



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Tom Comber
Sherwood Development Company
2300 Norfield Ct
Thousand Oaks, CA 91361

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7009 2820 0001 6537 7146

WATER QUALITY CERTIFICATION FOR PROPOSED CARLISLE CANYON TRACT 4192-5 AND 6 PROJECT (Corps' Project No. 2013-00398-AJS), CARLISLE CANYON CREEK, SANTA MONICA MOUNTAINS, LOS ANGELES (File No. 13-059)

Dear Mr. Tom Comber:

Board staff has reviewed your request on behalf of Sherwood Development Company (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on October 18, 2013.

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

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

Should you have questions concerning this Certification action, please contact Dana Cole, Section 401 Program, at (213) 576-5733.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

11-22-13
Date

DISTRIBUTION LIST

Travis Cullen
Envicom Corporation
28328 Agoura Road
Agoura Hills, CA 91301

Bill Orme (via electronic copy)
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Brock Warmuth (via electronic copy)
California Department of Fish and Wildlife
Streambed Alteration Team
3883 Ruffin Rd Suite A
San Diego, CA. 92123-4813

Antal Szijj
U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2325

Paul Amato (via electronic copy)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Jim Bartel
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011

ATTACHMENT A

Project Information
File No. 13-059

1. Applicant: Mr. Tom Comber
Sherwood Development Company
2300 Norfield Ct
Thousand Oaks, CA 91361

Phone: (805) 371-0234 Fax No. (805) 371-0206

2. Applicant's Agent: Travis Cullen
Envicom Corporation
28328 Agoura Road
Agoura Hills, CA 91301

Phone: (818) 879-4700 Fax No. (818) 879-4711

3. Project Name: Carlisle Canyon Tract 4192-5 And 6 Project

4. Project Location: Santa Monica Mountains, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
34.13207	118.86695
34.13330	118.86587
34.12691	118.86916
34.13211	118.86519

5. Type of Project: Bridge, rip-rap aprons, and concrete box construction

6. Project Purpose: The Proposed project (Project) will (1) provide adequate access within the development and across the Carlisle Canyon Creek inlet; (2) provide a permanent culvert conveyance for the ephemeral channel at Williamsburg Way, (3) provide adequate stormwater drainage for the development, and (4) prevent channel bank erosion at the stormwater outfalls.

7. Project Description: The Clean Water Act 401 Certification for *Lake Sherwood Carlisle*

ATTACHMENT A

Project Information

File No. 13-059

Canyon Tract 4192, File Number 00-060 was previously authorized for the development of impacts created by the construction surrounding 48 single-family residences and associated infrastructure known as Phase 5 and Phase 6. The previously obtained certification for these activities expired prior to initiation of these phases hence the Project needs re-Authorization.

The Project will provide grading for individual pads for 48 single-family residences, access roads including an extension of Williamsburg Way, a new roadway on the east side of the Carlisle Canyon Creek, and an extension of Queen's Garden Drive on the west side of Carlisle Canyon Creek.

The Queen's Garden extension will include one bridge that will cross the Lake Sherwood Carlisle inlet to connect with Calborne Lane on the eastern side of the inlet, and a second bridge over the existing weir structure between Carlisle Creek and Carlisle Inlet to provide driveway access to bridge for two lots. In both instances the bridges will span the jurisdictional limits with abutments constructed in upland areas to avoid impacts within the channel and minimize impacts from bridge construction to only shading effects of jurisdictional area.

Underground drainages will be constructed to convey runoff from the open space hillsides through the developed area to discharge at lower elevations. Five of the drainage pipes will discharge directly to the Lake Sherwood Carlisle inlet where rip-rap aprons will be installed for energy dissipation and to prevent erosion at those outlets.

The Williamsburg Way extension will include the replacement of a temporary culvert crossing of an unnamed ephemeral drainage by removing corrugated pipe and constructing a box culvert. The culvert will be constructed in the same location as the existing temporary culvert avoiding permanent impacts to additional areas of the ephemeral drainage not currently impacted. A concrete apron will be installed on the culvert's inlet and outlet to minimize erosion in those areas, with 20 linear feet of the downstream area temporarily impacted for construction access.

A temporary crossing will be provided across an existing weir structure for construction purposes by placing 12-foot wide steel

ATTACHMENT A

Project Information

File No. 13-059

trench plates across a concrete apron on the upstream side of the weir structure. The concrete apron is currently dry from a seasonal drop in the water level, and thus no water will be present at the site. Sandbags will be placed along the edge of the steel plates to retain sediments.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 39 (Permit No. 2013-398-AJS)
9. Other Required Regulatory Approvals: California Department of Fish and Wildlife
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: A Mitigated Negative Declaration was approved and filed by the Ventura County Planning Commission on July 27, 2000.
11. Receiving Water: Carlisle Canyon Creek inlet, Lake Sherwood (Hydrologic Unit No. 404.26)
12. Designated Beneficial Uses: MUN*, GWR, NAV, REC-1, REC-2, WARM, WILD, WET
*Conditional beneficial use
13. Impacted Waters of the United States: Federal jurisdictional wetlands: 0.00 temporary and 0.242 permanent acres
Non-wetland waters (unvegetated streambed): 0.21 temporary and 0.017 permanent acres
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: Previous phases of Tract 4192 development have been completed or are ongoing in the vicinity as previously authorized, including construction of an 18-hole par-3 golf course with some portions along the Carlisle Canyon Creek inlet in the vicinity of the phase 5

ATTACHMENT A

Project Information

File No. 13-059

and 6. The Applicant has recently provided a replacement bridge on Carlisle Road across Carlisle Canyon Creek approximately 0.25 mile upstream of the Tract 4192 phase 5 and 6 project area, which is not a part of this residential development.

