



# California Regional Water Quality Control Board Los Angeles Region



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Matthew Rodriguez  
Secretary for  
Environmental Protection

Edmund G. Brown Jr.  
Governor

Ms. Thienan Ly Pfeiffer  
Glenn Lukos Associates  
29 Orchard  
Lake Forest, CA 92630

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7010 3090 0002 1021 9285

## WATER QUALITY CERTIFICATION FOR PROPOSED WESTERN 80-ACRE HARD ROCK MINE PROJECT (Corps' Project No. SPL-2011-870-SLP), UNNAMED DRAINAGES TRIBUTARY TO FISH CREEK AND SAN GABRIEL RIVER, CITY OF AZUSA, LOS ANGELES COUNTY (File No. 11-155)

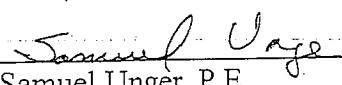
Dear Ms. Pfeiffer:

Board staff has reviewed your request on behalf of Vulcan Materials Company (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on February 14, 2012.

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

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

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

  
Samuel Unger, P.E.  
Executive Officer

March 12, 2012  
Date

## DISTRIBUTION LIST

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U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

ATTACHMENT A

Conditions of Certification  
File No. 11-155

1. Applicant: Jim Gore  
Vulcan Materials Company  
3200 San Fernando Road  
Los Angeles, California 90065  
Phone: (323) 474-3231 Fax: (323) 258-3289

2. Applicant's Agent: Thienan Ly Pfeiffer  
Glenn Lukos Associates  
29 Orchard  
Lake forest, CA 92630  
Phone: (949) 837-0404 Fax: (949) 837-5834

3. Project Name: Western 80-Acre Hard Rock Mine

4. Project Location: City of Azusa

Lat	Long
34.165274	-117.933542
34.165289	-117.929282
34.158039	-117.929302
34.158022	-117.933591
34.161942	-117.933565
34.161967	-117.929291
34.163757	-117.933552
34.159369	-117.929298

5. Type of Project: Hard Rock Mining

6. Project Purpose: The purpose of the proposed project is to extract mineral resources from the westernmost 80 acres of the Azusa Rock Quarry in accordance with the *Azusa Rock Quarry Modification To C-89-20, Development Agreement and Revised Reclamation Plan, SCH No. 2009051057*. The Quarry consists of (3) main areas: the western parcel (consisting of 80 acres proposed to be mined); the middle parcel (approximately 110 acres currently mined); and the eastern parcel containing Fish Creek (80 acres to be preserved).

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#### 7. Project Description:

The Applicant proposes to extract mineral resources from within 68 acres of the westernmost 80 acres of the Azusa Rock Quarry, which was identified as a "Future Mining Area" in the prior (1988) CUP and Reclamation Plan (Reclamation Plan) for the Azusa Rock Quarry. The Reclamation Plan was approved, with the intent to preserve the eastern portion of the site in perpetuity (80 acres).

Several alternatives were considered for the proposed project, including several factors such as: impacts to waters of the U.S. & State; proximity to downstream receiving waters; proximity to listed species; and visibility. The proposed westernmost 80 acres of the Quarry was chosen as the preferred project location over the eastern 80 acres because it minimized impacts with all factors considered. The proposed westernmost 80 acres would impact approximately 8% less linear feet of waters of the U.S. & State than the eastern parcel. By developing the westernmost 80 acres, the Applicant will avoid 7,094 linear feet of waters of the U.S. Development of the proposed westernmost 80 acres would also have no impacts to Fish Creek and fewer impacts to the San Gabriel River. The eastern parcel flows directly into Fish Creek and the San Gabriel River, which contains habitat for listed species such as least Bell's vireo and southwestern willow flycatcher. From a visibility standpoint, the eastern parcel is highly visible along most major routes in Azusa, whereas the proposed westernmost 80 acres is shielded by a ridgeline. To further minimize impacts, the Applicant also committed to initiate restoration of waters within 2-3 years of impacts rather than wait until the all impacts have been completed. This will ensure that temporal losses are minimized to the maximum extent practicable. Development of the preferred project (the westernmost 80 acres) minimizes impacts to waters of the U.S.

When mining is proposed to begin on the western parcel, the Applicant will discontinue mining operations within the central portion of the property and commence reclamation activities such that the side slopes will be micro-benched, re-contoured, and re-vegetated with native plants within seven years, rather than following the current CUP and Reclamation Plan deadline of compliance by 2038.

Proposed project activities within the 68 acres of the Western 80-Acre Hard Rock Mine include: construction of access roads, excavation, blasting, crushing, stockpiling, loading, hauling and processing. These activities will temporarily impact 0.23 acre

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(6,204 linear feet) of waters of the United States within the Project site. As mining activities are completed within areas of the Project site, those areas will undergo implementation of the Reclamation Plan whereby side slopes will be micro-benched, re-contoured, and re-vegetated with native plants, and all waters of the United States will be restored to pre-project conditions and re-vegetated with native plants for the full lengths (6,204 linear feet total). Reclamation will begin within 2-3 years of initial impact and continue through 2038.

