



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Lou Balderrama
City Engineer
City of Oxnard
305 West Third Street
Oxnard, CA 93030

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7009 2820 0001 6537 9522

**WATER QUALITY CERTIFICATION FOR PROPOSED MANDALAY SEAWALLS
2013 REPAIRS PROJECT (Corps' Project No. 2013-598-AJS), CHANNEL ISLANDS
HARBOR, CITY OF OXNARD, VENTURA COUNTY (File No. 13-104)**

Dear Mr. Lou Balderrama:

Board staff has reviewed your request on behalf of City of Oxnard (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on January 27, 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 Dana Cole, Section 401 Program, at (213) 576-5733.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

Feb. 20, 2014
Date

DISTRIBUTION LIST

<p>Greg Mailho TranSystems Corporation 505 14th Street, Ste. 1000 Oakland, CA 94612</p>	<p>Peter Brand Coastal Conservancy 1330 Broadway, Suite 1100 Oakland, CA 94612</p>
<p>Bill Orme (via electronic copy) State Water Resources Control Board Division of Water Quality P.O. Box 944213 Sacramento, CA 94244-2130</p>	
<p>Denise Venegas California Coastal Commission 89 South California St., Suite 200 Ventura, Ca 93001</p>	
<p>Antal Szijj U.S. Army Corps of Engineers Regulatory Branch, Ventura Field Office 2151 Alessandro Drive, Suite 110 Ventura, CA 93001</p>	
<p>Paul Amato (via electronic copy) U.S. Environmental Protection Agency, Region 9 75 Hawthorne Street San Francisco, CA 94105</p>	
<p>Diane Noda U.S. Fish and Wildlife Service 2493 Portola Road, Suite B Ventura, CA 93003</p>	
<p>Ventura Coastkeeper Attn: Jason Weiner Associate Director and Staff Attorney 3875-A Telegraph Rd #423 Ventura, CA 93003</p>	
<p>Jessie Altstatt Santa Barbara Channel Keeper 714 Bond Street Santa Barbara, CA 93103</p>	

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Project Information
File No. 13-104

1. Applicant: Mr. Lou Balderrama
City of Oxnard
305 West Third Street
Oxnard, CA 93030
Phone: (805) 385-8280 Fax: (805) 385-7909

2. Applicant's Agent: TranSystems Corporation
Greg Mailho
505 14th Street, Ste. 1000
Oakland, CA 94612
Phone: (510) 835-7244 Fax: (510) 835-9839

3. Project Name: Mandalay Seawalls 2013 Repairs

4. Project Location: City of Oxnard, Ventura County

<u>Latitude</u>	<u>Longitude</u>
34.18447500	119.2313139
34.18158611	119.2292556
34.18159167	119.2214389
34.17584167	119.2214528
34.17576667	119.2292111
34.17613056	119.2292111
34.17613056	119.2302972
34.17766667	119.2313833
34.18313889	119.2344722

5. Type of Project: Seawall repair

6. Project Purpose: The seawall between addresses 2000 and 2144 Kingsbridge Way within the Mandalay Bay community in the City of Oxnard is damaged and needs repair. Seawall panels have rotated and the foundation timber piling in some locations experiencing or may be

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vulnerable to deterioration by marine borers.

7. Project Description:

Two types of work will occur: seawall stabilization and seawall foundation repair. A total of 590 linear feet of impacts will occur.

The seawall stabilization work will occur between tides of +5 to +8 feet mean lower low water (MLLW) along approximately 200 linear feet, on the outside face of the seawall. The seawall stabilization repairs can be accomplished entirely in dry conditions during periods of average or low tide.

The seawall foundation repair (footings) will occur between the elevations -2 feet to +1 foot MLLW along approximately 120 linear feet distributed along the seawall at seawall corners. The seawall foundation repair (footing gap) will occur between -1 foot to +1 foot MLLW along approximately 270 linear feet distributed along the straight runs of seawall. The foundation repairs will be accessible during very low tides.

Seawall Stabilization.

The proposed repairs include drilling and installation of grout tie-back tendons into the earth using either solid rods or pre-stressing strands which then will be anchored into a new cast-in-place concrete beam installed on the face of the seawall. The beam will run continuously for approximately 200 feet on the exterior of the seawall near the high tide line. The work will be performed in dry conditions, but the formwork and beam will be occasionally submerged by high tides during the construction period. Drilling debris and any excess grout will be trapped at each work station on the deck of the work platforms and scaffolding. Water turbidity will be controlled by a containment boom and silt curtain installed around each work area.