Portions of the applicant's Tract 4099 residential development have been proposed for development with preliminary impacts and mitigations identified, although the timing of additional construction of that tract is not known.

16. Avoidance/ Minimization Activities:

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

- Rip-rap aprons will be provided at stormwater outflows to Carlisle Canyon Creek to minimize erosion.
- Spans will be installed on footings and constructed outside of jurisdictional waters to avoid impacts to waters of the U.S.
- During construction, the Applicant will install exclusion fences that will be utilized to isolate active construction areas from jurisdictional areas outside the areas of permitted impacts.
- Erosion and sedimentation control devices (silt fences) will be installed as required before initiation of construction activity.
- Sedimentation control devices will be periodically inspected prior to and immediately after rainfall events, and periodically to ensure that the devices are effective.
- Prior to initiation of construction activity, a qualified biologist will ensure that the construction foreman and the crew are aware of the limits of construction activity and will implement an educational program.
- Vehicles and construction equipment will be periodically checked to ensure that there are no fugitive emissions from leaks or defective equipment.
- Five day weather forecasts will be conducted in order to identify potential storm events. Should forecasts indicate a potential

ATTACHMENT A

Project Information File No. 13-059

storm event during construction, appropriate site stabilization will be implemented.

- An adequate water diversion will be available onsite during construction within the ephemeral drainage and will be implemented to convey flows beyond the construction area.
- Spoil sites will be located away from drainage areas and appropriate erosion control devices will be placed around stockpiled materials.
- A temporary crossing would consist of laying steel plates across a dry concrete apron, lining the edges with sandbags placed by hand, and subsequent removal of all material and plates prior to the onset of the rainy season.

17. Proposed Compensatory Mitigation:

Impacts to lake habitat as a result of the span bridge would be permanent but would be limited to shading effects under the bridge, which would have a minimum clearance over the water of 11 feet. As no lake habitat would be removed, a mitigation ratio of 1:1 is proposed to offset these impacts.

Impacts to lake habitat as a result of the stormdrain outlet structures would be permanent. A mitigation ratio of 2:1 is proposed to offset these impacts.

Impacts to vegetated streambed would occur as a result of replacement of the existing temporary culvert constructed under the future Williamsburg Way with a permanent box culvert structure. Construction of the box culvert structure would impact a previously disturbed area of the streambed and would not involve the removal of vegetation. Therefore, the mitigation ratio proposed for construction of the permanent box culvert is 1:1.

The proposed impacts include a small temporary impact for access associated with construction of the permanent box culvert. The proposed mitigation ratio for these temporary impacts is 1:1.

The impacts associated with construction access across the existing concrete weir structure would be temporary in nature, would not involve the removal of vegetation. The proposed mitigation ratio for

ATTACHMENT A

**Project Information
File No. 13-059**

these temporary impacts is 1:1.

Mitigation for the proposed impacts will be provided as follows in the Table 1 below:

Water Body Type	Impact	Reason	Mitigation Ratio	Mitigation Acreage
Lake	0.0179 acres (permanent)	Shading from Span Bridges	1:1	0.0179
Lake	0.063 acres (permanent)	Stormdrain Outlet Structures	2:1	0.126
Lake Mitigation Total				0.305
Vegetated Streambed	0.017 acres (permanent)	Replacement of existing temporary culvert with permanent	1:1	0.017
Vegetated Streambed	0.002 acres (temporary)	Construction Access for Culvert	1:1	0.002
Vegetated Streambed	0.019 acres (temporary)	Construction Access across concrete weir	1:1	0.019
Vegetated Streambed Total				0.038

18. Required Compensatory Mitigation:

The Applicant shall provide 0.305 acres of lacustrine mitigation, and 0.038 acres of vegetated streambed mitigation. 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. 13-059

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.
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.

ATTACHMENT B

Conditions of Certification File No. 13-059

6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.

ATTACHMENT B

Conditions of Certification File No. 13-059

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.

ATTACHMENT B

Conditions of Certification File No. 13-059

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.

20. The Applicant shall restore the proposed **0.021 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.
21. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **0.021 acres** to waters of the United States by creating or restoring riparian habitat at a minimum **1:1** area replacement ratio (**0.021 acres**).
22. The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.017 acres** of vegetation within waters of the United States by creating or restoring riparian habitat at a minimum **1:1** area replacement ratio (**0.017 acres**); for the proposed permanent impacts to **0.0179 acres** of lacustrine habitat within waters of the United States by creating or restoring lacustrine habitat at a minimum **1:1** replacement ratio (**0.0179 acres**); for the proposed permanent impacts to **0.063 acres** of lacustrine habitat within waters of the United States by creating or restoring lacustrine habitat at a minimum **2:1** replacement ratio (**0.126 acres**). The mitigation site shall be located within the Lake

ATTACHMENT B

Conditions of Certification

File No. 13-059

Sherwood 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.)
- (c) Success criteria shall be established.

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

- 23. 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.
- 24. 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 and project completion 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:
 - (d) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (e) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (f) The overall status of project including a detailed schedule of **whether or not** work has begun on the Project;
 - (g) Copies of all permits revised as required in Additional Condition 1;
 - (h) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
 - (i) A certified Statement of "no net loss" of wetlands associated with this project;

ATTACHMENT B

Conditions of Certification
File No. 13-059

- (j) Discussion of any monitoring activities and exotic plant control efforts; and
 - (k) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
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.

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 **13-059**. 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

ATTACHMENT B

Conditions of Certification

File No. 13-059

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

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.
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.

ATTACHMENT B

**Conditions of Certification
File No. 13-059**

- (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 at least 90 days prior to termination of this Certification if renewal is requested.