



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

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Kristine McCaffrey
Calleguas Municipal Water District
2100 Olsen Road
Thousand Oaks, CA 91360

WATER QUALITY CERTIFICATION FOR PROPOSED REGIONAL SALINITY MANAGEMENT/HUENEME OUTFALL REPLACEMENT PROJECT (Corps' Project No. 2006-2162-AJS), PORT HUENEME, VENTURA COUNTY (File No. 07-174)

Dear Ms. McCaffrey

Board staff has reviewed your request on behalf of Calleguas Municipal Water District for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on May 7, 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

6/20/08
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

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ATTACHMENT A

**Project Information
File No. 07-174**

1. Applicant: Calleguas Municipal Water District.
2100 Olsen Road
Thousand Oaks, CA 91360

Phone: (805) 579-7173 Fax: (805) 526-3675
2. Applicant's Agent: Padre Associates Inc.
5290 Overpass Road
Goleta, CA 93111

Phone: (805) 683-1233, x4 Fax: (805) 683-3944
3. Project Name: Regional Salinity Management/ Heuneme Outfall Replacement
4. Project Location: Oxnard & Port Hueneme, Ventura County

Longitude (D°M'S'')	Latitude (D°M'S'')
119° 09' 12.2''	34° 08' 49.8''
119° 11' 25.4''	34° 08' 51.0''
119° 11' 2.26''	34° 08' 50.8''
119° 11' 45.5''	34° 08' 32.6''
119° 10' 40.1''	34° 08' 50.8''
119° 09' 59.6''	34° 08' 50.2''
119° 10' 20.2''	34° 08' 50.6''
119° 11' 25.1''	34° 08' 37.6''

5. Type of Project: Onshore: subterranean pipeline
Offshore: pipeline and diffuser
6. Project Purpose: The purpose of the proposed project (Project) is to dispose of high saline wastes generated from advanced treatment of wastewater and degraded groundwaters in compliance with the State Ocean Plan. One of the multiple goals of the Project is to provide a means of meeting a TMDL which will yield a reduction in the salinity of surface water and groundwater within Calleguas Creek. Other benefits to this Project include restoration of degraded groundwater basins and local water supplies for both agriculture and municipal

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uses.

The Project will transport saline concentrate from the demineralization of brackish groundwater and tertiary treated municipal wastewater outside the Calleguas Creek Watershed. An onshore subterranean pipeline, and offshore pipeline and diffuser construction will complete the remaining segment and outfall required for the Regional Salinity Management Program (RSMP). The objectives are:

- To manage the use of high salinity groundwater and treated municipal wastewater.
- Water treatment in order to develop new water resources for both public and private water agencies.
- Reuse or dispose of concentrate produced by demineralization of brackish groundwater and excess tertiary treated municipal wastewater.

The RSMP consists of a pipeline system that will collect tertiary treated wastewater and treatment concentrates from wastewater treatment plants, groundwater wells (both municipal and agricultural), and concentrate from reverse osmosis treatment processing of potable water. The effluent will be conveyed to other areas for direct use or into an ocean outfall for discharge. Ocean disposal will allow substantial reductions in the amounts of dissolved salts and other water pollutants that are currently released into Calleguas Creek and its tributaries. This is expected to result in substantial improvements in water quality of affected creeks and groundwater supplies.

7. Project Description:

The entire RSMP project is located within Ventura County, California and extends from the City of Simi Valley (easternmost location) towards the west-southwest to the City of Oxnard and the Pacific Ocean.

The Project will include an onshore subterranean pipeline and offshore subterranean pipeline and diffuser. The onshore subterranean pipeline is located within the cities of Oxnard and Port Hueneme.

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The offshore portion is located within State Territorial Waters of the Pacific Ocean and the adjacent shoreline of Port Hueneme. Construction of a pipeline below the sea floor will connect to a bottom laid portal and diffuser section. The Ventura County Naval Base will house the temporary staging area for pipeline stringing.

The onshore portion will extend from a point in the Port Hueneme Beach parking lot to the shoreline approximately 550 feet west of the Port Hueneme Fishing Pier. Then the outfall will be installed in two discrete sections: 1) the outfall section installed by horizontal directional drilling (HDD) and 2) the offshore seafloor and diffuser section.

Outfall HDD Section

The shoreline and nearshore components will be constructed using HDD techniques (to avoid trenching) in order to bore a hole from the parking lot out to a predetermined point offshore in approximately 30 feet of water.

