



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Arnold Schwarzenegger
Governor

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Jeff Pratt
Ventura County Watershed Protection District
800 S. Victoria Avenue
Ventura, CA 93009

WATER QUALITY CERTIFICATION FOR PROPOSED (WARRING CANYON CHANNEL REPLACEMENT) PROJECT (Corps' Project No. 2007-475-AJS), WARRING CANYON DRAINAGE TRIBUTARY TO SANTA CLARA RIVER, PIRU, VENTURA COUNTY (File No. 07-047)

Dear Mr. Pratt:

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 February 6, 2008.

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.

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.

[Original Signed by]
Tracy J. Egoscue
Executive Officer

March 12, 2008
Date

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

DISTRIBUTION LIST

Theresa Stevens
Ventura County Watershed Protection District
800 S. Victoria Avenue
Ventura, CA 93009

Vicki Clark, Staff Attorney
Environmental Defense Center
906 Garden Street
Santa Barbara, CA 93101

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

Jessie Altstatt
Santa Barbara Channel Keeper
714 Bond Street
Santa Barbara, CA 93103

Betty Courtney
California Department of Fish and Game
Streambed Alteration Team
4949 View Ridge Avenue
San Diego, CA 92123

Peter Brand
Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612

Antal Szijj
U.S. Army Corps of Engineers
Regulatory Branch, Ventura Field Office
2151 Alessandro Drive, Suite 255
Ventura, CA 93001

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

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

ATTACHMENT A

Project Information
File No. 07-047

1. Applicant: Jeff Pratt, Director
Ventura County Watershed Protection District
800 S. Victoria Avenue
Ventura, CA 93009

Phone: (805) 654-2040 Fax: (805) 654-3350

2. Applicant's Agent: Theresa Stevens
Ventura County Watershed Protection District
800 S. Victoria Avenue
Ventura, CA 93009

Phone: (805) 654-2040 Fax: (805) 654-3350

3. Project Name: Warring Canyon Channel Replacement

4. Project Location: Piru, Ventura County

<u>Longitude</u>	<u>Latitude:</u>
118° 47.834'	34° 24.927'
118° 47.929'	34° 25.100'
118° 47.901'	34° 25.111'
118° 47.806'	34° 24.927'

5. Type of Project: Channel reconstruction

6. Project Purpose: The proposed project will demolish the existing concrete trapezoidal channel (Channel) and replace it with a new concrete rectangular channel. The existing concrete trapezoidal channel (16.5 foot top width, 6 foot bottom width) was constructed in 1961 and is near the end of its expected 50-year service life and does not meet current design standards established by the VCWPD. A portion of the channel wall failed during a major storm in January 2005 and the remainder of the channel is subject to similar structural failure. Due to high water velocity and flow generated in the channel, it needs to be upgraded to a concrete rectangular

ATTACHMENT A

Project Information File No. 07-047

channel to meet VCWPD standards.

7. Project Description:

The Warring Canyon watershed comprises approximately 695 acres of mostly native vegetation. Development is limited to the southern portion of the watershed and is composed of a ranch and a residential neighborhood.

The watershed is served by the Warring Debris Basin (approximately 2.3 acres), which traps coarse sediment from storm run-off before it enters the Warring Canyon drainage channel. Approximately 650 feet downstream of the Basin outlet, the channel transitions from a rectangular channel to a concrete trapezoidal channel. The concrete-lined trapezoidal channel extends to Center Street, and is the subject of this project. Downstream of Center Street, the Warring Canyon drainage is composed of an earthen trapezoidal channel and it crosses under State Route 126 and empties into the Santa Clara River.

The project includes the demolition of the existing concrete trapezoidal channel and replacement with a new concrete rectangular channel from center street upstream approximately 1,270 feet. The existing access road will be widened and a v-ditch provided to drain the access road. A wooden pedestrian bridge at the upstream end of the project will be replaced in kind or with a box culvert.

The existing concrete trapezoidal channel (16.5-foot top width, 6-foot bottom width) will be demolished, concrete lining removed, and the channel bottom excavated to provide for a sub-drain system. A new concrete rectangular channel (8-foot wide, 7-foot high) will be constructed at the same location as the existing channel. The channel gradient and cross-sectional area of the new channel would be virtually the same as the existing channel. A sub-drain system will be installed and the area behind the vertical concrete channel walls will be backfilled. A five foot high chain link fence will be installed on the top of the eastern channel wall and along the western right-of-way line.

The reduction of the top width of the channel will provide space for a wider access road. The existing gravel access road along the east side of the channel will be widened from about 17 to 22 feet. The

ATTACHMENT A

Project Information File No. 07-047

access road will slope two percent to the east, and a concrete v-ditch will be provided along the east side of the access road to facilitate drainage. The v-ditch will empty into the channel via the existing concrete cross gutter, concrete over-pour and drop inlet.

A 6-foot wide wooden pedestrian bridge spans the Warring Canyon channel immediately upstream of the Center Street roadway bridge. This bridge will be removed to provide construction access to the channel. The bridge will be replaced with a similar bridge or a 14-foot long box culvert at the same location, to maintain pedestrian access over the channel. The box culvert gradient will be virtually the same as the proposed rectangular channel. A sub-drain system will be installed and the area behind the vertical box culvert walls will be back-filled. A five-foot high chain link fence will also be provided on top of the parapet box wall at the upstream end of the box culvert (perpendicular to the channel).