The Reclamation Plan was prepared in accordance with the State Surface Mining and Reclamation Act of 1975, which is overseen by the State Mining and Geology Board. The Reclamation Plan has performance standards, which for this project require a 100% relative cover for vegetation success and all restored drainages or upland areas will be revegetated and monitored for up to a seven (7) year period.

The waters of the United States to be impacted are generally characterized as narrow (1 to 2 feet wide) ephemeral drainages that are vegetated with upland chaparral species and support a sand and cobble substrate. The majority of the drainages flow in a southerly direction toward Devil Canyon. Two of the drainages flow in an easterly direction toward Browns Canyon, which is located off site.

Of the total 6,490 linear feet of waters on site, 6,204 linear feet will be temporarily impacted for construction of access roads, excavation, blasting, crushing, stock-piling, loading, and processing. The remaining 286 linear feet will be completely avoided and consist of the downstream reaches of Drainage A and Drainage A5.

Drainage A will be subject to temporary construction activities through a length of 1,292 feet and the remaining 236 feet will be avoided.

Drainage A1 will be entirely subject to temporary construction activities through a length of 618 feet.

Drainage A1.1 will be entirely subject to temporary construction activities through a length of 607 feet.

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Drainage A2 will be entirely subject to temporary construction activities through a length of 110 feet.

Drainage A3 will be entirely subject to temporary construction activities through a length of 351 feet.

Drainage A4 will be entirely subject to temporary construction activities through a length of 375 feet.

Drainage A5 will be subject to temporary construction activities through a length of 557 feet and the remaining 32 feet will be fully avoided.

Drainage B will be entirely subject to temporary construction activities through a length of 1,062 feet.

Drainage B1 will be entirely subject to temporary construction activities through a length of 561 feet.

Drainage C will be entirely subject to temporary construction activities through a length of 671 feet.

No permanent impacts to waters of the United States will be made as a result of the proposed Project. The drainages will be temporarily filled with the native soils and rock material from site during the mining process and restored to pre-project conditions within 2-3 years following impacts in each phase.

8. Federal Agency/Permit:

U.S. Army Corps of Engineers  
NWP No. 44 (Permit No. SPL-2008-870-SLP)

9. Other Required  
Regulatory Approvals:

California Department of Fish and Game  
Streambed Alteration Agreement (No. 1600-2011-0283-R5)

10. California  
Environmental Quality  
Act Compliance:

The City of Azusa approved the project's Final Environmental Impact Report (*Azusa Rock Quarry Modification To C-89-20, Development Agreement and Revised Reclamation Plan, SCH No. 2009051057*) on July 7, 2010 and the 2<sup>nd</sup> Reading of the Ordinance Approving the Development Agreement for the Azusa Rock Quarry Project on July 20, 2010.

11. Receiving Water:

San Gabriel (Hydrologic Unit No. 18070106)

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12. Designated Beneficial Uses: MUN\*, IND, GWR, WARM, WILD, RARE, SPWN, WET, REC1, REC2

\*Conditional beneficial use

13. Impacted Waters of the United States: Non-wetland waters (streambed): 0.23 temporary acres (6,204 linear feet)

14. Dredge Volume: None

15. Related Projects Implemented/to be Implemented by the Applicant: The Applicant is currently mining portions of the 270-acre Azusa Rock Quarry, which began operations in the 1920s and impacts the same receiving water. Initial mining activities were conducted before jurisdictional delineation or discretionary regulatory permits were required. Aside from the current Project proposed herein, there are no projects planned for implementation in the next 5 years that would impact the same receiving water.

In 2001, the Applicant voluntarily initiated a restoration program within Fish Creek, immediately downstream of the 0.36-acre Fish Creek property that is proposed for preservation. There were no adverse impacts to waters of the State associated with this restoration program.

16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- To minimize the temporary impacts to the ephemeral drainages, the Applicant has proposed a concurrent reclamation approach. The Conditional Use Permit and Reclamation Plan allow for mining to continue through 2038. Reclamation of the northern portion of the site will begin within the first two-three years of initiation of project activities. Concurrent mining and reclamation will continue through 2038. The Reclamation Plan allows for the mined slopes to be re-contoured and revegetated as soon as work in that immediate area is completed. In addition, the existing storm water detention basin that is located east of the 80-acre Project site will be up-sized to decant and retard drainage from mined areas from Fish Creek and the San Gabriel River. The Applicant will maintain the on-site slope and grade in a manner to direct drainage of surface flows to the storm water detention basin.