Installation of the pipeline by HDD will be accomplished in three primary stages. The first stage will consist of directionally drilling a small diameter hole along a designated directional path. The second stage will involve enlarging the pilot hole to a diameter suitable for installation of the pipeline. The third and final stage will consist of pulling the prefabricated pipeline through the hole or tunnel to the HDD rig. Drilling fluid is utilized in all three stages of the process. The drilling fluid will be composed of fresh water, approximately 4% bentonite clay, and natural or synthetic polymers used in high-yield bentonite drilling fluid, which are generally considered to be environmentally benign.

The portion of the drilling fluids and cuttings circulated out of the HDD bore hole at the entry point will be recovered at a temporary fluid pit installed in the parking lot. The recovered fluid will be filtered through a fluid system that will separate the cuttings from the drill fluid. The cleaned drill fluid will be circulated back into the drilling system and reused. The cuttings that are separated from the drilling fluid will be discharged from the fluid system and placed in a sealed dump truck with a skip loader or wheel loader. Recovered cuttings may consist of approximately 100 to 200 cubic yards of material.

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In addition, in order to contain drilling fluids and recover materials at the end of the bore hole, a marine work spread will be anchored approximately 300 to 450 feet offshore for the planned HDD exit point during the pilot-hole drilling operations. When the HDD drill bit breaks through the seafloor, the marine work spread will recover the drill and drill steel to the surface as the HDD rig onshore feeds drill steel into the hole. The marine crews will bring the HDD drill bit to the surface where HDD personnel will replace the pilot bit with a reamer.

Drilling fluid and cuttings that are discharged at the HDD exit point when the pilot hole punches through and during reaming operations will be contained within the underwater excavation. The marine crews will recover the drilling fluid from the underwater excavation to the extent possible with the use of a diaphragm suction pump. The recovered drilling fluid will be placed in a portable tank and transported to port where it will be offloaded and taken to a legal point of disposal.

The HDD bore length will be approximately 2,350 feet overall and the bore diameter up to 54 inches in diameter. The HDD bore will pass underneath the beach and sea floor at a maximum depth of approximately 70 to 100 feet below the surface. A steel or high density polyethylene (HDPE) pipe, up to 42 inches in outside diameter, will be constructed offsite, towed to the location, and then inserted into this bore from the offshore exit point of the HDD bore back to the parking lot. The HDD methodology will enable the shoreline crossing to be installed without disturbance, impacts or restrictions to the beach.

The Outfall Seafloor and Diffuser Section

The offshore component will be constructed with steel or HDPE pipe. The combined length of the seafloor and diffuser section will total approximately 2,750 feet with the last approximately 400 feet of this length dedicated to diffuser pipe. The seafloor and diffuser section will either consist of 30-inch inside diameter steel pipe with an external anti-corrosive coating, an external concrete weight coating about 3 inches thick and an internal anti-corrosive coating, or HDPE. The seafloor and diffuser section will be constructed offsite, towed to the location, and then laid on the seafloor. The shoreward end of the seafloor pipe will be connected to the HDD subsurface outfall section at the HDD exit point in approximately

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30 feet of water. The seafloor and diffuser section will extend offshore to a depth of approximately 50 feet of water and will rest on the seafloor. If steel pipe is used, it will be coated with a thick concrete weight coating to provide adequate gravity anchoring and, if HDPE is used, additional weights or mechanical anchors will be provided as and where necessary for stability. The diffuser will be fitted with a number of small diameter ports uniformly distributed along the diffuser length. Each port may be fitted with a non-return valve. Rock will be placed on the seafloor exit point of the outfall and possibly also over the sections of the diffuser and exposed sections of the outfall to secure it from wave action.

The project will replace a section of flat seafloor with relief and rocky relief due to the pipeline and areas of where rock is placed to secure the pipeline from wave action. The seafloor where the pipeline and diffuser section are to be laid is relatively featureless. A geotechnical study of the area by Fugro West, September 2007, assessed few areas of rock bottom or debris of low relief on the seabottom in the vicinity and none directly where the pipeline is to be laid. An assessment of essential fish habitat included 54 species of fish which could exist in the area and found that the outfall project and operation of the discharge would not cause a significant loss of essential fish habitat.

Construction of the onshore pipeline is expected to last 12 months. The outfall placement is expected to last 12 to 13 months. To minimize conflicts with beach recreation, construction would not occur within the parking lot or Surfside Drive between May 15 and September 15.