Equipment to be used includes tracked tractors (dozers), excavators, scrapers, motor grader, wheeled loaders, concrete trucks, flatbed trucks and water truck. About 1,200 cubic yards of concrete, approximately 2,000 cubic yards of excavation and approximately 4,000 cubic yards of fill will be required. Importation of fill material will be required.

Construction of the project improvements will require about six months to complete, and will be conducted when the channel is dry. The general sequence of work includes:

- Demolition of the existing channel
- Removal of concrete debris
- Removal of pedestrian bridge
- Excavation for the new rectangular channel
- Construction of the sub-drain system
- Construction of the new rectangular channel
- Backfill of the channel walls

ATTACHMENT A

Project Information File No. 07-047

- Construction of the access road
- Construction of the v-ditch, concrete cross-drain, concrete over-pour and drop inlet
- Installation of the fence

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 3 (Permit No. 2007-475-AJS)
9. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The Ventura County Board of Supervisors adopted the Final Environmental Impact Report (State Clearing House No. 2007031065) on January 15, 2008.
11. Receiving Water: Warring Canyon Drainage Tributary to Santa Clara River (Hydrologic Unit No. 403.41)

ATTACHMENT A

Project Information File No. 07-047

12. Designated Beneficial Uses: MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, MIGR, WET
- *Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (unvegetated streambed): 0.17 acres (1270 linear feet)
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The Warring Debris Basin is located approximately 500-feet north of the channel replacement site. Accumulated sediment was removed from the Warring Debris Basin in 2003 and several times in response to the 2005 storm events. The stand pipe which drains this facility was also replaced in 2003. In addition, several 100-foot sections of the Warring Channel upstream from the project area were repaired following damage sustained in 2005.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Construction work will be conducted during the dry season, when surface water is absent.
 - Staging areas will be located approximately 100-feet from the channel.
 - Breeding bird surveys will be conducted along the adjacent tree row if work is conducted between March 1 and August 1, and active bird nests will be avoided during construction.

ATTACHMENT A

Project Information File No. 07-047

17. Proposed
Compensatory
Mitigation: The Applicant has not proposed any compensatory mitigation due to the temporary nature of impacts associated with the project and the location of the project within a concrete lined channel.
18. Required
Compensatory
Mitigation: The project will replace a wide, trapezoidal channel, with a more narrow, rectangular channel, which will reduce available habitat. The applicant shall provide 0.17 acres of mitigation for impacts to the unvegetated streambed (1:1 impact ratio). See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

ATTACHMENT B

Conditions of Certification File No. 07-047

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 Game's (CDFG) 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 CDFG'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)*.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.

ATTACHMENT B

Conditions of Certification File No. 07-047

5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.
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 and/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. Please contact Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
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.

ATTACHMENT B

Conditions of Certification File No. 07-047

12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
14. The Applicant shall not conduct any maintenance activities within waters of the State during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any maintenance activities are to be held within five (5) days of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
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. Sediment removal at each phase shall not go beyond the extent as defined in the application packet.
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. 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** 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.
19. All project, construction, or 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.

ATTACHMENT B

Conditions of Certification File No. 07-047

20. 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)
 - 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%.

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be 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. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

21. The Applicant shall restore any 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. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
22. The Applicant shall provide compensatory mitigation for the proposed permanent impacts to **0.17 acres** of unvegetated streambed within waters of the United States/Federal jurisdictional wetlands by creating or restoring riparian habitat/Federal jurisdictional

ATTACHMENT B

Conditions of Certification File No. 07-047

wetland habitat at a minimum **1:1** area replacement ratio (**0.17 acres**). As an alternative, the Applicant may provide adequate funding to a third party organization for the creation or restoration of a total of 0.17 acres of riparian habitat within waters of the United States/Federal jurisdictional wetlands. The mitigation site shall be located within the Santa Clara River Watershed unless otherwise approved by this Regional Board.

23. If the Applicant proposes funding to a third-party organization for the creation or restoration of a total of **0.17 acres** of streambed riparian habitat within waters of the United States/Federal jurisdictional wetlands, then funding shall apply to mitigation acreage only, exclusive of administrative costs. 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.

24. 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.
25. 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 and answered appropriately whether or not mitigation has been performed:
- (e) Color photo documentation of the pre- and post-project and mitigation site conditions;

ATTACHMENT B

Conditions of Certification File No. 07-047

- (f) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (g) The overall status of project including a detailed schedule of work;
 - (h) Copies of all permits revised as required in Additional Condition 1;
 - (i) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
 - (j) A certified Statement of “no net loss” of wetlands associated with this project;
 - (k) Discussion of any monitoring activities and exotic plant control efforts; and
 - (l) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
26. Prior to any subsequent maintenance activities within the subject drainages, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the drainage’s existing condition; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
27. 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.
28. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

ATTACHMENT B

**Conditions of Certification
File No. 07-047**

“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)”

29. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **07-047**. Submittals shall be sent to the attention of the 401 Certification Unit.
30. 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.
31. 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. 00-108. 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.
32. The project shall comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-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.
33. 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.
34. 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

ATTACHMENT B

Conditions of Certification File No. 07-047

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.

35. *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.

36. This Certification shall expire five (5) years from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.