



California Regional Water Quality Control Board



Los Angeles Region

Matthew Rodriguez
Secretary for Environmental
Protection

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Edmund G. Brown Jr.
Governor

Ms. Norma J. Camacho
Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, California 93009

WATER QUALITY CERTIFICATION FOR PROPOSED SAN ANTONIO SPREADING GROUNDS REHABILITATION PROJECT (Corps' Project No. SPL-2011-229-AJS), TRIBUTARIES OF SAN ANTONIO CREEK, CITY OF OJAI, VENTURA COUNTY (File No. 11-022)

Dear Ms. Camacho:

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 August 8, 2011.

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

Samuel Unger
Samuel Unger, P.E.
Executive Officer

9-28-11
Date

DISTRIBUTION LIST

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ATTACHMENT A

Project Information File No. 11-022

1. Applicant: Norma J. Camacho
Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, California 93009
Phone: (805) 654-2040 Fax: (805) 654-3350
2. Applicant's Agent: Elizabeth Martinez
Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, California 93009
Phone: (805) 658-4374 Fax: (805) 654-3350
3. Project Name: San Antonio Spreading Grounds Rehabilitation
4. Project Location: City of Ojai, Ventura County

<u>Latitude</u>	<u>Longitude</u>
34.46634	119.20817
34.46629	119.20600
34.46484	119.20598
34.46388	119.20760
34.46376	119.20842

5. Type of Project: Spreading ground rehabilitation (water conservation)
6. Project Purpose: The purpose of this project is to increase groundwater storage in the Ojai Valley Groundwater Basin by diverting surface water from San Antonio Creek and passive injection to the aquifer. The project objectives are to enhance reliability of groundwater production from local water supply wells and reduce reliance on limited surface water supplies imported from the Casitas Municipal Water District. The project consists of rehabilitating the existing upland settling ponds, installing a surface water intake structure in San Antonio

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Creek and constructing four passive percolation recharge wells in adjacent uplands.

7. Project Description:

The Ventura County Watershed Protection District (District) proposes to increase groundwater storage and recharge in the Ojai Valley Groundwater Basin by rehabilitating four existing relict spreading grounds ponds, and constructing a new intake structure, diversion piping/channels, emergency overflow channel, four passive percolation recharge wells, and a new low-flow crossing and access road.

Surface water diversion for the project is designed as a passive system, without any pumps. The project would allow diversion of surface flow at a maximum rate of 25 cubic feet per second from upper San Antonio Creek when minimum in-stream flow requirements are met (an average of 12 days per year). The project would divert up to a maximum of 914 acre-feet per year of surface flow for percolation and replenishment of groundwater for future municipal, domestic and irrigation uses. Average annual diversion is expected to be 270 acre-feet per year. The District currently has a water rights permit to divert up to a maximum of 914 acre-feet per year. The monitoring of surface flows in San Antonio Creek will ensure flows are at least 5 cfs at the point of compliance (Grand Avenue) and 40 cfs at the Casitas Vista Road stream gage. The diversions may only take place when flows are exceeding 5 cfs. A radar gage mounted under the bridge would transmit flow measurements every 15 minutes to the District's monitoring system, and trigger an alarm when flows drop below 5 cfs, and surface water diversion must be terminated.

Portions of three of the project elements (i.e., the intake structure, the emergency overflow channel, and the low-flow crossing) would be constructed within the San Antonio Creek channel in waters of the United States regulated by the Clean Water Act. These project elements are described below.

The intake structure would be located within San Antonio Creek, parallel to and abutting the west bank. The concrete curb inlet structure would be approximately 9.5 feet high, 3.5 feet wide, and 21 feet long, with a headwall, wingwalls, and a vault surrounding the entrance to the 24-inch diameter intake pipeline.

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The overflow channel would extend from Pond 4 approximately 250 feet to the San Antonio Creek low flow to convey diverted surface water back to the creek, under emergency overflow conditions only. The overflow channel outlet would include a light class rock riprap apron approximately 10 feet wide, keyed into the bottom of San Antonio Creek for a minimum depth of 5 feet. The overflow riprap apron would extend approximately 5 feet into waters of the U.S.

Access to the project site requires construction of a new access road and low-flow crossing of San Antonio Creek. The low-flow crossing would be a concreted riprap Arizona crossing, approximately 14 feet wide and 70 feet long across the creek, connecting with the new access road which would be graded and covered with crushed miscellaneous base. The jurisdictional portion of the streambed is only 35 feet wide. The new low-flow crossing would be constructed of grouted three-foot-thick 1/2-ton class rock riprap, at an elevation flush with the existing grade of the streambed. The crossing would have a buried toe down of up to 10 feet on the upstream and downstream sides to provide stability.

