



Los Angeles Regional Water Quality Control Board

Mr. William Doran
Southern California Regional Rail Authority
1 Gateway Plaza, 12th Floor
Los Angeles, CA 90012

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7009 2820 0001 6537 7290

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED VINCENT STATION PLATFORM PROJECT (Corps' Project No. 2014-00187-BEM), AN UNNAMED TRIBUTARY TO THE SANTA CLARA RIVER, CITY OF ACTON, LOS ANGELES COUNTY (File No. 14-029)

Dear Mr. Doran:

Board staff has reviewed your request on behalf of Southern California Regional Rail Authority (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on March 17, 2015.

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 Dana Cole, Section 401 Program, at (213) 576-5733.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

May 8, 2015
Date

## DISTRIBUTION LIST

Clint Meyer  
HDR Engineering, Inc.  
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Irvine, CA 92602

Bill Orme (via electronic copy)  
State Water Resources Control Board  
Division of Water Quality  
P.O. Box 944213  
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U.S. Environmental Protection Agency, Region 9  
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Jim Bartel  
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Carlsbad, CA 92011

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Project Information

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1. Applicant: Southern California Regional Rail Authority  
1 Gateway Plaza, 12th Floor  
Los Angeles, CA 90012  
  
Phone: (909) 592-4615
2. Applicant's Agent: HDR Engineering, Inc.  
3230 El Camino Real  
Irvine, CA 92602  
  
Phone: (714) 730-2300 Fax: (714) 730-2301
3. Project Name: Vincent Station Platform
4. Project Location: Town of Acton, Los Angeles County

<u>Latitude</u> <u>Decimal Degrees</u>	<u>Longitude</u> <u>Decimal Degrees</u>
34.48588	- 118.1364
34.49052	-118.1286
34.49152	-118.1271
34.49319	-118.1251
34.49481	-118.1219
34.49699	-118.1188
34.49809	-118.1181
34.49699	-118.1167

5. Type of Project: Railroad track construction
6. Project Purpose: The proposed Project will install additional passing railroad line (tracks) along this segment of the Antelope Valley Line to accommodate the storage of freight trains in response to anticipated increases in Union Pacific Railroad freight operations along the route. The provision of additional siding will enable Southern California Railroad Authority to maintain current service levels and travel times while providing simultaneous directional Palmdale

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loading and boarding of the existing and proposed platforms.

#### 7. Project Description:

The Southern California Railroad Authority and Los Angeles County Metropolitan Transit Authority are proposing the construction of the Vincent Grade/Acton Station Second Platform and Vincent Siding Extension Project (Project) (730 West Sierra Highway) along the existing Metrolink Antelope Valley Line. Southern California Railroad Authority's Antelope Valley Line includes passenger rail service between the Palmdale loading platform and Los Angeles Union Station. Through an operating agreement, Union Pacific Railroad uses the Antelope Valley Subdivision for its freight train operations between the Los Angeles Basin and the San Joaquin Valley.

The Project is located along an approximate 2.2 mile stretch of the northern portion of the Metrolink Antelope Valley Line in Los Angeles County between Santa Clarita and Palmdale. The Project limits are located within unincorporated Los Angeles County and extend along Southern California Railroad Authority's Antelope Valley Subdivision between Mile Post 59.8 – Mile Post 62.

The existing Vincent Grade/Acton Station is located in the District of Acton in unincorporated Los Angeles County and accessible from Vincent View Road via Angeles Forest Highway. The Project Study Area is generally contained within the Southern California Railroad Authority railroad right-of-way and adjacent to the roadway right of way for Carson Mesa Road. Access to the site travel is available on State Route 14 east; at the Angeles Forest Highway exit (Route N3), south of the railroad overcrossing, and west on Carson Mesa Road. The Project site parallels Carson Mesa Road from Vincent Grade/Acton Station on the east to Foreston Drive on the West.

The Project site intersects an unnamed, intermittent drainage feature that is tributary to the Santa Clara River. The Santa Clara River is located approximately 9,200 feet to the southwest of the Project site. In total, approximately 1.1 acres of waters of the U. S. are contained within the Study Area for the project.

The Project will involve the expansion of an existing track siding and construction of a second side platform to accommodate the

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storage of increased freight traffic. Major components of the Project include: (1) the Vincent Siding extension (5,000 feet of additional siding track); (2) a second platform at the Vincent Grade/Acton Station; (3) the protection of existing utilities; and, (4) construction of a new pedestrian at grade crossing. All impacts to waters of the U. S. and state resulting from the Project are limited to the siding extension. Each of these Project features is described in detail below.