The Bureau of Reclamation is a funding agency for the project and has completed consultation with other federal agencies including USFWS, NOAA Fisheries, SHIPO and the US Navy.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 07 (Permit No. 2006-2162-AJS)
9. Other Required Regulatory Approvals: California Coastal Commission:
Coastal Development Permit

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California Regional Water Quality Control Board, Los Angeles
Region: NPDES Permit No. CA0064521

Bureau of Reclamation Correspondence

10. California Environmental Quality Act Compliance: The Calleguas Creek Municipal Water District filed a Notice of Determination with the Office of Planning and Research on October 8, 2007 that an Environmental Impact report was prepared for the project and that mitigation measures were a condition of approval (SCH No. 2007021026).
11. Receiving Water: Receiving water from Basin Plan (Ventura County Nearshore and Offshore)
12. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, MAR, WILD, BIOL, RARE, MIGR, SPWN, SHELL
13. Impacted Waters of the United States: Ocean/Estuary/Bay: 2,750 permanent linear feet
14. Dredge Volume: None.
15. Related Projects Implemented/to be Implemented by the Applicant: The project is a component of the greater Regional Salinity Management Program (RSMP). A portion of the onshore pipeline for the RSMP has been constructed. However, the proposed project involves the additional construction of an onshore and offshore pipeline and diffuser intended to complete the remaining segment.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including but not limited to:
- Disposal procedures implemented by the contractor will be reviewed in order to confirm that they comply with applicable environmental regulations, permit requirements and right-of-way agreements.

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- A Horizontal Directional Drilling will be implemented and will include specific operations to avoid accidental releases of drilling fluid.
- A project-specific Oil Spill Prevention and Response Plan will be implemented if a spill were to occur. In addition, onboard spill recovery equipment will be specified for each project-related vessel.
- A pre-approved anchoring plan will specify the areas that will be used for vessel anchoring and the methods of pre-setting and recovering construction vessel anchors reducing seafloor and sediment disturbance.
- Excess drilling fluid and cuttings will be temporarily stored in tanks within the staging area at the parking lot until being transported to an approved disposal facility
- Removal of vegetation and ground disturbance shall be limited to the minimum area necessary to complete project construction activities. Vegetative cover shall be maintained on all other portions of the project area.
- Regular ground wetting of exposed soils and sediments, and unpaved access roads shall be conducted during construction to control fugitive dust emissions.
- Grading activities shall cease during periods of high winds (greater than 20 miles per hour, averaged over one hour).
- Silt containing material excavated, stockpiled or transported during construction shall be wetted regularly.
- On-site construction vehicle speed shall be limited to 15 miles per hour in unpaved areas.
- Trucks transporting backfill material to the project site shall be covered or maintain a minimum two-foot freeboard; and
- Roadways in the vicinity of construction access points shall be swept as necessary to prevent the accumulation of silt.

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17. Proposed
Compensatory
Mitigation: No specific, additional, mitigation is proposed for this phase of the project; however, the applicant will provide mitigation as outlined in the Mitigation Monitoring and Reporting Program as described in the October 8, 2007 Environmental Impact Report.
18. Required
Compensatory
Mitigation: No compensatory mitigation will be required for this project; however, the applicant will provide mitigation as outlined in the Mitigation Monitoring and Reporting Program as described in the October 8, 2007 Environmental Impact Report. 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. 07-174

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 Coastal Commission's Coastal Development Permit, and the Bureau of Reclamation's correspondence. **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.

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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.

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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. 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.
14. 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.
15. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation (completion) has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking) or any delays in the mitigation process. At a minimum the Annual Reports shall include the following documentation and answered appropriately whether or not mitigation has been performed:
 - (a) Color photo documentation of the pre- and post-project site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (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

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**Conditions of Certification
File No. 07-174**

- (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.

- 16. Prior to any subsequent maintenance activities within the subject area, 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 conditions; (c) the area of proposed temporary impact within waters of the State; (c) and a description of any existing aquatic resources. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.

- 17. 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.

- 18. 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)”

- 19. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **07-174**. Submittals shall be sent to the attention of the 401 Certification Unit.

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20. 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.
21. The project shall comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) Permit ORDER NO. R4-2008-0014 (NPDES NO. CA0064521, CI-9404), adopted by this Regional Board on April 3, 2008. 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.
22. 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.
23. 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.
24. *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

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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.
25. 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.