



**Los Angeles Regional Water Quality Control Board**

Mr. Joe McDermott  
City of Ventura Public Works  
P.O. Box 99  
Ventura, CA 93002

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7009 2820 0001 6537 9461

**WATER QUALITY CERTIFICATION FOR PROPOSED SURFERS POINT BEACH  
NOURISHMENT PROJECT (Corps' Project No. 2012-00890-AJS), PACIFIC OCEAN,  
CITY OF VENTURA, VENTURA COUNTY (File No. 13-035)**

Dear Mr. Joe McDermott:

Board staff has reviewed your request on behalf of City of Ventura Public Works (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete October 28, 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 Lead, Dana Cole, Section 401 Program, at (213) 576-5733.

Samuel Unger  
Samuel Unger, P.E.  
Executive Officer

Dec. 20, 2013  
Date

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | [www.waterboards.ca.gov/losangeles](http://www.waterboards.ca.gov/losangeles)

## DISTRIBUTION LIST

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2271 Los Encinos Road  
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75 Hawthorne Street  
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2493 Portola Road, Suite B  
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California Coastal Commission  
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Brian Trautwein (via electronic copy)  
Environmental Defense Center  
906 Garden Street  
Santa Barbara, CA 93101

Jacqueline Blaugrund  
California Coastal Commission  
89 South California Street, #200  
Ventura, CA 93001

Ventura Coastkeeper  
Attn: Jason Weiner  
Associate Director and Staff Attorney  
3875-A Telegraph Rd #423  
Ventura, CA 93003

**ATTACHMENT A**

**Project Information  
File No. 13-035**

1. Applicant: Mr. Joe McDermott  
City of Ventura Public Works  
P.O. Box 99  
Ventura, CA 93002

Phone: (805) 654-7828 Fax: (805) 641-2775

2. Applicant's Agent: Richard Parsons  
2271 Los Encinos Road  
Ojai, CA 93023

Phone: (805) 890-8505 Fax: (805) 649-9759

3. Project Name: Surfers Point Beach Nourishment

4. Project Location: Ventura, Ventura County

Latitude

Longitude

34.274020463

119.301034553

34.274109367

119.300213021

34.274168890

119.299222435

34.2743441631

119.298395385

5. Type of Project: Beach cobble protection

6. Project Purpose: The proposed project (Project) will prevent and retard erosion of Surfers' Point Beach by placing Cobble and Sand along an 800-foot segment of the beach. A sewer system infrastructure and a public bike-path will also be protected.

7. Project Description: The City of Ventura (City) is proposing to place a maximum of 7,000 cubic yards of cobble material along an 800-foot segment of the Surfer's Point beach area at Seaside Park and the Promenade just west of Figueroa Street in the City of Ventura. The western portion of the project above the high tide line is owned by the

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California 31st Agricultural District (operator of the Ventura County Fairgrounds) and has been subject to sea storm erosion. The eastern portion of the project is owned by the City of Ventura.

Portions of the State Senator Omer Rains – Bicentennial Bikeway, pedestrian walkway, and parking area located to the west of the site have collapsed in the past 15 years as a result of erosion along Surfers' Point. The project area from surf has eroded five feet below and adjacent to the bike path. Future winter season storms could erode additional earth materials and cause a portion of the bikeway and parking area adjacent to the project area to collapse.

Cobble placement is necessary as other alternatives have been deemed infeasible:

- a managed retreat approach would require the relocation of vital infrastructure, including a sewer transfer station, a public restroom facility, parking lot, and concrete bike path;
- the placement of large rock revetment, similar to the size of rock that is typically used for marine breakwater construction, has been deemed unacceptable as it impedes access to the shoreline, is hazardous to water users and beachgoers, and aesthetically unappealing as it does not fit the current shoreline topography; and
- the construction of a solid concrete barrier seawall was also dismissed for similar reasons.

