



California Regional Water Quality Control Board
Los Angeles Region



Linda S. Adams
 Acting Secretary for
 Environmental
 Protection

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Edmund G. Brown
 Governor

Mr. Steve Hilton
 Conrad N. Hilton Foundation
 10100 Santa Monica Boulevard
 Los Angeles, CA 90067

**WATER QUALITY CERTIFICATION FOR PROPOSED CONRAD N. HILTON
 FOUNDATION HEADQUARTERS CAMPUS PROJECT (Corps' Project No. 2010-903-
 AJS), EPHEMERAL TRIBUTARIES TO LINDERO CREEK, CITY OF AGOURA
 HILLS, LOS ANGELES COUNTY (File No. 10-125)**

Dear Mr. Hilton:

Board staff has reviewed your request on behalf of Conrad N. Hilton Foundation (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on March 23, 2011.

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

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

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

Samuel Unger

Samuel Unger, P.E.
 Executive Officer

5-19-11

Date

DISTRIBUTION LIST

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Envicom Corporation
28328 Agoura Road
Agoura Hills, CA 91301

Bill Orme (via electronic copy)
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Sacramento, CA 94244-2130

Rick Mayfield (via electronic copy)
California Department of Fish and Game
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Los Angeles, CA 90053-2325

Eric Raffini (via electronic copy)
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Jim Bartel
U.S. Fish and Wildlife Service
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ATTACHMENT A

Project Information
File No. 10-125

1. Applicant: Mr. Steve Hilton
Conrad N. Hilton Foundation
10100 Santa Monica Boulevard
Los Angeles, CA 90067
- Phone: (310) 566-4694 Fax: (310) 556-2301
2. Applicant's Agent: Travis Cullen
Envicom Corporation
28328 Agoura Road
Agoura Hills, CA 91301
- Phone: (818) 879-4700 Fax: (818) 879-4711
3. Project Name: Conrad N. Hilton Foundation Headquarters Campus
4. Project Location: Agoura Hills, Los Angeles County
- | <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 34° 08' 41" | 118° 47' 10" |
5. Type of Project: Development of an office campus
6. Project Purpose: The purpose of the proposed project is to accommodate growth of the Conrad Hilton Foundation by constructing and occupying a headquarters campus that will provide a central location for the Foundation and accommodate additional staffing. Phase I of the project is proposed to be constructed in 2011. Phase II is anticipated to begin within approximately five to ten years, and as such, this Certification is for Phase I only.
7. Project Description: The proposed project includes phased construction and operation of a headquarters campus consisting of four office buildings, a maintenance building, street access driveways, a funicular (inclined cable tramway), interior circulation and parking areas, native landscaping, security, architectural, and outdoor accent lighting, drainage improvements, as well as the widening of Agoura Road

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along the frontage of the project site. Additional project elements include outdoor sitting areas and native plant gardens. Project implementation will occur in four phases of development that will be constructed over an estimated 25-year period.

The project site contains three drainages that are unnamed and ephemeral. There are a total of 0.011 acres of wetland waters of the U.S. and 0.460 acres of non-wetland waters of the U.S. on the site. Two of the main drainages, the eastern and western drainage each terminate into separate debris basins located on the project site, at the southern edge of Agoura Road. The eastern debris basin receives water flows from a smaller area including off-site properties as well as a small ephemeral drainage referred to in the project's EIR as a "small erosion feature." As part of Phase I, the eastern debris basin would be relocated to the southern edge of the project footprint. In addition, the "small erosion feature" drainage would be redirected to empty into this relocated debris basin.

The western drainage system, which drains the majority of the site, would not be affected by Phase I development. The impacts to the western drainage would occur in Phase II as a result of relocating the debris basin due to the City's widening of Agoura Road.

Phase I.

Phase I development will occur on the northeastern portion of the project site and will include a 24,000-square foot office building, a maintenance structure, parking and circulation elements, drainage improvements, as well as landscaping and related outdoor features. Phase I will also include grading on the slope east of the western debris basin along the south side of Agoura Road, grading within the Agoura Road right-of-way from the eastern property boundary to the western debris basin, improvement of Agoura Road from the eastern property boundary to the proposed western boundary of the eastern parcel, and rough grading for the Phase III building pad. A debris basin in the eastern drainage will be constructed and maintenance of the debris basin will be completed under Phase I. Typical grading and construction equipment will be used, including scrapers/graders, bulldozers, loaders, and dump trucks.