#### Vincent Siding Extension

The Vincent Siding extension component of the Project will add an additional 4,820 feet to the west end of the existing siding and the installation of a universal crossover, thereby resulting in an overall usable siding length of up to 6,200 feet. The siding extension limits extend between Mile Post 59.8 and Mile Post 62. Existing railroad right of way along the alignment varies from 200 to 630 feet in width due to previous railroad line changes. The cut and fill slopes of the Vincent Siding extension will maintain a minimum of two feet of separation from the existing right of way line.

A portion of an existing, unnamed drainage feature located to the south of the track from approximately Rockyford Road (Mile Post 60.1) to Mile Post 61.3 will be relocated to the north of the track to accommodate the new track alignment and universal cross-over. The realigned drainage feature will join with the existing unnamed drainage to the north of the proposed track alignment and maintain hydrologic connectivity. Two culverts will be constructed to convey flows to the south at Rockyford Road and maintain downstream hydrologic connectivity. Armoring will also be placed at the inlets and outlets of existing and new culverts to provide scour protection.

The proposed scour protection will consist of buried riprap. The buried riprap will be placed at subgrade and covered with approximately one foot of soil to maintain an earthen bottom corresponding to the existing channel grade and suitable as a medium for plant growth. Following revegetation, the new drainage will function similarly, which is artificially confined by the development of Cason Mesa Road and the Antelope Valley Subdivision.

#### Vincent Grade/Acton Station Platform

The Vincent Grade/Acton Station Platform component (Vincent

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Station) proposes to construct a 600-foot long second slab-on-grade platform to the south of the existing platform. Design of the second platform includes the installation of a mini-high platform ramp compliant with the American Disabilities Act (ADA), lighting, customer information system and three passenger shelters. The platform improvements will also include realigning the adjacent siding track to a tangential alignment adjacent to the proposed platform to provide sufficient track spacing and allow for the placement of an inter-track fence.

The pedestrian at-grade crossing will be installed connecting the south end of the proposed platform to the existing platform. Ramps at the end of the existing platform will be removed and replaced by the pedestrian at-grade crossings that will extend approximately 50 feet from the ends of the platforms. The at-grade crossing will be fitted with pedestrian gates, swing gates, detectible warning strips and signs.

#### Utility and Signal Relocation.

The Project will require the protection of one crossing fiber optic facility in accordance with Metrolink Engineering Standard 5001. Railroad signals and signal houses may also be relocated or replaced, as necessary, to accommodate the track improvements. These improvements will be confined to Southern California Railroad Authority's right of way.

#### Proposed Schedule (Start-up, duration, and completion dates):

Construction of the Project will begin in 2015 and take approximately 12 months to complete. The construction area is estimated to be 25.5 acres. Of this total construction area, up to 5 acres could be subject to disturbance during the course of construction on any given day. Of the 25.5 acres, less than 0.28 acre will occur within the unnamed drainage channel. Staging areas for construction equipment and materials will be located within the Southern California Railroad Authority's right of way and outside the delineated 100-year flood zone. Construction of the Project will generally be sequenced as follows:

- Clearing and grubbing;
- Extend fiber optic utility casings, as appropriate, to protect the facility under the new track;
- Construct embankments, culvert extensions, and retaining walls

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- throughout the Project, as necessary;
- Construct improvements at the Vincent station;
  - Construct new continuous welded rail track; and
  - Site restoration.

Construction of the Project in the vicinity of the unnamed drainage will involve three general phases: 1) fill of the existing drainage channel and creation of a smaller roadside ditch to accommodate the drainage from Carson Mesa Road; 2) relocation of the tracking alignment and new siding to its proposed location; and 3) excavation, grading, and seeding of the new channel alignment to the north of the tracks.

Implementation of the proposed project will result in a total of 0.28 acre (less than 1,500 linear feet) of impact to waters of the U.S. Of this total, 0.25 acre of impact will be permanent as a result of the placement of fill within the existing channel (0.13 ac), realignment of an existing culvert (less than 0.02 ac), and placement of riprap within the 100-year floodplain (0.12 ac). An additional 0.03 acre of temporary impact would result from grading and temporary construction activities in waters of the U.S.

