



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Geoffrey Smith
Lennar Homes of California, Inc.
25 Enterprise, Suite 300
Aliso Viejo, CA 92656

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7009 2820 0001 6537 9508

TECHNICALLY CONDITIONAL WATER QUALITY CERTIFICATION FOR PROPOSED DIAMOND BAR SITE D PROJECT (Corps' Project No. 2012-00594-SLP), TRIBUTARY TO BREA CREEK, TRIBUTARY TO COYOTE CREEK, CITY OF DIAMOND BAR, LOS ANGELES, COUNTY (File No. 12-138)

Dear Mr. Smith:

Board staff has reviewed your request on behalf of Lennar Homes of California, Inc. (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on January 17, 2014

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.

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

Jan. 31, 2014
Date

DISTRIBUTION LIST

<p>Barry Jones Helix Environmental Planning 7578 El Cajon Blvd, Suite 200 La Mesa, CA 91942</p>	
<p>Bill Orme (via electronic copy) State Water Resources Control Board Division of Water Quality P.O. Box 944213 Sacramento, CA 94244-2130</p>	
<p>Sarah Rains (via electronic copy) California Department of Fish and Wildlife Streambed Alteration Team 3883 Ruffin Rd Suite A San Diego, CA. 92123-4813</p>	
<p>Shannon Pankratz U.S. Army Corps of Engineers Regulatory Branch, Los Angeles District P.O. Box 532711 Los Angeles, CA 90053-2325</p>	
<p>Paul Amato (via electronic copy) U.S. Environmental Protection Agency, Region 9 75 Hawthorne Street San Francisco, CA 94105</p>	
<p>Jim Bartel U.S. Fish and Wildlife Service 6010 Hidden Valley Road Carlsbad, CA 92011</p>	

ATTACHMENT A

Project Information

File No. 12-138

1. Applicant: Mr. Geoffrey Smith
Lennar Homes of California, Inc.
25 Enterprise, Suite 300
Aliso Viejo, CA 92656

Phone: (949) 349-8285 Fax: (949) 349-0394

2. Applicant's Agent: Barry Jones
Helix Environmental Planning
7578 El Cajon Blvd, Suite 200
La Mesa, CA 91942

Phone: (619) 462-1515 Fax: (619) 462-0552

3. Project Name: Diamond Bar Site D

4. Project Location: City of Diamond Bar, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
-117°50'40.34"	33°58'02.23"
-117°50'33.16"	33°58'08.36"
-117°50'30.52"	33°58'04.01"
-117°50'42.00"	33°57'57.00"

5. Type of Project: Residential Development

6. Project Purpose: The proposed project (Project) will construct residential homes and associated infrastructure.

7. Project Description: The Project consists of single-family residential development on 30.4 acres, and includes building 200 residences on 20.2 acres of the study area including bike and pedestrian trails, and a minimum two acre neighborhood park site with recreational facilities. The remaining 10.2 acres consists of manufactured slopes and other infrastructure. The Project improvements include internal roadways

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and utilities. The Project also will include construction of three extended drainage basins and a debris basin, as well as improvements to an existing channel.

The Project grading necessary for construction of residential development results in unavoidable fill of all jurisdictional areas. All impacts are considered permanent. The entire site is being graded and all Waters of the state and U.S. (Waters), are being filled. Based on the 2012 USACE jurisdictional assessment, the project would impact a total of 0.24 acres of Waters, including 0.09 acres of wetland and 0.15 acres of non-wetland waters. All of the USACE jurisdictional areas would be affected by the proposed project.

However, the 0.24-acre impact is below the 0.5-acre threshold for a Nationwide 404 permit (NWP), although a 300-foot linear distance threshold is exceeded. As a result, a waiver request of the 300-foot limit was provided to the USACE and the USACE has approved the waiver in determination of NWP 29 for the Project.

The project has been designed to maintain existing overall drainage patterns and runoff volumes/velocities leaving the site. This would be accomplished through the following measures:

- Designing all proposed storm drain facilities to accommodate a 100-year storm event; and
- Constructing a bio-retention cell, an open air water quality basin, and catch basin on-site to limit post-development peak 100-year storm flows from the site to pre-development levels.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 29 (Permit No. 2012-00594-SLP)
9. Other Required Regulatory Approvals: California Department of Fish and Wildlife
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The City of Diamond Bar approved the project's Final Environmental Impact Report (Resolution No. 2012-07) on February 21, 2012. A Notice of Determination was filed with the Los Angeles County Clerk (12 0044604) on February 23, 2012.