An experimental cobble nourishment project was conducted along a portion of the same shoreline in 2000, which provided approximately ten years of protection to the bike path. Most of this cobble has since subsided or has been dispersed into the ocean. Although this cobble nourishment is anticipated to only provide between 5 and ten years of protection, it is the only feasible alternative at this time. The eventual removal of Matillija Dam is anticipated to allow more natural sand to migrate down the Ventura River where it will deposit along the beaches near the Ventura River Mouth, including Surfers' Point, and provide a natural barrier to seasonal erosion along this part of the coastline.

Suitable cobble material will be trucked in from one or more

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locations in Southern California as supply sources become available. Cobble material used for the nourishment will have physical characteristics that match closely with the cobble that has naturally deposited along the beaches in Ventura County near the Ventura River Mouth, including a rounded shape, matching color, hard sandstone composition, and proper size and gradation.

Cobble used in the nourishment will not be greater than 18-inches in diameter, nor less than 4-inches in diameter, an average diameter of between 8 and 10-inches, and no more than 5 percent of the cobble will have a diameter of greater than 12-inches. In order to insure these gradations are met, cobble will need to be screened and properly sorted prior to deposition at the nourishments site.

The City's intent is to bring cobble in, as supply sources become available, with a strong preference for locally harvested cobble. Cobble material is currently available from a dredging operation at Santa Paula Creek. Cobble from Santa Paula Creek was used for the recently completed Surfers' Point Managed Retreat Project. Cobble may also be available from other projects in the region. The Surfers' Point Beach Nourishment Project of 2000 utilized cobble from a Ventura County Flood Control District (now Watershed Protection District) dredging project in the Ventura River.

Cobble will be trucked to the project site and spread in a sloped blanket approximately 50-feet in width. The cobble blanket will be sloped at a 4:1 (4 horizontal to 1 vertical) into the intertidal zone. The bottom or toe of the blanket will extend approximately 10- to 20-feet beyond the current mean high tide line along the 800-foot segment of the beach. The blanket will be as much as 6-feet thick and will feather out at the toe. There will be no excavations along the beach except to remove dangerous debris prior to the deposition of cobble.

The deposition of cobble will only occur between September 1 and March 31. This is to avoid the summer months, when the bike path and beach use tends to be heavier. Nourishments between these months will avoid the grunion run from April through August of each year.

Hauling and placement of cobble will occur over a 5-year maximum period beginning no sooner than January 1, 2013 as cobble becomes

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available. The first deposition will attempt to cover at least 200-feet of the total 800-foot segment of the beach, the most severely eroded sections. Subsequent depositions will address the remainder of the beach segment and top off areas that have already been addressed where cobble has either settled out or migrated into the ocean. The maximum amount of cobble to be placed in any given year will be 3,080 cubic yards (4,620 tons or 308, 10-yard trucks). The maximum amount of cobble to be placed over the entire 5-year period from January 1, 2013 through December 31, 2017 is 7,000 cubic yards (10,500 tons or 700 ten-cubic-yard trucks).

The top of the cobble blanket will be recessed approximately 2-feet below the level of the bike path and filled in with suitable beach sand. The sand topping will extend for a width of about ten- to 15-feet. This will provide some useable area for beachgoers and a buffer between the bikepath and exposed cobble blanket. This sand topping is not expected to remain stationary throughout the year. Storm events at high tide primarily during winter and early spring months are expected to wash this sand away or settle the sand into the cobble voids underlying the sand layer. The City will replenish this sand layer between the months of April and May of each year over the 5-year period in preparation for the summer season. The maximum amount of sand topping in any given year will be 1,056 cubic yards (106, 10-yard trucks). The maximum amount of sand to be placed over the entire 5-year period, which includes replenishing sand that washes away from high tide and storm events, is 5,280 cubic yards (528, 10-yard trucks).

Sand will not be placed below high tide. Beach sand to be used will be from the City's stockpile at River Haven located at City owned land at the intersection of Olivas Park Drive and Harbor Blvd (approximately 4 miles away), which is sand that was removed from Pierpont Beach. This sand stockpile is beach sand of proper color and gradation that is suitable for beach nourishment. The sand will be screened of any dangerous or waste debris, including vegetation, rocks, or concrete and remnant steel reinforcing prior to deposition at the nourishment site.

