



Los Angeles Regional Water Quality Control Board

Mr. Glenn Adamick  
Vista Canyon Ranch LLC  
27451 Tourney Road, Suite 250  
Santa Clarita, CA 91355

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7010 3090 0002 1021 9537

**WATER QUALITY CERTIFICATION FOR PROPOSED VISTA CANYON PROJECT (Corps' Project No. 2012-0019-AOA), SANTA CLARA RIVER, SANTA CLARITA, LOS ANGELES COUNTY (File No. 12-034)**

Dear Mr. Adamick:

Board staff has reviewed your request on behalf of Vista Canyon Ranch LLC (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on April 22, 2013.

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

4-24-13  
Date

## DISTRIBUTION LIST

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

Jim Bartel  
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Carlsbad, CA 92011

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Project Information

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1. Applicant: Glenn Adamick  
Vista Canyon Ranch LLC  
27451 Tourney Road, Suite 250  
Santa Clarita, CA 91355  
Phone: (661) 255-3275 Fax: (661) 255-1137
2. Project Name: Vista Canyon Project
3. Project Location: Santa Clarita, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
34.41615156750	118.44106575700
34.41777987400	118.43844952400
34.41958729340	118.43501128100
34.42277875750	118.42802795000
34.41984003050	118.42806146100
34.34168355240	118.42809571500
34.41286136840	118.43482410000
34.41286366440	118.44092578000

4. Type of Project: Mixed-use development
5. Project Purpose: The purpose of the proposed project is to develop a mixed-use, transit-oriented neighborhood in the City of Santa Clarita. The proposed project consists of three (3) Planning Areas, all located on the southern side of the Santa Clara River corridor and along the Metrolink Trains right-of-way.

6. Project Description: The proposed project will be developed within a 185-acre parcel along the southern side of the Santa Clara River, to the west of Sand Canyon Road. The project will include the development of residential units, mixed commercial units, a park site, trail system, an on-site water treatment facility and other ancillary structures.

The project Applicant has Los Angeles County approval for the construction of up to 1,100 residential units and up to 950,000 square feet of commercial area. Additionally, the project includes the development of a new Metrolink Station, and Bus Transfer Station.

In order to develop the site, a portion of the site (18.3 acres) within

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the 100-year floodplain will be filled and raised in elevation (and will no longer be within the floodplain). Flood protection will be provided for the project through the installation of buried bank stabilization. Approximately 4,500 linear feet of buried bank stabilization will be installed along the southern bank and 3,000 linear feet along the northern bank.

The project will also include a new bridge over the Santa Clara River at Lost Canyon. Existing flood revetment structures will be removed from the River and these areas will be restored.

The bridge construction and flood control features will include the installation of 3 bridge piers, approximately 400 cubic yards of grouted riprap and approximately 7,800 cubic yards of concrete. Conventional concrete bank protection, i.e., the grouted riprap and concrete, will be installed for an approximate length of 638 feet along the northern bank of the Santa Clara River under and immediately upstream and downstream of the bridge. Grouted riprap and concrete will be installed for an approximate length of 543 feet along the southern bank of the Santa Clara River under and immediately upstream and downstream of the bridge.

Project impacts to waters of the U.S. will total 4.76 temporary acres and 0.14 permanent acres.

Over time, this project had been modified by the Planning Commission and City Council. The overall effect of these modifications was to reduce the total developed area and the amount of permissible development.

On December 21, 2010, the Planning Commission directed that the following modifications be made:

- Elimination of 26 single-family lots adjacent to the existing La Veda neighborhood. This decrease in area would allow for the increase in acreage of the proposed Oak Park to over 10 acres.
- Retention of a qualified biologist to prepare an animal movement corridor plan.
- Increase in the length of the Vista Canyon Road Bridge from 650 feet to 750 feet, to further span the Santa Clara River.
- Increase the Santa Clara River corridor width by an

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average of 100 feet. With this modification, the average width of the corridor on-site would be approximately 800 feet. The original project design called for a corridor with an approximate width of 725 feet.

- Decrease in residential units from 1,350 to 1,100.
- Decrease total project size. Within the 185-acre project site, the original plan was to develop approximately 100 acres. The current development area will be 89 acres, for a net reduction of 11%.
- Decrease filled floodplain. The original project design would have reduced the 100-year floodplain through this segment of the Santa Clara River by 20.4 acres. The modified design will impact 18.3 acres of 100-year floodplain.

7. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP Nos. 14 & 33 (Permit No. 2012-0019-AOA)
8. Other Required Regulatory Approvals: California Department of Fish and Game  
Streambed Alteration Agreement
9. California Environmental Quality Act Compliance: The City of Santa Clarita approved the project's Final Environmental Impact Report on May 10, 2011.
10. Receiving Water: Santa Clarita River (Hydrologic Unit No. 403.51)
11. Designated Beneficial Uses: MUN\*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, MIGR, SPWN, SHELL, WET
- \*Conditional beneficial use
12. Impacted Waters of the United States: Non-wetland waters (streambed): 4.76 temporary and 0.14 permanent acres

#### **Santa Clara River Floodplain Impacts:**

(100-year floodplain): Permanent loss of 18.3 acres of Santa Clara River 100-year floodplain.

