds have been used for mitigation acreage only, which do not include administrative costs.
- (b) The boundary of the mitigation site shall be clearly identified on a map of suitable resolution and quality and shall also be defined by latitude and longitude.
- (c) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
- (d) Success criteria shall be established.

This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of all agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

21. 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.
22. 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 and construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking) or any delays in the mitigation process. At a minimum the Annual Reports shall include the following documentation and answered appropriately whether or not mitigation has been performed:
 - (e) Color photo documentation of the pre- and post-project and mitigation site conditions;

ATTACHMENT B

Conditions of Certification File No. 09-089

- (f) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (g) The overall status of project including a detailed schedule of work;
 - (h) Copies of all permits revised as required in Additional Condition 1;
 - (i) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
 - (j) A certified Statement of "no net loss" of wetlands associated with this project;
 - (k) Discussion of any monitoring activities and exotic plant control efforts; and
 - (l) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
23. Prior to any subsequent maintenance activities within the subject drainages, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the drainage's existing condition; (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.
24. 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.
25. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

ATTACHMENT B

Conditions of Certification

File No. 09-089

"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)"

26. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **09-089**. Submittals shall be sent to the attention of the 401 Certification Unit.
27. 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.
28. 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. 00-108. 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.
29. 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. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
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 becomes aware of the circumstances. A written submission shall also be provided within

ATTACHMENT B

Conditions of Certification File No. 09-089

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 prior to termination of this Certification if renewal is requested.