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11. Receiving Water: Brea Creek (Hydrologic Unit Code 180701060603) a tributary to Coyote Creek, (Hydrologic Unit No. 180701060603)
12. Designated Beneficial Uses: MUN*, IND, PROC, REC-1, REC-2, WARM, WILD, RARE, REC1, REC2
- *Conditional beneficial use
13. Impacted Waters of the United States: Federal jurisdictional wetlands: 0.09 permanent acres (357 linear feet).
- Non-wetland waters (streambed): 0.15 permanent acres (1,753 linear feet).
14. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices (BMPs).
- A complete discussion of the construction BMPs for this project is included in the Storm Water Pollution Prevention Plan (SWPPP) prepared by Little Creek Environmental, LLC (2013). During construction, BMPs will include but are not limited to:
- (1) Storm drain inlet protection will include use of a sediment filter for flows prior to entering the inlet consistent with SE-10 of the SWPPP;
 - (2) Stabilized construction entrances will be installed at all entrance and exit points for the site consistent with TC-1 and TC-4 of the SWPPP;
 - (3) Temporary sediment traps and check dams will be used to slow velocities consistent with SE-3 and SE-4 of the SWPPP;

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- (4) Fiber rolls and gravel bags shall be used consistent with SE-5 and SE-6 of the SWPPP;
- (5) Mulching and use of soil binders. Soil binders shall be used where temporary erosion protection is required consistent with EC-8 of the SWPPP. Mulch will be used where appropriate consistent with EC-6 of the SWPPP;
- (6) Silt fencing will be installed consistent with SE-1 of the SWPPP;
- (7) Equipment maintenance and refueling. All maintenance, repair and refueling of vehicles will occur at least 50 feet from any WUS in designated areas only (See MN-8 through MN-10 of SWPPP); and
- (8) Material delivery and storage areas will be limited to areas outside of WUS. (See WM -1 through WM-10 of SWPPP).

Post-construction site design, source control, and treatment control BMPs and their maintenance requirements are outlined in the LID Report (Hunsaker and Associates 2013). Post-construction BMPs (Section II of the LID Report) for the project address site design, source control and treatment control will include but are not limited to:

- (1) Minimization of impervious surfaces. The project includes 41 percent of the site as pervious surfaces;
- (2) Eighteen Modular Wetlands Systems by BioClean will be installed as shown on Attachment D of the LID Report.
- (3) Six vegetated, pervious self treating areas are proposed as shown on Attachment D of the LID Report;
- (4) A detention basin will be installed as shown on Attachment D of the LID Report;
- (5) Roof runoff control to retain flows within individual lots will be implemented consistent with SD-11 of the LID Report;
- (6) Efficient irrigation practices and landscape design features to maximize infiltration and minimize urban runoff consistent with SD-10 and SD-12 of the LID Report;
- (7) Storm drain signage shall be installed at all storm drain inlets consistent with Section II.5 and SD-13 of the LID Report;
- (8) Vegetated buffer strips are proposed throughout the site to treat

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sheet flows from adjacent paved areas consistent with TC-31 of the LID Report; and

(9) Slope and channel protection. The slopes will be fully landscaped with deep rooted native and/or drought tolerant species and protected with concrete-lined conveyance swales consistent with Section II.5 of the LID Report.

Potential impacts to downstream waters will be avoided to the maximum extent practicable through implementation of site, source and treatment control post-construction BMPs. These will include but are not limited to:

- (1) Stenciling and tiling of storm drains consistent with Section II.5 and SD-13 of the LID Report;
- (2) Covered trash containers will be stored in individual garage spaces consistent with Section II.7 of the LID Report;
- (3) Graded/steep slopes and natural areas will be fully landscaped with deep rooted native and/or drought tolerant species and protected with concrete-lined conveyance swales consistent with Section II.5 of the LID Report; and
- (4) Installation of detention basins, self-treating areas and Modular Wetlands Systems to provide treatment of the first flush of runoff.