The eastern debris basin has been designed to the County's maximum depth of 6 ft. with a maximum bank slope of 2:1. Additionally, a three foot tall vertical wall will be constructed at the

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top of the 2:1 slope to further reduce the size of the debris basin, thereby reducing the acreage of impacts. The invert elevation within the proposed eastern debris basin has been set based on the elevation of the existing storm drain pipe under Agoura Road and a minimum allowable slope on the pipe connecting the proposed debris basin of 3%.

The proposed project will include permanent and temporary impacts to non-wetland waters along the two drainages. Permanent impacts will occur as a result of filling in order to construct various project components. Temporary impacts will occur as a result of periodic maintenance of the debris basins and debris cones that will be conducted by the Los Angeles County Flood Control District. Phase I will permanently impact 0.073 acres and temporarily impact 0.007 acres of non-wetland waters of the State within the eastern drainage and small erosion feature. The Eastern Drainage is 1,678 feet in length and of this, 522 feet will be permanently impacted and the remaining 1,156 feet will be preserved. The erosional feature is 337 feet in length. 186 feet of this drainage will be permanently impacted during Phase I. The Western Drainage is 2,460 feet in length. This drainage will not be impacted during Phase I.

Due to the uncertainty of the construction start date for Phase II, this certification is only for the impacts associated with Phase I. The applicant must submit a separate application in the future for the Phase II impacts, which are anticipated to start in approximately 5 to 10 years. Phase II is anticipated to permanently impact 0.094 acres and temporarily impact 0.060 acres of non-wetland waters of the State within the erosion feature and the western debris basin. For this phase of the project, it is anticipated that there will be a total impact of 498 feet of the western drainage and 151 feet of the erosional feature.

Phases I and II combined would permanently impact 0.167 acres and temporarily impact 0.067 acres of non-wetland waters of the U.S. within the drainages and erosion features. No wetlands will be impacted by any phase of the project.

Road Widening

During Phase I, grading for the widening of Agoura Road will be completed between the eastern property boundary and the western boundary of the eastern parcel. Fill from the cut of the slope during

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road widening will be used in Phase I of the project for the central parking lot and the foundation pad for structures. The remainder of the road widening improvements between the western limits of the Phase I grading and the western property boundary will be conducted during Phase II, which is anticipated to occur within five to ten years.

Alternatives The foundation commissioned an Environmental Constraints Analysis (ECA), which identified the site's natural resources, including waters of the State, and their potential to support and/or constrain the site plan and building design. The ECA process yielded a development opportunities map based on criteria from public planning, policy consistency, sensitivity, and feasibility of mitigation. The result was a project that limits permanent impacts to 0.167 acres, much of which is required for the City's widening Agoura Road and the need to relocate and redesign the debris basins along the south side of Agoura Road. The project will focus development within the 11.75-acre northern portion (17.6%) of the project site, leaving the southern 54.85-acre portion (82.4%) undeveloped.

Additionally, the project has been designed to meet the criteria of the US Green Building Council's LEED Platinum Certification. The design includes multiple sustainable elements such as extensive use of bio-filters and a vegetated detention basin to filter first flush flows, green roofs, and rainwater collection system to support landscape irrigation and extensive use of permeable hardscape surfaces.

- | | |
|--|---|
| 8. Federal Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 2010-903-AJS |
| 9. Other Required
Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement |
| 10. California
Environmental Quality
Act Compliance: | The City of Agoura Hills approved the project and certified the project EIR, which includes all phases, on March 9, 2011. |
| 11. Receiving Water: | Lindero Creek (Hydrologic Unit No. 404.23) |

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12. Designated Beneficial
Uses:

MUN*, REC-1, REC-2, WARM, WILD
*Conditional beneficial use

13. Impacted Waters of the
United States:

Non-wetland waters (streambed): 0.007 temporary and 0.073
permanent acres

14. Dredge Volume:

None

15. Related Projects
Implemented/to be
Implemented by the
Applicant:

Additional phases of this project are planned:

Phase II

Phase II would include the construction of a 36,000-square-foot office building; an access driveway with roadside parking, a western parcel parking lot; addition of spaces to the Central Parking Lot; completion of the improvements to Agoura Road up to the western property line; and improvements to the western debris basin to accommodate the widening of Agoura Road. Site improvements to occur during Phase II would also include a funicular to provide direct connectivity between Phase I development and Phase II development, as well an internal cart path between the eastern and western portions of the site.