Foundation Repair.

Foundation Repairs consist of three types: Vinyl sheet pile (VSP) repairs, grout repairs, and sand repairs.

VSP Repairs will be performed from a barge. The fluted vinyl sheet

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piling will be vibrated in place, abutting the existing seawall foundations. At some VSP repair locations the pile driving equipment is interfered with by cantilever decks which over-lie the work area. At these locations the sheet piling may be driven at a slight angle and pulled vertically so the completed installation is 12-inches or less away from the face of the existing foundation. The existing foundation projects approximately two feet from the face of the seawall, so the VSP will typically add 12-inches to the front of the existing seawall. The top of the VSP will match the top of the existing foundation at +1 foot MLLW.

Gravity fed grout, dispensed from a barge, will be placed behind the VSP during the lowest tides practicable. Grout will be trapped by the VSP form. Occasionally, there can be some excess grout that could end up on top of the two-foot wide concrete footing. This material can be readily shoveled and removed the next day, once solidified. Work will be stopped in the unlikely event of any excessive grout overage. Grout void repairs will be contained from spill by adding sand bags and filter fabric over any vertical gaps encountered. Polyvinyl chloride (PVC) grout ports will be installed vertically into the gap to assist the placement of grout and mitigate the spill potential of gravity-fed grout. These ports will be cut-off at or below the top of the existing foundation. Any excess grout or drilling debris will be entrapped at each work station on the deck of the work platforms and scaffolding.

Sand repairs will be accomplished by pouring clean coarse sand into the approximate one-inch wide gaps along the top side of the foundation, letting it settle with the tidal cycle for a few days, and then repeating the process to top-off the gaps. It may be feasible to pour sand by hand at low tide in dry conditions, on top of the concrete foundation.

Containment booms, silt curtains, and plastic tarps covering work platforms at each work station will catch debris. Any overspill will be removed immediately after grouting activities at the end each work day. Any excess grout from foundation void repair is expected to be captured on the top of the adjacent two-foot wide foundation and the work platforms which are in very close proximity or held tight to the seawall foundation.

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Investigative diving did not reveal eelgrass. The mud zone and concrete seawall footings in the proposed work areas do not appear to provide habitat (foraging and refuge) for fish species, although the mud zone may provide habitat for some invertebrates. Hard slope protection (grouted mats or rock over filter fabric) systems occur adjacent to the seawall foundations, and do not appear to support significant faunal populations.

Construction equipment and supplies not in active use will be staged away from water areas, as will the preparation of any grout ingredients or other chemicals. Temporary enclosures will be used to reduce airborne debris from escaping the work locations. If wind is present repair work will be monitored to avoid debris from traveling beyond the controlled work area. Work areas will be fenced as applicable to protect the public from the repair work.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 3 (Permit No. 2013-598-AJS)
9. Other Required Regulatory Approvals: California Coastal Commission
Coastal Development Permit
10. California Environmental Quality Act Compliance: The City of Oxnard filed a Notice of Exemption with the Ventura County Clerk on August 9, 2013 that the Project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 *Existing Facilities*.
11. Receiving Water: Mandalay Bay (Watershed Boundary Dataset No. 180701010201)
12. Designated Beneficial Uses: IND, NAV, MAR, WILD, RWEC1, REC2
13. Impacted Waters of the United States: Ocean/Estuary/Bay: 0.000116 temporary acres (590 linear feet)

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14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has repaired approximately 40 pilasters between November, 2009 and April, 2010 within the Mandalay Bay community.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Tie-back Repairs:
- The work will be performed in dry conditions but formwork and beam will be occasionally submerged by high tides during the construction period.
 - Drilling debris and any excess grout will be entrapped at each work station on the deck of the work platforms and scaffolding.
 - Water turbidity will be controlled by a containment boom and silt curtain installed around each work area and any overspill will be removed immediately.
 - Silt curtains shall have floating pontoons at the top edge and a means for weighting the lower end. Silt curtains shall be a minimum of 4-feet tall, extend a minimum of 4-feet past each end of the work area and be anchored at each end with ropes to maintain its position during all anticipated tides until work is completed.
- Vinyl Sheet Pile Repairs:
- Prior to starting work, a silt curtain shall be installed around the active work area.
 - Silt curtains shall have floating pontoons at the top edge and a means for weighting the lower end.
 - Silt curtains shall be a minimum of 4-feet tall, extend a minimum

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of 4-feet past each end of the work area and be anchored at each end with ropes to maintain its position during all anticipated tides until work is completed.