Prior to placing any cobble along the beach, existing debris will be removed to the greatest extent possible. There are large chunks of asphalt, concrete walkway that have collapsed, and similar debris that has fallen into the intertidal zone as a result of the erosion that

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has occurred along this section of the shoreline. Some of the concrete debris was purposely placed along the shoreline many decades ago in order to provide erosion protection at the time. Access with equipment to remove debris will be difficult. Access will be limited from the top of the beach or bikepath level utilizing a claw attachment on an excavator. Only debris that is exposed at the surface and that can be reached with the excavator will be removed. Remaining debris will be covered with the cobble. Prior to covering any cobble, any exposed steel reinforcement will be cut away from concrete rubble.

Any removals that leave a void will naturally fill in with sand or will be filled with the imported cobble. Equipment will consist of one or two track mounted loaders or excavators that will spread and redistribute cobble piles that are directly deposited onto the beach from hauling trucks. The loaders will be used to spread out and shape the cobble blanket. An excavator with a claw attachment may also be used to lift and place cobble in order to help shape the cobble blanket.

Access to and from this section of shoreline will be from one of the driveways located along Shoreline Drive. The bike path along the Promenade will remain open at all times except for short intermittent closures as trucks unload cobble or sand onto the beach.

Work will occur outside of the grunion run months of April through August except for the replenishment of beach sand, which will occur during the months of April through May. Cobble will be imported directly from the cobble source and no stockpile site is proposed in the vicinity of the project.

Work in place will be monitored approximately once per year over the five year period. Monitoring will consist of conducting surveys of the surface of sand and cobble that is placed at pre-established transects along the 800-foot section of nourishment. The survey results will determine the extent of any re-nourishment using cobble or sand for any given year.

8. Federal  
Agency/Permit:

U.S. Army Corps of Engineers  
NWP No. 13 (Permit No. 2012-00890-AJS)

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9. Other Required Regulatory Approvals: California Coastal Commission (CCC) Coastal Development Permit
10. California Environmental Quality Act Compliance: The City of San Buenaventura (City) approved the project's Final Environmental Impact Report (EIR No EIR-11-12-13632). A Negative Declaration was adopted by the City on October 14, 2013.
11. Receiving Water: Ventura County Coastal, Nearshore (Hydrologic Unit No. 401.00)
12. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, MAR, WILD, BIOL, RARE, MIGR, SPWN, SHELL
13. Impacted Waters of the United States: Ocean/Estuary/Bay: 0.993 temporary acres (800 linear feet)
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The City anticipates removing the concrete rubble and debris located closer to Figueroa Drain at a future time as part of a separate project.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- The Applicant shall sequence his construction activities to minimize the duration equipment is on the beach.
  - The Applicant shall schedule work to minimize the time between excavation and removal of existing debris and placement of specified cobble material.



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- The Applicant shall keep a weather forecast for rainfall.
- The Applicant shall not remove existing vegetation and trees within Surfers' Point Park.
- The Applicant shall clearly mark areas that are to be protected with appropriate warning devices or fencing for the job's duration.
- The Applicant shall instruct employees on areas that are to be protected.
- The Applicant shall re-nourish the existing beach area with the specified native cobble material to the limits shown on the Plans to provide erosion protection for the landward sandy soils.
- The Applicant shall sweep the Promenade adjacent to the job site, Surfers' Point Parking lot, and adjacent street area daily or as conditions warrant removing visible waste from the job site to keep existing pavement areas clean and to prevent tracking by heavy equipment.
- The Applicant shall protect the existing storm drain inlets at all times with fiber rolls, gravel bag berms, or sandbag barriers to intercept sediment runoff from the job site.
- The Applicant shall provide covers for haul trucks.
- The Applicant shall not wash vehicles and equipment at the job site.
- The Applicant shall not use water from existing utility outlets at the job site to clean construction areas.
- The Applicant shall inspect the job site daily to ensure that no illegal dumping has occurred from third party sources.
- All heavy and street legal equipment shall be refueled offsite.
- All off road and track mounted equipment will be refueled on the job site within a level ground area within the existing parking lot or City pump station driveway and at least 50 feet away from any

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storm drain if no other options are available.