(Qcap-storm): Permanent loss of 41.6 acres within Santa Clara River Q-cap floodplain.

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13. Dredge Volume: None
14. 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.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Impacted areas will be restored and re-vegetated as quickly as possible.
  - The amount of disturbed areas will be minimized.
  - Runoff from downstream drainages will be diverted by using earth dikes, temporary drains, and slope drains.
  - Velocity will be reduced through outlet protection, check dams, and slope roughening/terracing.
  - Dust control measures, such as sand fences and watering, will be implemented.
  - All disturbed areas will be stabilized with blankets, reinforced channel liners, soil cement, fiber matrices, geotextiles, and/or other erosion resistant soil coverings or treatments.
  - Construction entrances and exits will be stabilized with aggregate underdrain using filter cloth or another comparable method.
  - Sediment control Best Management Practices will be placed at appropriate locations along the site perimeter and at all operational internal inlets to the storm drain system at all times during the rainy season. Sediment control Best Management Practices may include filtration devices and barriers, such as fiber rolls, silt fence, straw bale barriers, and gravel inlet filters, and/or with settling devices, such as sediment traps or basins.
  - By October 1<sup>st</sup> of each year, a separate erosion control plan for construction activities shall be submitted to the local

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municipality describing the erosion control measures that will be implemented during the rainy season (October 1 through April 15).

- A final developed condition hydrology analysis (LACDPW Drainage Concept Report and Final Design Report) shall be prepared in conjunction with final project design when precise engineering occurs. This final analysis will be completed to confirm that the final project design is consistent with the approved drainage concept and this analysis. Those final calculations shall establish design features for the project that satisfy the criterion that post-development peak stormwater runoff discharge rates, velocities, and duration in natural drainage systems mimic pre-development conditions. All elements of the storm drain system shall conform to the policies and standards of the LACDPW, Flood Control Division, as applicable.
- Temporary sediment retention ponds shall be constructed downstream of construction sites that are located in River Corridor when:
  - The construction site contains flowing or ponded water that drains off site and into the undisturbed streamflow or ponds, or
  - Streamflow is diverted around the construction site, but the work is occurring in the period November 1<sup>st</sup> through April 15<sup>th</sup> when storm flows could inundate the construction site. The sediment ponds shall be constructed of riverbed material and shall prevent sediment-laden water from reaching undisturbed ponds or streamflows. To the extent possible, ponds shall be located in barren or sandy river bottom areas devoid of existing riparian scrub, riparian woodland, or aquatic habitat. The ponds shall be maintained and repaired after flooding events, and shall be restored to pre-construction grades and substrate conditions within 30 days after construction has ended at that particular site. The location and design of sediment retention ponds shall be included in the Storm Water Pollution Prevention Plan prepared by the applicant for all construction activities that require a NPDES General Construction Activity Storm Water Permit.

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- Water containing mud, silt, or other pollutants from construction activities shall not be allowed to enter a flowing stream or be placed in locations that may be subject to normal storm flows during periods when storm flows can reasonably be expected to occur.
- Silt settling basins, installed during the construction process, shall be located away from areas of ponded or flowing water to prevent discolored, silt-bearing water from reaching areas of ponded or flowing water during normal flow regimes.
- The applicant shall use best efforts to ensure that no debris, bark, slash sawdust, rubbish, cement or concrete or washing thereof, oil, petroleum products, or other organic material from any construction, or associate activity of whatever nature, shall be allowed to enter into, or be placed where it may be washed by rainfall or runoff into, watercourses included in the permit. When construction operations are completed, any excess materials or debris shall be removed from the work area.

#### 16. Proposed Compensatory Mitigation:

The Applicant has proposed to restore 0.79 acres to compensate for the 0.14 acres of permanent impacts to federal jurisdiction waters; a 5.6 to 1 replacement ratio. The Applicant proposes to excavate impacted areas in the floodplain on the south bank of the Santa Clara River and restore it to riparian habitat accordance with the "Updated Wetland Mitigation and Monitoring Plan, Vista Canyon Project" prepared by Dudek. The 4.76 acres of temporary impact to federal jurisdiction waters would be revegetated in accordance with the "Updated Wetland Mitigation and Monitoring Plan."

An additional 3.02 acres would also be restored by removal of existing pipe and wire flood control obstructions within the main channel of the river, and creation of new riparian habitat along the north bank of the river in the northeast corner of the property, and along the south bank of the river in the southwest corner of the property.

#### 17. Required Compensatory Mitigation:

The Regional Board will require the following compensatory mitigation:

- **14.28 acres** shall be restored within the Santa Clara River within waters of the U.S. (which has similar



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functions and values of areas temporarily impacted by the proposed project). This correlates to a 2:1 mitigation ratio for temporary impacts, in addition to the restoration of the (4.76 acres) temporarily impacted.