16. Proposed Compensatory Mitigation:

Mitigation will be accomplished at the Soquel Canyon mitigation site. Mitigation shall occur either in the form of mitigation bank credits if the Soquel Canyon Mitigation Bank has been formed prior to initiating project impacts, or through implementation of a permittee-responsible mitigation at the Soquel Canyon mitigation site. Lennar Homes shall complete the mitigation obligation independent of Bank's approval to assure completion and protection of the mitigation requirements; however, once the Bank is approved, the subject mitigation shall be included in the Bank. If the Bank is not complete by August 31, 2014, a project specific conservation easement shall be recorded over the mitigation site, to protect fish and wildlife in perpetuity.

Mitigation shall include the following components:

- The re-establishment of 4.94 acres of walnut woodland;
- The enhancement of 2.28 acres of Soquel Creek, including the

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minor repair of the banks due to cattle grazing (repair with vegetation), removal of exotic vegetation, and planting of riparian vegetation;

- The enhancement of 2.75 acres of oak riparian intermittent stream; and,
- The restoration/re-establishment of 0.19 acres of willow/mulefat scrub.

A total of 10.16 acres of restoration or enhancement will be implemented within the next planting cycle. California Walnut trees require a 100% survivor criteria for the first 5-years and 80% survivor criteria thereafter. A 10- year monitoring period is required for the California Walnut Woodlands and a 5-year monitoring period for all other habitat types.

17. Required Compensatory Mitigation:

The applicant shall provide the proposed mitigation to include at least 0.63 acres of compensatory mitigation in Waters of the US. 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

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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 and the California Department of Fish and Wildlife's (CDFW) 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 CDFW'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.
- ~~2-4.~~ The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 15, are incorporated as additional conditions herein.
- ~~3-5.~~ 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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4.6. 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.

5.8. 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.

6.9. 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.

7.10. 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.

8.11. 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.

9.12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.

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10-13. 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.

11-14. 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. Sediment removal at each phase shall not go beyond the extent as defined in the application packet.

16. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.

12-17. 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.

13-18. 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.

14-19. 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

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rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:

- pH
- temperature
- dissolved oxygen
- turbidity
- total suspended solids(TSS)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to diversion and then monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Downstream TSS shall be maintained at ambient levels. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

~~15.20.~~ 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.

~~16.21.~~ The Applicant shall provide COMPENSATORY MITIGATION for the proposed permanent impacts to **0.09 acres** within waters of the United States/Federal jurisdictional wetlands by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum **3:1** area replacement ratio (**0.18 acres**), and for proposed permanent impacts to **0.15 acres** within waters of the United States/Federal jurisdictional streambed by creating or restoring riparian habitat/Federal jurisdictional streambed habitat at a minimum **3:1** area replacement ratio (**0.45 acres**). Total mitigation shall be equal to or greater than **0.63 acres**.

If the Applicant proposes funding to a third-party organization for the mitigation required above in combination or in total acreage, then funding shall apply to mitigation acreage only, exclusive of administrative costs.

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The mitigation site shall be located within the San Gabriel 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.

17.22. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.

18.23. The Applicant shall submit to this Regional Board **Annual 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 and 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 project or 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 and 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;

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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.

19.24. 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.

20.25. 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)”

21.26. The Applicant shall ensure a Report of Waste Discharge (ROWD) be filed for the proposed project, should any person discharge waste, or propose to discharge waste, other than into a community sewer system, which could affect the quality of the waters of State per Section 13260(a) of the California Water Code. Please note that the Applicant is required to file a complete RoWD/Form 200 with this Regional Board at least 120 days prior

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to commencing the discharge from the proposed project. The Form 200 can be downloaded from the State Board's website at <http://www.swrcb.ca.gov/sbforms/form200.pdf>.

- | 22-27. The project shall ensure connection to a Public Sewage Treatment System within 12 months of installation of the sewerage lateral collection line within 200 feet of the property. The project shall maintain compliance with Assembly Bill 885 and all local requirements for operation and maintenance of septic systems.
- | 23-28. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **12-138**. Submittals shall be sent to the attention of the 401 Certification Unit.
- | 24-29. 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.
- | 25-30. The project shall comply with the local regulations associated with the Regional Board's Municipal Stormwater Permit issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. R4-2012-0175. 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.
- | 26-31. 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. 2012-0011-DWQ.
- | 27-32. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
- | 28-33. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

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29.34. 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.

30.35. 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.