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- A SWPPP was developed for the areas that are currently undergoing mining activities within the Azusa Rock Quarry. Implementation of the BMPs included in the SWPPP will control pollutants in stormwater discharges from the Project site. The actively mined areas of the Azusa Rock Quarry operate under an existing General Industrial Stormwater permit issued by State Water Resource Board.
- All work equipment that has the potential to cause storm water pollution will be maintained in good working order.
- Clearing limits, easements, setbacks, sensitive areas, vegetation, and drainage courses will be delineated by marking them in the field.
- All construction materials and stockpiles will be stored and handled in a manner that achieves storm water quality objectives.
- All vehicle and heavy equipment will be routinely maintained to avoid leaks.
- All construction workers will be informed of good housekeeping procedures and potential consequences of allowing even a spill to go unattended.

#### 17. Proposed Compensatory Mitigation:

The Applicant shall compensate for temporary impacts to 0.23 acre of waters of the United States by restoring and preserving 0.59 acre of waters of the United States within the Los Angeles River watershed in the following manner:

- Under the existing CUP, mining activities on the Project are authorized through the end of 2038; however, reclamation activities will be initiated in the northern portion of the site within two-three years of impact to this area. The *Revised CUP & Reclamation Plan* (Reclamation Plan) is enclosed as a separate attachment. Implementation of the Reclamation Plan will restore all 0.23 acre of on-site waters of the United States to pre-project conditions. Restoration of all on-site waters provides 1:1 mitigation.
- To offset the temporal loss associated with the impacts, the Applicant will preserve 0.36 acre of its existing Fish Creek property located within the north central portion of the Azusa



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Rock Quarry. This area within Fish Creek was part of the original mining area. Originally, this area was considered for mining and the water would have been diverted out of the creek, but was later rejected in order to keep the floodplain preserved and intact. The 0.36-acre area supports willow scrub/sycamore woodland along with emergent wetland species within the channel bed and provides beneficial biological resources to the downstream Fish Creek Mitigation Site. This 0.36-acre section of Fish Creek is located within the Coastal California Recovery Unit, Santa Clara Management Unit for the southwestern willow flycatcher (*Empidonax traillii extimus*) and also supports one territorial male identified during focused surveys in 2008. Preservation of the offsite drainage provides 1.6:1 mitigation.

These two mitigation sites will provide slightly higher than 2.6:1 mitigation for the temporary impacts to 0.23 acres of waters of the United States.

18. Required  
Compensatory  
Mitigation:

The Regional Board will require the Applicant to provide compensatory mitigation at a ratio of 2:1 for the temporary impacts. The proposed mitigation described above provides a slightly higher than 2.6:1 ratio, which is sufficient to meet the Regional Board mitigation requirements.

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

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#### STANDARD CONDITIONS

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

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

#### ADDITIONAL CONDITIONS

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

1. The Applicant shall submit to the Los Angeles Regional Water Quality Control 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 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.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved (construction Plan), 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 the 0.23 acre 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. The application of water in support of 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. Please contact the Land Disposal Unit at the Regional Board for further information regarding the disposal of solid wastes.
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.

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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 Los Angeles Regional Water Quality Control Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2011-0004-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 to occur within a 24-hour period after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
16. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
17. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities within the 0.23 acre waters of the State. The biologist shall be available on site during these construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
18. No activities within the 0.23 acres waters of the State 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 the Los Angeles Regional Water Quality Control Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.
19. 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.
20. All project/construction activities not included in this Certification, and which may require a permit as described in Conditions 19 and 20, must be reported to the Los Angeles Regional Water Quality Control Board for appropriate permitting. Bank stabilization and grading, as

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well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.

21. As 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 during surface water diversion activities, 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 the Los Angeles Regional Water Quality Control 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 the proposed **0.23 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include 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.
23. Applicant shall provide COMPENSATORY MITIGATION for the proposed temporary impacts to **0.23 acres** of vegetated waters of the United States by restoring or preserving waters of the United States at a minimum 2.6:1 area replacement ratio (**0.59 acres total**)

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mitigation). The proposed 2.6:1 ratio is inclusive of preservation within Fish Creek and the restoration of waters of the United States which are impacted by mining activities.

24. 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.
25. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1<sup>st</sup>** of each year for a maximum period of **seven (7) years**, in accordance with the Reclamation Plan, or until mitigation success has been achieved (in accordance with the Reclamation Plan). 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. At a minimum the Annual Reports shall include the following documentation:
  - (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
  - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
  - (c) The overall status of project including a detailed schedule of work;
  - (d) Copies of all permits revised as required in Additional Condition 1;
  - (e) Water quality monitoring results 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.
26. Prior to any subsequent maintenance activities within the subject drainages/basin, 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/basin's existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.

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27. All applications, reports, or information submitted to the Los Angeles Regional Water Quality Control 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.

28. 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)"

- 29. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number 11-155. Submittals shall be sent to the attention of the 401 Certification Unit.
- 30. 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.
- 31. The project shall comply with the local regulations associated with the Los Angeles Regional Water Quality Control Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also

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comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Industrial Activity, Order No. 97-03-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.

32. 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 Applicant containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
33. 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.
34. *Enforcement:*
  - (a) In the event of any adjudicated violation of the conditions of this Certification, the subject 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 adjudicated 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 Los Angeles 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 adjudicated 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.



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35. 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.