- **0.42 acres** shall be restored within the Santa Clara River within jurisdictional waters of the U.S (which has similar functions and values) of areas permanently impacted by the proposed project. This correlates to a 3:1 mitigation ratio for permanent impacts to 0.14 acres.
- **49 acres** of 100-year floodplain shall be enhanced and preserved in the Santa Clara River floodplain. An additional 13.4 acres of floodplain shall be enhanced and preserved and shall be contiguous with the project, if possible. This acreage provides compensatory mitigation for the loss of river floodplain and correlates to a ratio of 1.5:1 for the Q-cap floodplain impacts and would be inclusive of a 3:1 ratio for impacts within the 100-year floodplain.

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

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### Conditions of Certification File No. 12-034

#### 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. 15, 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. 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.
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

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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. 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 and project 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. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
18. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge (ROWD)** to this Regional 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/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.

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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 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 the **4.76 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 or until mitigation success criteria has been achieved. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
23. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **4.76 acres** waters of the United States by restoring riparian habitat at a

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minimum **2:1** area replacement ratio (**9.52 acres**). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.14 acres** of vegetation within waters of the United States by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum **3:1** area replacement ratio (**0.42 acres**). The mitigation site shall be located within the Santa Clara River unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:

- (a) 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.
- (b) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
- (c) Success criteria shall be established.

**This information shall be submitted to this Regional Board for approval prior to any project activities which take place 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.

24. The Applicant shall place a restrictive covenant for flood protection on an additional **62.4 acres** of adjacent upland floodplain area in the Santa Clara River including 49 acres within the project boundaries and 13.4 acres contiguous with the project, if possible. In addition, the Applicant shall record deed restrictions and/or conservation easements in the County Recorder's office that will run with the land and bind any subsequent land owners.
25. **Downstream Effects Monitoring.** The Applicant shall design a Geomorphological Monitoring Program (Downstream Effects Monitoring Program) to specifically analyze downstream effects within Santa Clara River. The Geomorphological Monitoring Program Plan shall be submitted within six (6) months after issuance of this Certification for Regional Board approval. The monitoring program shall perform an assessment prior to any construction activities and, at a minimum, annual monitoring before and after storm seasons to analyze river contours, elevations, aggradation and erosional areas, and any downstream impairments or changes to the Santa Clara River flow regimes.
26. **Aquatic Nuisance Species Control.** The Applicant shall develop and implement a Plan for Hazard Analysis and Critical Control Points (HACCP) in order to implement prevention and control of aquatic nuisance species and instruct construction and maintenance personnel in Plan provisions. This plan may be developed with Regional Board 401 Certification Unit staff assistance. The draft plan shall be submitted to the Regional Board 401 Certification Unit staff within two months after issuance of this Certification.
27. 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 minimum period of **five (5) years**

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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. 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 whether or not work has begun on the Project;
  - (d) Copies of all permits revised as required in Additional Condition 1;
  - (e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
  - (f) A certified Statement of "no net loss" of wetlands associated with this project;
  - (g) Discussion of any monitoring activities and exotic plant control efforts; and
  - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
28. 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.
29. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

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"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)"

30. The Applicant shall ensure a Report of Waste Discharge (ROWD) be filed for the proposed project, should any person discharge waste, or propose to discharge waste, other than into a community sewer system, which could affect the quality of the waters of State per Section 13260(a) of the California Water Code. Please note that the Applicant is required to file a complete ROWD/Form 200 with this Regional Board at least 120 days prior to commencing the discharge from the proposed project.
31. The project shall ensure connection to a Public Sewage Treatment System within 12 months of installation of the sewerage lateral collection line within 200 feet of the property. The project shall maintain compliance with Assembly Bill 885 and all local requirements for operation and maintenance of septic systems.
32. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **12-034**. Submittals shall be sent to the attention of the 401 Certification Unit.
33. 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.
34. 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 and all regulations for the control of stormwater pollution from new development and redevelopment. Project design features shall be selected and sized to retain the volume of storm water runoff produced from the 85th percentile, 24-hour storm event (Storm Water Quality Design Volume, SWQDv), as determined from the Los Angeles County 85th Percentile 24-hr Rainfall Isohyetal Map (February 2004, or update thereto), except in cases of technical infeasibility or where there are opportunities for regional ground water replenishment pursuant to the provisions of Part VI.D.7.c.ii of Order No. R4-2012-0175). If it is determined that the applicant has demonstrated that it is technically infeasible to retain



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100 percent of the SWQDv on-site, or is proposing an alternative offsite project to replenish regional ground water supplies in compliance with Part VI.D.7.c.ii.(3), the applicant shall ensure that mitigation is provided in accordance with Part VI.D.7.c.iii of Order No. R4-2012-0175.

35. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2009-009-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
36. 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.
37. 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.
38. *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

## ATTACHMENT B

### Conditions of Certification

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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.
39. This Certification shall expire **five (5) years** from date of this Certification.
40. If the Applicant intends to continue work in waters of the state or U.S. after expiration of the Certification, the Certification does not renew; therefore:
- (a) A new Clean Water Act 401 Water Quality Certification must be reviewed, signed, and authorized **before** work can continue; which requires:
  - (b) That a complete application as well as current application fees must be submitted at **least 90 days prior to the expiration** of the Certification.