



Los Angeles Regional Water Quality Control Board

Ms. Chi Hermann
Ventura Regional Sanitation District
1001 Partridge Drive, Suite 150
Ventura, CA 93003

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7008-1830-0004-3360-1080

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED LANDFILL DRAIN OUTFALL MAINTENANCE PROJECT (Corps' Project No. 2009-00498-CLH), SANTA CLARA RIVER, CITY OF OXNARD, VENTURA COUNTY (File No. 14-148)

Dear Ms. Hermann:

Board staff has reviewed your request on behalf of Ventura Regional Sanitation District (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on June 30, 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

Oct. 2, 2015
Date

## DISTRIBUTION LIST

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2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

Steve Henry  
U.S. Fish and Wildlife Service  
2493 Portola Road, Suite B  
Ventura, CA 93003

**ATTACHMENT A**

**Project Information  
File No. 14-148**

1. Applicant: Chi Hermann  
Ventura Regional Sanitation District  
1001 Oartridge Drive, Suite 150  
Ventura, CA 93003

Phone: (805) 658-4614

2. Applicant's Agent: Matt Ingamells  
Padre Association, Inc.  
1861 Knoll Drive  
Ventura, CA 93003

Phone: (805) 644-2220 ext. 13 Fax: (805) 644-2050

3. Project Name: Landfill Drain Outfall Maintenance

4. Project Location: City of Oxnard, Ventura County

Latitude                      Longitude

McGrath Drain

34.23322                      -119.22941  
34.23354                      -119.22945

East Landfill Drain

34.23334                      -119.22124  
34.23378                      -119.22128

Patterson Drain

34.23349                      -119.21709  
34.23386                      -119.21753

5. Type of Project: Landfill Drain Outfall Maintenance (Project)

6. Project Purpose: Maintenance of the storm drains in the landfills will prevent flooding and ponding of stormwater.

7. Project Description: Three storm drains operate within two landfills (the Bailard and Coastal Landfills). These three drains – designated the McGrath Drain, the East Landfill Drain, and the Patterson Drain - empty into

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the Santa Clara River.

The Ventura Regional Sanitation District (VRSD) previously maintained these drains under Water Quality Certification File No. 09-089 as modified on August 30, 2013.

#### McGrath Drain

VRSD will remove sediment from the metal pipe culverts, through flushing and mechanical removal. In addition, a pilot channel will be recovered and cleared of vegetation to provide a path for storm flows discharged by the McGrath Drain. The pilot channel will be 200 feet long, 10 feet wide and about three feet deep (approximately 222 cubic yards). The total impact area is anticipated to be about 0.05 acres. The work is projected to take a few days to complete. The pilot channel will be re-established every three to five years, depending on the rate of sediment accumulation at the drain outlet.

The proposed pilot channel will result in the loss of 0.05 acres of immature arroyo willow riparian forest, dominated by *Arundo donax*, and red willow and arroyo willow trees mostly less than 3 inches in diameter.

#### East Landfill Drain

VRSD will remove riparian vegetation and sediment to provide a path for storm flows discharged by the East Landfill Drain. The pilot channel will be 320 feet long and 10 feet wide and about 3 feet deep (356 cubic yards). The total impact area is anticipated to be about 0.07 acres. Work is projected to take a few days to complete. The pilot channel will be re-established every 3 to 5 years, depending on the rate of sediment accumulation at the drain outlet.

The proposed pilot channel will result in the loss of 0.07 acres of arroyo willow riparian forest, dominated by *Arundo donax* and arroyo willow.

In October of 2013, VRSD cleared 456 feet of East Landfill Drain, which exceeded the 320 feet authorized by Water Quality Certification File No 09-089 as modified on August 30 2013. Future work will be limited to the permitted 320 feet, and VRSD will provide additional mitigation for this one-time disturbance (0.03 acres).

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#### Patterson Drain

Sediment removal was conducted at the drain terminus by the City of Oxnard in 2008. While authorized under Water Quality Certification File No. 09-089, VRSD has not conducted work in this reach. The river end of the trench has begun to fill with sediment and extension of the French drain as a pilot channel is needed. VRSD will convert the existing trench to a pilot channel and extend it an additional 50 feet to provide a path for storm flows discharged by the Patterson Drain. The resulting pilot channel will be approximately 265 feet long and 20 feet wide and about 3 feet deep. The total impact area is anticipated to be about 0.12 acres. Work is projected to take a few days to complete. The pilot channel will be re-established every 3 to 5 years, depending on the rate of sediment accumulation at the drain outlet.

The proposed pilot channel will result in the loss of 0.12 disturbed arroyo willow riparian forest dominated by the invasive *Arundo donax*.

*Arundo donax* will be removed completely and VRSD will ensure that no *Arundo donax* debris is reintroduced to the waterway. Debris containing *Arundo donax* will be disposed of in a manner that will ensure no *Arundo donax* will enter any waterway.

8. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP No. 3 (Permit No. 2009-00498-CLH)
9. Other Required Regulatory Approvals: California Department of Fish and Wildlife  
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 Existing Facilities.
11. Receiving Water: Santa Clara River (Hydrologic Unit Code: 180701020904)
12. Designated Beneficial Uses: MUN\*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, COLD, WILD, RARE, MIGR, WET

\*Conditional beneficial use

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13. Impacted Waters of the United States: Non-wetland waters (streambed): 0.24 permanent acres (785 linear feet) and 0.03 temporary acres (136 linear feet)
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: Maintenance of these channels was previously authorized under Water Quality Certification File No. 09-089 issued on March 22, 2010 and modified on August 30, 2013.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- All ground disturbances shall be limited to periods when surface flow at the project sites is absent and when rainfall is not predicted, to minimize erosion and sediment transport to surface waters.
  - Impacts to vegetation within and adjacent to the project sites shall be minimized. The work area shall be flagged to identify its limits prior to clearing and grubbing. Vegetation shall not be removed or intentionally damaged beyond these limits.
  - Construction materials and soil piles shall be placed in designated areas where they could not enter stream flow due to spillage or erosion.
  - Waste and debris generated during construction shall be stored in designated waste collection areas and containers away from watercourses, and shall be disposed of regularly.
  - All fueling of heavy equipment shall occur in a designated area removed from the Santa Clara River, such that any spillage would not enter surface waters. The designated area shall include a drain pan or drop cloth and absorbent materials to clean up spills
  - Vehicles and equipment shall be maintained properly to prevent leakage of hydrocarbons and coolant, and shall be examined for leaks on a daily basis. All maintenance shall occur in designated off-site area. The designated area shall include a drain pan or drop cloth and absorbent material to clean up spills.

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- Any accidental spill of hydrocarbons or coolant that may occur on the construction site shall be cleaned immediately. Absorbent materials shall be maintained on the construction site for this purpose.
- Prior to any heavy equipment activity within the work area, the pool at the outlet of the Patterson Drain shall be slowly pumped dry and stranded pond turtles relocated to suitable pool habitat within the Santa Clara River by a qualified biologist.
- A pre-construction survey of the work areas and vicinity shall be conducted by a qualified biologist within 48 hours of initiation of construction to detect two-striped garter snake. Any individual of this species encountered shall be relocated if deemed to be a risk from construction activities. The relocation site shall offer suitable long-term habitat, and located at least 500 feet from the construction site.
- Drain outlet maintenance would be conducted in the fall/winter (September 1 to February 15) to avoid breeding birds. If this is not feasible, breeding bird survey shall be conducted by a qualified biologist and a buffer area around each active nest would be established based on nest monitoring near work areas. No heavy equipment activity would be allowed within the buffer area until the young have fledged or the nest is abandoned.

#### 17. Proposed Compensatory Mitigation:

The Applicant has provided an in-lieu fee of \$18,450 to The Nature Conservancy on September 8, 2011 for mitigation of permanent impacts to the McGarth Drain Outlet. The fee represents 0.15 acres of mitigation (0.05 acre impact at 3:1 ratio). Mitigation involves restoration of 1.80 acres of the Hanson property along the Santa Clara River.

Mitigation for permanent impacts to the East Landfill Drain outlet has been provided as payment of an in-lieu fee of \$23,800 to the Santa Paula Creek Mitigation Bank on September 19, 2013. The fee represents 0.28 acres of mitigation credit (0.07 acre impact at a 4:1 ratio). Mitigation involves perseveration of 124.29 acres of riparian habitat along Santa Paula Creek.

Mitigation for permanent impacts to the Patterson Drain outlet will

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be provided prior to the initiation of work. It is anticipated that mitigation will consist of payment of an in-lieu fee to the Santa Paula Creek Mitigation Bank.

Mitigation for the unauthorized impacts to East Landfill Drain (0.03 acres) will be provided at a 3:1 ratio (0.09 acres total) by payment to the Nature Conservancy for an *Arundo donax* removal project on the Santa Clara River.

18. Required  
Compensatory  
Mitigation:

The applicant has provided mitigation for the authorized impacts to the McGrath Drain and the East Landfill Drain previously. The applicant will provide compensatory mitigation for the authorized impacts to Patterson Drain (0.12 acres) at a 3:1 ratio (0.36 acres) prior to impacts to Patterson Drain. The applicant will provide compensatory mitigation for the unauthorized impacts to East Landfill Drain (0.03 acres) at a 3:1 ratio (0.09 acres total).

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 File No. 14-148

#### 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.

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

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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.

14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
15. 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.
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 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

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### Conditions of Certification File No. 14-148

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. 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 provided compensatory mitigation for impacts to McGrath Drain Outlet in 2011 and East Landfill Drain in 2013.

The Applicant shall provide compensatory mitigation for the unauthorized impacts to East Landfill Drain (**0.03 acres**) at a **3:1** ratio (**0.09 acres**) by payment to the Nature Conservancy for an *Arundo donax* removal project on the Santa Clara River.

The Applicant shall provide compensatory mitigation for the proposed permanent impacts to **0.12 acres** of vegetation within waters of the United States within Patterson Drain by creating or restoring riparian habitat at a minimum **3:1** area replacement ratio (**0.36 acres**) prior to impacts to Patterson Drain. The Applicant shall also provide compensatory mitigation to offset the unauthorized temporary loss of **0.03 acres** waters of the United States by creating or restoring riparian habitat at a minimum **3:1** area replacement ratio (**0.09 acres**). The mitigation site(s) shall be located within the Santa Clara River Watershed unless otherwise approved by this Regional Board.

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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.

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

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

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

22. 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.
23. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation success has been achieved and documented. The Annual Reports shall describe in detail all of the project 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

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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 project including whether or not work has begun on the Project and a detailed schedule;
  - (d) Copies of all permits revised as required in Additional Condition 1;
  - (e) Water quality monitoring results for each reach (as required) compiled in a spreadsheet format;
  - (f) A 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 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

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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 **14-148**. 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.
28. The project shall comply with the local regulations associated with the Regional Board's Municipal Stormwater Permit issued to Ventura County and co-permittees under NPDES No. CAS004002 and Waste Discharge Requirements Order No. R4-2010-0108. This includes the Stormwater Quality Urban Impact Mitigation Plan (SQUIMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit for storm water discharges associated with construction activity, Order No. 2012-0011-DWQ.
29. 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.
30. 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.
31. *Enforcement:*

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- (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.
32. 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.