Total project impacts within jurisdictional vegetated streambed will consist of 0.008 temporary acres and 0.009 permanent acres. In addition, 0.002 acres of temporary impact and 0.001 acres of permanent impact will occur within unvegetated portions of the streambed. Temporarily impacted areas within the streambed would be modified by grading in the short term, and natural recruitment would be expected in these areas.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP Nos. 14, 18 (Permit No. SPL-2011-229-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 approved the project's Final Mitigated Negative Declaration (SCH No. 2011011030) on April 26, 2011.
11. Receiving Water: San Antonio Creek (Hydrologic Unit No. 402.32)

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12. Designated Beneficial Uses: MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, COLD, WILD, MIGR, SPWN, WET
- *Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (streambed): 0.008 temporary and 0.009 permanent acres
- Non-wetland waters (unvegetated streambed): 0.002 temporary and 0.001 permanent acres
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The Applicant is currently implementing a project to remove giant reed (*Arundo donax*) and castor bean (*Ricinus communis*) within the upper San Antonio Creek watershed. The proposition 50, V-1 Upper San Antonio Creek Giant Reed Removal Project will have a beneficial impact on the water bodies in the project area (upper San Antonio, McNell, Thacher, and Reeves Creeks). Initial treatment began in June 2010 and retreatments will continue through October 2011.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- All ground disturbances shall be limited to the dry season or periods when rainfall is not predicted, to minimize erosion and sediment transport to surface waters.
 - Completed disturbed areas shall be stabilized or re-vegetated prior to the start of the rainy season.
 - Standard erosion control best management practices shall be employed, including slope protection using silt fences and straw wattles to minimize sediment transport.
 - Groundwater discharged to surface waters (if any) shall be allowed to settle and reduce suspended sediment, prior to such discharge.
 - Impacts to vegetation within and adjacent to the project site shall be minimized. The work area shall be flagged to identify its limits prior to clearing and grubbing. Vegetation shall not be removed or intentionally damaged beyond these limits.

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- Construction materials and soil piles shall be placed in designated areas where they could not enter stream flow due to spillage or erosion.
- Waste and debris generated during construction shall be stored in designated waste collection areas and containers away from watercourses, and shall be disposed of regularly.
- All fueling of heavy equipment shall occur in a designated area removed from San Antonio Creek, such that any spillage would not enter surface waters. The designated area shall include a drain pan or drop cloth and absorbent materials to clean up spills.
- Vehicles and equipment shall be maintained properly to prevent leakage of hydrocarbons and coolant, and shall be examined for leaks on a daily basis. All maintenance shall occur in a designated offsite area. The designated area shall include a drain pan or drop cloth and absorbent materials to clean up spills.
- Any accidental spill of hydrocarbons or coolant that may occur on the construction site shall be cleaned immediately. Absorbent materials shall be maintained on the construction site for this purpose. The Regional Board shall be notified immediately in the event of an accidental spill to ensure proper clean up and disposal of waste.

17. Proposed Compensatory Mitigation:

The Applicant has proposed habitat enhancement in the neighboring Matilija Creek Watershed via an extension of the Matilija Creek Giant Reed Retreatment Project. The District has added approximately 0.98 acres of exotic vegetation removal area adjacent to the ongoing 1,100-acre retreatment area. This addition will cover the 0.04-acre compensatory mitigation for the San Antonio Creek Spreading Grounds Rehabilitation Project.

18. Required Compensatory Mitigation:

The Regional Board will require the Applicant to provide the 0.98 acres of exotic vegetation removal area as specified above.

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

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STANDARD CONDITIONS

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

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

ADDITIONAL CONDITIONS

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

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and 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)*, 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 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 the 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.
12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the

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target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.

14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State. If rain is predicted within the five day window, all work shall consist of stabilizing the site and implementation of BMPs in order to prevent water quality impacts.
15. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
16. 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.
17. All project maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
18. 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.

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The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:

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

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

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

19. 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. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species or through on site natural recruitment. Restored areas shall be monitored and maintained with native species as necessary for five years.
20. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **0.01 acres** of streambed by creating, restoring or enhancing riparian habitat of at least 0.98 acres. The mitigation site shall be located within the Ventura River Watershed unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:
 - (a) The boundary of the mitigation site shall be clearly identified on a map of suitable resolution and quality and shall also be defined by latitude and longitude.
 - (b) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
 - (c) Success criteria shall be established.

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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.

21. 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:
 - (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including 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
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
22. Prior to any subsequent maintenance activities within the subject drainages/basin, 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/basin's existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (d) 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.

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23. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.
 - (c) For a sole proprietorship, by the proprietor.
 - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

24. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

"I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____

(Signature)

(Title)"

25. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number 11-022. Submittals shall be sent to the attention of the 401 Certification Unit.
26. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
27. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Ventura County and co-permittees under NPDES No. CAS004002 and Waste Discharge Requirements Order No. 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. The project shall also comply with all requirements of the

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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.

28. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
29. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
30. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.

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31. 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.

