



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Geoff Palmer
Saugus Colony Limited
11740 San Vicente Blvd., Suite 208
Los Angeles, CA 90049

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7014 2870 0001 4613 6028

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED SAUGUS COLONY (JAKES WAY) FLOOD MAINTENANCE PROJECT (Corps' Project No. 2012-00561-GS), SANTA CLARA RIVER, CITY OF CANYON COUNTRY, LOS ANGELES COUNTY (File No. 14-047)

Dear Mr. Palmer:

Board staff has reviewed your request on behalf of Saugus Colony Limited (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on October 9, 2015.

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

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

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

Samuel Unger
Samuel Unger, P.E.
Executive Officer

Dec. 8, 2015
Date

DISTRIBUTION LIST

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ATTACHMENT A

Project Information
File No. 14-047

1. Applicant: Saugus Colony Limited
11740 San Vicente Blvd., Suite 208
Los Angeles, CA 90049
Phone: (310) 207-3100 Fax: (310) 207-2162
2. Applicant's Agent: GH Palmer Associates
11740 San Vicente Blvd., Suite 208
Los Angeles, CA 90049
Phone: (310) 207-3100 Fax: (310) 207-2162
3. Project Name: 17621 Pauline Court Storm Drain
4. Project Location: Canyon Country, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
34.4139250	-118.4441530
34.4139340	-118.4441260
34.4140000	-118.4451582
34.4092078	-118.4401972
34.4140730	-118.4439630
34.4139590	-118.4436890
34.4139210	-118.4436950
34.4139410	-118.4433950
34.4139280	-118.4433960

5. Type of Project: Streambank concrete and rip-rap repair, and stormdrain and sediment baseline maintenance.
6. Project Purpose: The proposed project (Project) will conduct maintenance and repairs that will be needed periodically to retain the baseline flow conditions of a storm drain outfall structure (Drain 2496), and maintenance on 1,000 linear feet of riprap and concrete-lined slopes occurring within the maintenance easement held by Los Angeles

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County Flood Control District (LACFCD), just east of the State Route 14 bridge. The access and work area will be 1,000 linear feet by 11-feet wide within the Santa Clara Riverbed.

7. Project Description:

Located along the southern banks of Santa Clara River floodplain just east of the State Route 14 bridge, the Project will repair and restore existing structures back to pre-storm conditions including eroded or damaged slopes and embankments, down drains, and inlet and outlet pipes and related structures if needed. The outfall structure forms the terminus of the storm drain system for a residential development which discharges into the Santa Clara River. The storm drain also requires periodic maintenance to remove accumulated sediment, debris, and vegetation in the vicinity of the outfall structure so that it can function as designed.

An approximately two-acre study area encompassing the maintenance easement was evaluated by PCR Services Corporation for this Project. A 0.25-acre maintenance easement will be transferred to the Los Angeles County Flood Control District (LACFCD). The easement extends west-to-east for approximately 1,000 linear feet along the storm drain outfall structure and concrete riprap armored slope which were constructed to address drainage and flood protection needs for the adjacent residential development located directly south of Jake's Way. Once obtained, all regulatory permits will be transferred to the LACFCD. All maintenance activities will then implemented and performed by LACFCD, as authorized by this 401 Certification.

Project maintenance activities will be implemented by LACFCD for the maintenance of outfall structures and armored slopes. The need for maintenance will be determined by LACFCD based on annual inspections of the project facilities. Vegetation removal activities are anticipated to occur at least annually between September and March to reduce re-establishment, while sediment removal activities are likely to occur much less frequently when large storm events result in the significant deposition of streambed material.

Maintenance activities will be limited to the area in front of the storm drain outfall structure as well directly upstream of the outfall structure along the riprap slope. Vegetation removal may occur by hand, herbicide application (by certified applicators using only

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aquatics approved agents), or by mechanical means using a mower. Where sediment removal is warranted, the use of a Bobcat or small bulldozer as part of sediment removal activities will likely be utilized.

Maintenance activities shall include outlet and channel or levee clearing work, which will include the removal of debris, sediment, and vegetation within waters. Periodic maintenance activities will be performed in order to maintain baseline elevations and reduce the impact on flow in the channel as future growth occurs. Minor repairs for damaged riprap, slopes, access road, invert ramp, turnaround area, and outlet structures to maintain the drainage's structural integrity will be conducted.

Repairs to drainage facilities will ensure no discharge of permanent fill into jurisdictional waters. Maintenance beyond the scope of this project will require additional authorization from the Los Angeles RWQCB. Best Management Practices (BMPs) will be employed during all maintenance activities that may present a threat to water quality.