- Grouting operations shall be conducted only during low tide windows when the top of the footing is clearly visible.
- The top of the footing will always be exposed or clearly visible during grouting.
- A worker shall continuously monitor the grout placement
- Grouting operation will stop when the grout flow nears the top of the sheet piling.
- Residual grout in the pump line will be prevented from overflowing the forms.

Foundation Void Repairs:

- Prior to placing grout, a silt curtain shall be installed around the active work area.
- The silt curtain shall have floating pontoons at the top edge and a means for weighting the lower end.
- It shall be a minimum of 4-feet tall, extend a minimum of 4-feet past each end of the work area and be anchored at end with sandbags.
- The curtain may be removed after grout placement is complete.
- Grouting operations shall be conducted only during low tide windows when the top of the fabric mat is clearly visible.
- The water depth is expected to be very shallow adjacent to the footing (0- to 4-feet) with the top of the footing exposed or always clearly visible during grouting.
- A worker shall continuously monitor the grout placement and stop the grouting operation when the flow nears the top of the fabric mat to mitigate residual grout in the pump line from

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overflow.

Concrete Requirements For All Foundation Repair Sites:

- Dry-placement concrete will not be placed in or below water, submerged or exposed to wave or tidal water for the first 24 hours.
- Dry-placement concrete will not contain anti-washout admixture.
- Strength requirements shall be based on 28-Days compressive strength determined on 6- by 12- inch cylindrical specimens
- The specified compressive strength of the concrete for each portion of the structure shall meet the requirements in the contract documents.
- A tidal cycle will be selected which will ensure all wet concrete will not be submerged by tidal flow within 12- to 24- hours of placement allowing concrete to set and prevent any leaching with sea water.
- Formwork will be provided with clean-out openings to permit inspection and removal of debris.
- Formwork will be sufficiently tight to prevent leakage of grout under heavy, high frequency vibration.
- No materials will cause surface dusting.
- Reuse of plywood will be limited to three times.

Sand Fill Gap Repairs

- Sand will be poured by hand at low tide in dry conditions, on top of the concrete foundation.

Repair Sites

- Work areas will be fenced as applicable to protect the public.

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- Construction equipment and supplies will be staged away from water areas.
- Temporary enclosures will be used to reduce airborne debris from escaping the work locations.
- On windy days that can move materials, repair work will be monitored to avoid debris and materials from entering the water.

17. Proposed
Compensatory
Mitigation:

None.

18. Required
Compensatory
Mitigation:

The Regional Board will not require compensatory mitigation as impacts are temporary and minor. See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above.

ATTACHMENT B

Conditions of Certification File No. 13-104

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 (CCC) Coastal Development Permit. **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 CCC's Coastal Development Permit, 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. 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.

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Conditions of Certification File No. 13-104

14. 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.
15. 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.

16. All project and construction 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 will or may require additional Certification action.
17. Ocean water quality monitoring shall be performed by the Applicant. A Water Quality Monitoring Plan shall be submitted prior to any project construction activities. Baseline sampling may be conducted at one location within the project boundary. All other sampling shall take place on both sides of silt curtains at a minimum of two locations (4 locations total). Monitoring for the following shall be included:
 - pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids (TSS)
 - visual assessment for floating particulates (oil and grease shall not be visible)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to project commencement (baseline sampling) and then monitored on a daily basis during the first week of construction, and then on a weekly basis, thereafter, until the work is complete. Monitoring shall ensure compliance with all water quality objectives specified in the 2005 Ocean Plan.

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

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points shall be included with each submittal. Construction activities shall not result in the degradation of beneficial uses or non-compliance of any water quality objectives. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

18. The Applicant shall restore 0.000116 acres 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.
19. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by **January 1st** of each year following this issuance of 401 Certification until project completion has been achieved and documented. The Annual Reports shall describe in detail all of the project and construction activities performed during the previous year. The Annual Reports shall describe the status or any delays. At a minimum the Annual Reports shall include the following documentation:
 - (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 and a detailed schedule including whether or not work has begun on the Project;
 - (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.
20. 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.

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- (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.
21. 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)"

22. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **13-104**. Submittals shall be sent to the attention of the 401 Certification Unit.
23. 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.
24. 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.
25. 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.

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26. 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.
27. 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.
28. *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.
29. 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.