



Los Angeles Regional Water Quality Control Board

Tully Clifford
Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, California 93009-1610

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7009 2820 0001 6537 9584

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED FERRO DITCH CHANNEL IMPROVEMENT PROJECT (Corps' Project No. 2013-592-AJS), BEARDSLEY CHANNEL, SOUTH CENTRAL COUNTY UNINCORPORATED, VENTURA COUNTY (File No. 13-086)

Dear Mr. Clifford:

Board staff has reviewed your request on behalf of Ventura County Watershed Protection District (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on April 24, 2014.

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

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 Valerie Carrillo Zara, P.G., Lead, Section 401 Program, at (213) 576-6759.

Samuel Unger, P.E.
Executive Officer

May 15, 2014
Date

DISTRIBUTION LIST (via electronic copy)

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ATTACHMENT A

**Project Information
File No. 13-086**

1. Applicant: Tully Clifford
Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, California 93009-1610

Phone: (805) 654-2010 Fax: (805) 654-3350

2. Applicant's Agent: Zoe Carlson
Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, California 93009-1610

Phone: (805) 654-2032 Fax: (805) 654-3350

3. Project Name: Ferro Ditch Channel Improvement Project

4. Project Location: South Central Unincorporated Ventura County

<u>Latitude</u>	<u>Longitude</u>
34.2575	119.1102
34.2574	119.1101
34.2586	119.1091
34.2585	119.1090
34.2598	119.1080
34.2597	119.1079
34.2609	119.1069
34.2608	119.1068

5. Type of Project: Channel Improvement

6. Project Purpose: The proposed Project involves increasing the capacity within the Ferro Ditch Channel (Channel) in order to provide flood protection for 50-year storm events.

7. Project Description: The Project is a part of the Beardsley Watershed Project (PL 83-566 Small Watershed Project plan) that is designed to reduce the potential for flood damage and soil erosion to agricultural and rural residential properties in the watershed. The overall Beardsley Watershed Project infrastructure is designed to carry at least the two percent chance peak storm flow (50-year storm flow) with

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freeboard as prescribed by NRCS and Ventura County Watershed Protection District (District) design criteria.

The Channel is an earthen and concreted rock riprap channel approximately 1,700 feet long, extending downstream and south of the Ferro Debris Basin (Basin) to Los Angeles Avenue, known as State Route 118 (SR 118). The Ferro Ditch Channel is the uppermost tributary in one branch of the constructed channel system; proposed channel capacity improvements represent the completion of the Beardsley Watershed Project's construction.

The Project will deepen and widen approximately 0.3 miles of the existing Ferro Ditch, and line the banks and bottom with loose rock riprap to prevent erosion. The existing trapezoidal channel would be improved with 2:1 side slopes and a base width of 7 feet. Riprap will be placed on a granular filter blanket to prevent washout of the sub-grade. The proposed Project will use ¼-ton class rock riprap with 30-inch thick sections and a 9-inch granular filter blanket between the rock riprap and native soils.

The downstream 80 linear feet of the existing channel will be a reinforced concrete transition structure between the trapezoidal channel and reinforced box culvert at SR 118. The Project includes lining this existing short transition with reinforced concrete to transition to the elevation of the existing box culvert and to improve safety along the highway by eliminating the open channel condition within State right of way.

The Project will convert 0.80 acres of existing agricultural production land for channel improvements. The Project will remove 0.18 acres of existing concreted rock riprap, and construct 0.74 acres of new concreted rock riprap at the top of the channel banks and reinforced concrete transition structure, resulting in the introduction of 0.56 acres of new impervious surface.

To provide access roads with safe driving widths, the top three feet of the channel banks would be concreted in the spaces between the rock riprap. Additional local drainage improvements would also be constructed, including a flap gate and headwall to keep storm water in the Los Angeles Avenue Drain from backing up onto agricultural land west of the channel.

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Construction of the channel work will result in approximately 13,100 cubic yards (CY) of excavation, 4,900 CY of fill, 6,000 CY of loose rock riprap, 2,200 CY of concreted rock riprap, and 100 CY of reinforced concrete.