- Drip pans and absorbent pads to capture drips shall be used.
- The perimeter of the fueling area shall be protected with an absorbent berm to prevent run-on, run-off, and to contain spills.
- Fuel cans shall have secondary containment.
- A spill kit shall be kept ready at the fueling area.
- No on-site vehicle and equipment maintenance shall be allowed.
- The Applicant shall be required to furnish all equipment to the job site well maintained and in good working order.
- If necessary, minor repairs of off road and large track mounted equipment shall be performed at a designated maintenance area located on level ground within the Ventura City pump station driveway and at least 50 feet away from any storm drain.
- The Applicant shall carefully remove only the minimum amount of surface debris slabs and non-native material from the slope surface as identified and marked by the City to minimize disturbance of sub-surface soils and sediment.
- The Applicant shall stockpile waste materials away from wave, storm or drainage areas, and taken to a legal point of disposal.
- The Applicant shall train his employees in spill prevention and control.
- The Applicant shall clean up all spills immediately.
- The Applicant shall hold regular safety meetings.
- The Applicant shall place waste in covered, watertight dumpsters.
- The Applicant shall collect and dispose of waste daily.
- The Applicant shall locate all waste storage areas away from drainage areas.

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- The Applicant shall utilize temporary sanitary facilities at the job site and have them maintained by a licensed service.

17. Proposed  
Compensatory  
Mitigation:

Since the project impacts are temporary in nature, the Regional Board will not require any additional compensatory mitigation.

18. Required  
Compensatory  
Mitigation:

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. 13-035

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

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### Conditions of Certification

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

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14. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
15. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge (ROWD)** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.

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

16. All project and construction activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
17. 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. The plan shall be submitted prior to any surface water diversions.

If ocean diversion will occur, ocean water quality monitoring shall be performed by the Applicant. A Water Quality Monitoring Plan shall be submitted prior to any project construction activities. Baseline sampling may be conducted at one location within the project boundary for each phase. Monitoring for the following shall be included:

- pH
- temperature
- dissolved oxygen
- turbidity
- total suspended solids (TSS)
- visual assessment for floating particulates (oil and grease shall not be visible)

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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. Construction activities shall not result in the degradation of beneficial uses or non-compliance of any water quality objectives. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

18. 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. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
19. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification until project completion has been achieved and documented. The Annual Reports shall describe in detail all of the project and construction activities performed during the previous year. The Annual Reports shall describe the status of other agreements or any delays in the process. At a minimum the Annual Reports shall include the following documentation:
  - (a) Color photo documentation of the pre- and post-project site conditions;
  - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project areas;
  - (c) The overall status of project and a detailed schedule including whether or not work has begun on the Project;
  - (d) Copies of all permits revised as required in Additional Condition 1;
  - (e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
  - (f) A certified Statement of "no net loss" of wetlands associated with this project;
  - (g) Discussion of any monitoring activities and exotic plant control efforts; and

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Conditions of Certification  
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- (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
20. 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.

21. 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)"

22. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **13-035**. Submittals shall be sent to the attention of the 401 Certification Unit.
23. 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.
24. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Ventura County and co-permittees under NPDES No. CAS004002 and Waste Discharge Requirements Order No. R4-2010-0108. This includes the Stormwater Quality Urban Impact Mitigation Plan (SQUIMP) and all related



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### Conditions of Certification File No. 13-035

implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment.

25. The project shall comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2009-009-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
26. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
27. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
28. *Enforcement:*
  - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
  - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

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- (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
29. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application at least 90 days prior to termination of this Certification if renewal is requested.