All materials removed will be taken to a legal point of disposal.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 31 (Permit No. SPL-2012-00561-GS)
9. Other Required
Regulatory Approvals: California Department of Fish and Wildlife
Streambed Alteration Agreement
10. California
Environmental Quality
Act Compliance: This Regional Board filed a Notice of Exemption on October 14, 2015 with the Office of Planning and Research, pursuant to *Article 19, Categorical Exemptions, Class 1, 15301.Existing Facilities, (d)*.
11. Receiving Water: Santa Clara River (Hydrologic Unit Code: 180701020107)

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12. Designated Beneficial Uses: MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET
- *Conditional beneficial use
13. Impacted Waters of the United States: Federal jurisdictional wetlands: 0.01 permanent acres (20 linear feet)
Federal non-wetland waters (vegetated streambed): 0.045 permanent acres (620 linear feet, excludes wetland footprint)
- The Federal waters are included within State Waters. State jurisdictional wetlands: 0.01 permanent acres (20 linear feet)
State non-wetland waters (vegetated streambed): 0.251 permanent acres (980 linear feet, excludes wetland footprint)
14. Dredge Volume: None
15. 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.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Maintenance activities will include removal of vegetation and sediment to maintain the baseline flow conditions along the rip-rap slopes.
 - Vegetation will be removed through application of aquatics-approved herbicide and other means.
 - All sediment from the site will be removed and disposed of in a local landfill.
 - Silt fencing, sandbag barriers, and or gravel berms will be used to ensure no discharge of sediment downstream will occur during sediment removal or repair activities.

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- Water diversion and dewatering practices will be utilized during flow conditions.
- Repair activities include replacement of riprap or concrete slopes to pre-damage conditions and contours.
- Temporary impacts will not discharge to waters of the U.S.
- Sediment and materials (broken concrete and riprap) will be properly secured in temporary adjacent upland stockpile areas.
- Silt fences and sandbags will be used around stockpiles.
- Work will be conducted outside the nesting bird seasons of March through September.

17. Proposed
Compensatory
Mitigation:

The Applicant has proposed to purchase 0.69 acre of riparian scrub mitigation credits through the Santa Paula Creek Mitigation Bank.

18. Required
Compensatory
Mitigation:

The Applicant shall provide compensatory mitigation as described above within the Santa Clara River. See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications or additions to the above proposed compensatory mitigation.

ATTACHMENT B

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 Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
4. 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.
5. The Applicant shall notify the Regional Board staff designated in the cover letter or their equivalent 14 days before any activities are conducted in waters of the state and U.S. that are

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not determined as an emergency by ACOE. The Applicant shall state the dates and times and the types of activities that shall occur.

6. Construction and work areas located within waters of the state and U.S. will be staked off, bordered, or visibly designated to keep equipment, materials, and workers within the permitted footprint of this Authorization.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

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13. 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.
14. 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 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. 2011-0003-DWQ, for Aquatic Animal Invasive Species Control; 2011-0004-DWQ, for Spray Applications; 2011-0002-DWQ, for Vector Control; and 2013-0002-DWQ, for Weed Control.
15. The Applicant shall not conduct any activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** within the Los Angeles County and the Santa Clara River watershed before conducting any operations within waters of the State.
16. If rain is predicted after operations have begun, maintenance and repairing activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
17. 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.
18. 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.
19. 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

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Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

20. All project repair and 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.
21. 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:
 - pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids(TSS)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. Laboratory results shall be recorded and tabulated, and chain of custody form copies included. The constituents above shall be measured at least once prior to diversion and then monitored for on a daily basis during the first week of diversion 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.

22. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent loss of 0.251 acres waters of the United States and Waters of the State by creating

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or restoring or preserving 0.69 acre of riparian habitat. If the Applicant proposes funding to a third-party organization for the creation or restoration in part or in total for **0.251 acres** of vegetated streambed riparian habitat within waters of the United States or waters of the State, then funding shall apply to mitigation acreage only, exclusive of administrative costs. The mitigation site shall be located within the Santa Clara River Watershed unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:

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

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

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 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:

- (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 the project that shall include whether or not any work has begun on the Project and a detailed schedule;
- (d) Copies of all permits revised as required in Additional Condition 1;
- (e) Water quality monitoring results for each reach (as required) compiled in 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.

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.

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)"

- 26. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number 14-047. Submittals shall be sent to the attention of the 401 Certification Unit.
- 27. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.

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28. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to the Los Angeles County Flood Control District
29. and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. R4-2012-0175.
30. 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. 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.
31. 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.
32. 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.
33. *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

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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.

34. 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.