Construction of the Project will last approximately 6 months.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
Permit No. 2013-592-AJS
9. Other Required Regulatory Approvals: California Department of Fish and Wildlife
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: On January 15, 2013, the Ventura County Watershed Protection District issued a Mitigation Negative Declaration for this project.
11. Receiving Water: Beardsley Channel Reach 5 (Hydrologic Unit Code. 180701030106)
12. Designated Beneficial Uses: MUN*, FRSH, WARM, WILD, REC-1, REC-2
*Conditional beneficial use
13. Impacted Waters of the United States: Federal jurisdictional wetlands: 0.46 temporary acres
Non-wetland waters (streambed): 0.54 temporary acres
Non-wetland waters (unvegetated streambed): 1.00 permanent acres (1,700 linear feet)
14. Dredge Volume: 13,100 cubic yards
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:

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- Use the minimum size/type of equipment necessary to complete the activity and minimize potential impacts.
- Only apply chemical products approved in the O&M permits for aquatic use within the bed and banks of the channel and apply post-emergent products only to plants via target application where plants are sparse.
- Keep gates, fences, and “no trespassing” signs in working order to discourage dumping and vandalism.
- Routinely install and maintain silt fencing, k-rail, sandbag barriers, and straw wattles during work to prevent soil from leaving the work areas into the stream or channel.
- Place silt fencing or other barriers around temporary soil stockpile sites to contain material.
- Maintain soil stockpiles free of vegetation.
- Routinely use water diversions to prevent soil and concrete from entering surface waters adjacent to maintenance work areas.
- Where concrete pouring occurs, use plastic-lined sandbag concrete wash out pits stationed in upland areas;
- Conduct pipe and pump station flushing activities with a vacuum system to avoid release of materials into channels or surface waters;
- Screen and separate trash from trash racks and debris collected from channels and basins
- Haul trash to a County waste transfer facility.
- Employ rumble strips, street sweepers, and wattles over storm drain inlets to prevent soil from entering streets and storm drains.
- Avoid channel work during the rainy season to the extent feasible.
- Locate temporary stockpiles on barren soil or areas with non-native weeds on channel bottoms such that no exposure to flowing

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water would occur and allow placement of temporary stockpiles within channel bed or banks only between December 1st and April 1st and only for the duration of maintenance work.

- Follow aquatic pesticide BMPs in the District's NPDES Stormwater Quality Management Plan and in the Ventura County Application Protocol for Pesticides, Fertilizers, and Herbicides.
- Maintain a maximum 15-foot vegetation-free zone at the toe of channel banks for inspection purposes.
- Avoid road base discharges to streams.
- Conduct water diversion activities according to the Water Diversion Guide incorporated into the O&M EIR.
- Implement the District Integrated Pest Management Program for rodent control if needed.
- Avoid spills and leaks of vehicular fluids.
- Conduct biological surveys in appropriate habitat prior to vegetation maintenance to determine presence of threatened, endangered, or other sensitive species and reschedule work or implement avoidance or relocation measures developed in consultation with CDFW, USFWS, and/or NOAA Fisheries;
- Remove invasive plants in a manner that prevents propagation;
- Implement air quality BMPs during grading, excavation, and construction activities
- Restrict noise-generating construction activities to the hours of 7:00 AM to 7:00 PM, Monday through Friday, and ensure noise levels do not exceed 75 dBA Leq(h) at noise sensitive locations for work lasting up to three days, 70 dBA Leq(h) for work lasting four to seven days, 65 dBA Leq(h) for work lasting one to two weeks, 60 dBA Leq(h) for work lasting two to eight weeks, or 55 dBA Leq(h) for work lasting more than eight weeks.

17. Proposed
Compensatory

To offset permanent impacts to 1.00 acre of unvegetated streambed, the applicant has proposed to restore 2.00 acres of

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Mitigation:

riparian habitat adjacent to the Santa Clara River. Although the project is in the Calleguas Creek watershed, the closest riparian habitat is within the Santa Clara River northwest of the proposed Project. The restoration site along the Santa Clara River was selected due to connectivity with previously restored lands, high density of giant reed, and a high diversity of native plants in the vicinity.

18. Required
Compensatory
Mitigation:

The Regional Board will require compensatory mitigation as proposed above.

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

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STANDARD CONDITIONS

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

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

ADDITIONAL CONDITIONS

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

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Wildlife's (CDFW) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this Certification, the CDFW's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
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. 2011-0002-DWQ and 2004-0009-DWQ.

14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
15. The stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
16. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
17. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge (ROWD)** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.
18. All project/ maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
19. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan (plan)** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:

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

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

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

20. The Applicant shall restore **all areas** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
21. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **1.00 acres** of vegetation within waters of the United States by restoring riparian habitat at a minimum **2:1** area replacement ratio (2.00 acres). 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

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copies of all agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

22. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation success has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. 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 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 an easy to interpret format;
 - (f) A certified Statement of "no net loss" of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
23. 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.

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(d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official or other duly authorized employee.

24. 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)"

25. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **13-086**. Submittals shall be sent to the attention of the 401 Certification Unit.
26. 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.
27. 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. 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.
28. 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.

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29. 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.
30. *Enforcement:*
- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
31. 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.