Phase III

A 7,500-square-foot Phase III office building would be constructed on the northeastern most corner of the project site during this phase.

Phase IV

Construction of a 23,000-square foot office building would complete the anticipated build out of the proposed project. The building would be constructed in the western portion of the site.

16. Avoidance/
Minimization
Activities:

The Applicant initiated an Environmental Constraints Analysis (ECA), which identified the site's natural resources, including waters of the State, and their potential to support and/or constrain the site plan and building design. The ECA process yielded a development opportunities map based on criteria from public planning, policy consistency, sensitivity, and feasibility of mitigation. The project design was then formulated to avoid all

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areas deemed "restrictive," while focusing the majority of the project footprint within the "preferred" or least constrained areas and outside of jurisdictional waters.

Additionally, the applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

During Construction

The applicant will be developing a Storm Water Pollution Prevention Plan (SWPPP) to identify means and methods for controlling sedimentation and pollution during the construction process. It is anticipated that the plan will include the use of silt fencing, straw wattles, sand bags and plastic sheeting to create a barrier around the down slope limits of disturbance to prevent sedimentation into the drainages. Within the grading envelope, the same materials will be used to direct flows to temporary detention basins that will allow water to pool, and drop sediment before discharging into the storm drain system.

During Operation

The project civil engineer has prepared a Drainage Concept and Standard Urban Stormwater Master Plan (SUSMP) to control sedimentation and pollution from within the development footprint. The SUSMP includes the use of green roofs, a roof top rainwater collection system, permeable hardscape surfaces, gutters, culverts, bio swales, and a vegetated detention basin to collect, treat and discharge surface runoff into the City's stormdrain system. Surface flows outside of the development footprint will be directed into either the eastern or western debris basins before discharging into the City's stormdrain system. Additionally, slopes within the development footprint will be vegetated to stabilize the slopes and prevent sedimentation from occurring.

17. Proposed
Compensatory
Mitigation:

The Applicant has proposed to provide compensatory mitigation via an in-lieu fee agreement with a local conservation organization for off-site creation/restoration of in-like-kind habitat. Permanent impacts will be mitigated at a ratio of 3:1 and temporary impacts will be off-set at a ratio of 1:1.

18. Required

The Regional Board will require the Applicant to provide

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Compensatory
Mitigation:

compensatory mitigation at ratios of 3:1 and 2:1, for permanent and temporary impacts, respectively.

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

ATTACHMENT B

Conditions of Certification File No. 10-125

STANDARD CONDITIONS

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

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

ADDITIONAL CONDITIONS

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

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this Certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
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 and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact the Land Disposal Unit, at (213) 620-6119 for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
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. 2004-0008-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. 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.
18. All project/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.
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. 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:

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- 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.

20. The Applicant shall restore the proposed **0.007 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
21. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **0.007 acres** waters of the United States by creating or restoring riparian habitat at a minimum **2:1** area replacement ratio (**0.014 acres**). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.073 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 (**0.219 acres**). The mitigation site shall be located within the watershed 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.)

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(c) 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. If the Applicant proposes funding to a third-party organization for the creation or restoration of a total of **0.233 acres** of streambed riparian habitat within waters of the United States, then funding shall apply to mitigation acreage only, exclusive of administrative costs. The mitigation site shall be located within the Malibu Creek 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.

23. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation success has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. At a minimum the Annual Reports shall include the following documentation:

- (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
- (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
- (c) The overall status of project including a detailed schedule of work;
- (d) Copies of all permits revised as required in Additional Condition 1;

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- (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.
24. Prior to any subsequent maintenance activities within the subject drainages/basin, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the drainage's/basin's existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (d) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (e) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
25. 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.
26. 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.

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Executed on the _____ day of _____ at _____

(Signature)
(Title)"

27. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number 10-125. Submittals shall be sent to the attention of the 401 Certification Unit.
28. 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.
29. 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. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also 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.
30. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
31. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within 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.

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32. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.

33. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.