Areas temporarily impacted along with the reconstructed drainage channel will be re-graded and seeded using an approved seed mix, thereby providing similar functions and values to the impacted unnamed channel. The realigned drainage channel will confluence with the existing drainage feature further downstream to maintain hydrologic connectivity. Portions of the new channel (0.10 acres) is located outside the 100-year floodplain and, therefore, would contribute to the project's compensatory mitigation at a ratio of 1:1. The remaining compensatory mitigation would come in the form of mitigation bank credits through the Santa Paula Creek Preservation Bank (0.40 ac).

8. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP No. 14 (Permit No. 2014-00187-BEM)
9. California Environmental Quality Act Compliance: The proposed project is Statutorily Exempt from CEQA pursuant to the CEQA Guidelines, Section 15275 *Specified Mass Transit Projects*. A Notice of Exemption was filed by the Southern

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California Railroad Authority with the Los Angeles County Clerk on February 11, 2014.

10. Receiving Water: An unnamed tributary to the Santa Clara River (Hydrologic Unit Code: 180701020102)
11. Designated Beneficial Uses: MUN\*, AGR, GWR, REC-1, REC-2, WARM, WILD, WET  
\*Conditional beneficial use
12. Impacted Waters of the United States: Non-wetland waters (unvegetated streambed): 0.03 temporary and 0.25 permanent acres
13. Dredge Volume: 126 cubic yards
14. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has identified one project carried out in the last 5 years: Antelope Valley Track Improvement Project (2011) RWQCI3 401 Certification (File No. 10-050); USACE 404 Permit (SPL-2010-00422-MAS).
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Channel flows shall be bypassed around work areas to ensure that channel work is performed during dry conditions and to prevent mingling of construction-related runoff with non-construction-related runoff to minimize the introduction of turbid water into the channel downstream from the Project.
  - The removal of all temporary in-channel barriers will normally proceed in an upstream direction from a downstream location. Removal of temporary barriers should not cause flows to exceed more than two times the current flow in the construction area. Normal flows will be restored to the affected stream immediately upon completion of work.
  - When bypass flows are reintroduced to the channel, they will be



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reintroduced in a non-erosive manner.

- Wet sediments will be stockpiled away from the channel to the extent feasible. No runoff from wet sediments shall be allowed to flow back into the channel.
- For safety reasons the Metrolink Operations Center obtains real time weather information. The contractor will be required to consult with the Operations Center in order to implement any best management practices.
- The contractor will coordinate his efforts in obtaining coverage under the NPDES General Construction Permit (as amended) with Southern California Railroad Authority. This includes providing copies of all correspondence and deliverables sent to agencies for review and approval.

16. Proposed  
Compensatory  
Mitigation:

The Applicant has proposed to provide 0.13 acres of streambed mitigation onsite, and 0.43 acres offsite, for a total of 0.56 acres of mitigation.

17. Required  
Compensatory  
Mitigation:

The Applicant shall provide 0.56 acres of streambed mitigation. 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 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. **This document 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 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.
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 **three-day (3-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. 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.
16. 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.
17. 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.

18. 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.
19. 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.

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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.

**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.

20. The Applicant shall restore **all areas** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years.
21. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **0.03** acres waters of the United States by creating or restoring riparian habitat at a minimum **2:1** area replacement ratio (**0.06 acres**). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.25 acres** of vegetation within waters of the United States/Federal jurisdictional wetlands by creating or restoring riparian habitat at a minimum **2:1** area replacement ratio (**0.5 acres**).

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If the Applicant proposes funding to a third-party organization for the creation or restoration or in combination for a total of **0.43 acres** of vegetated streambed riparian habitat within waters of the United States, then funding shall apply to mitigation acreage only, exclusive of administrative costs (**0.13 acres** shall be restored or re-created on-site). The mitigation site shall be located within the Santa Clara River Watershed unless otherwise approved by this Regional Board. The Applicant shall submit a Proposed Mitigation Report which shall include:

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

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

22. 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** following this issuance of 401 Certification or until mitigation success has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking) or any delays in the mitigation process. At a minimum the Annual Reports shall include the following documentation and answered appropriately whether or not mitigation has been performed:

- (a) Color photo documentation of the pre-and post-project and mitigation site conditions;
- (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
- (c) The overall status of project including whether or not work has begun on the Project and a detailed schedule;
- (d) Copies of all permits revised as required in Additional Condition 1;
- (e) Water quality monitoring results for each reach (as required) compiled in a spreadsheet format;

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- (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.
23. 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.
24. 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)"
25. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **14-029**. Submittals shall be sent to the attention of the 401 Certification Unit.
26. 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.

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27. 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. 2012-0011-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
28. 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.
29. 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.
30. *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.
31. 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.

