



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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Mr. Derek Poultney
Ojai Valley Land Conservancy
P.O. Box 1092
Ojai, CA 93024

WATER QUALITY CERTIFICATION FOR PROPOSED OJAI MEADOWS PRESERVE HABITAT RESTORATION AND FLOOD CONTROL PLAN PROJECT (Corps' Project No. 2007-00717-AJS), VENTURA RIVER, CITY OF OJAI, VENTURA COUNTY (File No. 07-090)

Dear Mr. Poultney:

Regional Board staff has reviewed your request on behalf of Ojai Valley Land Conservancy (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on September 6, 2007.

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) 576-5733.

[Original Signed by]
Tracy J. Egoscue
Executive Officer

October 19, 2007
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. 07-090**

1. Applicant: Derek Poultney
Ojai Valley Land Conservancy
P.O. Box 1092
Ojai, CA 93024

Phone: (805) 646-7930 Fax: (805) 646-0253
2. Applicant's Agent: Nancy Fox-Fernandez, M.S.
Rincon Consultants, Inc.
790 E. Santa Clara Street
Ventura, CA 93001

Phone: (805) 641-1000 Fax: (805) 641-1072
3. Project Name: Ojai Meadows Preserve Habitat Restoration and Flood Control Plan
4. Project Location: Ojai area, Ventura County

| <u>Longitude</u> | <u>Latitude</u> |
|------------------|-----------------|
| 119.26942 | 34.44467 |
| 119.27160 | 34.44463 |
| 119.27377 | 34.44458 |
| 119.27373 | 34.44278 |
| 119.27812 | 34.44450 |
| 119.27812 | 34.44450 |
| 119.27150 | 34.44102 |
| 119.27170 | 34.44823 |

5. Type of Project: Wetland Restoration
6. Project Description: *Purpose:*
The goal of the proposed project is to provide: infrastructure improvements such as removing manmade features (earthen berm, sewer lines and old building pads and driveway); habitat restoration within Ojai Meadows Preserve; cut and fill along Maricopa Drain; vernal pool creation; and drainage and wetland improvements.

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Description:

All of the following components of the proposed project are detailed specifically in the Ojai Meadows Preserve Habitat Restoration and Flood Control Plan, submitted to the Regional Board on June 14, 2007.

Infrastructure Improvements

The project site has a few manmade features that will be removed as part of the overall restoration effort. These features include an earthen berm, existing sanitary sewer lines owned and operated by the Ojai Valley Sanitary District, and an old building pad and driveway.

Several sewer lines which extend through the center of the preserve, trending north to south under an existing berm between the Taormina Drain inlet and Maricopa (aka Nordhoff) Drain, will be removed. One of the pipelines is exposed near the proposed levee control structure on the Maricopa Drainage, at the center of the property. Portions of the sewer lines that are to be removed include the Taormina-Nordhoff line and the Highway 33-Nordhoff Drain Line where they transverse through the Preserve, including the section that is currently exposed.

The Taormina-Nordhoff Line currently trends from the Taormina neighborhood across the Preserve; parallel to the eucalyptus grove, and crosses under the Nordhoff Drain. This line will be capped at the Taormina neighborhood where it enters the Preserve, and linked with the existing sewer line south of Besant Road. The Highway 33-Nordhoff Drain which trends through the northwest side of the Preserve next to the Nordhoff Drain would also be re-routed to avoid the upper vernal pool and restored wetlands. The new line will enter the property at the same point as the existing line; but would turn slightly west on a straight route to the western boundary. At the Preserve's western boundary the pipeline will be angled to the south to connect with the eastern terminus of the existing El Camino Drive pipeline.

Additionally, an approximate 600-foot section of the earthen berm, located north of the proposed levee control structure adjacent to the Maricopa Drainage will be removed. The building pad to be removed is located near the western most boundary of the preserve, south of Meiner's Oak School.

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Drainage and Wetland Improvements

Restoration of approximately 8 acres of wetlands within the Ojai Meadows Preserve will center on the site of a historic 4.5 acre wetland and existing drainages. The project includes the improvement of each of the following drainages: the Nordhoff Drain (aka Maricopa Drain); runoff from the Toarmina community, which enters the preserve through a pipe at the southern end of the eucalyptus grove; and runoff from Nordhoff High School. Each of the drainages would be improved to contribute to the 8.3 acre wetland within the center of the property.

Vernal Pool Creation

The proposed project includes the development of three (3) vernal pools in the northeastern portion of the preserve. The pools will be formed by grading between two to three feet of surface soils to create pools less than 0.2 acres in each area.

Cut and Fill

The proposed modifications for the restoration activities will require 21,000 cubic yards (cy) of cut primarily along the Maricopa Drain. The cut materials will be placed on-site in order to fill within upland areas. The majority of the fill will be placed in two designated locations. These areas will be mounded to create natural shapes and seeded and/or planted with Coastal Sage Scrub. All cut material will be used on-site and no soil will be imported or exported.

Trails and Access

Several walking trails currently traverse the project site. The project proposes to retire, replace and improve some of these trails. Two types of trails are proposed within the Preserve: earthen and raised boardwalks. Approximately 9,000 linear feet of earthen paths will be created within the Preserve.

Habitat Restoration

The proposed project includes removal of 90 non-native eucalyptus trees and other non-native plant species to be followed by planting 11,446 native tree, grasses, shrubs and herbs throughout the site. To date, 30 of the 90 eucalyptus trees to be removed have been cut and efforts to remove non-native weeds has begun using solarization and hand pulling. The project goal is to restore the site to its historic level of biological value.

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Long Range Monitoring Program

A major component of the project is the inclusion of a long term monitoring program. The monitoring success criteria are specified in the Ojai Meadows Preserve Habitat Restoration and Flood Control Plan.

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|---|--|
| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers NWP No. 27 (Permit No. 2007-00717-AJS) |
| 8. Other Required Regulatory Approvals: | California Department of Fish and Game Streambed Alteration Agreement |
| 9. California Environmental Quality Act Compliance: | The City of Ojai approved the project's Mitigated Negative Declaration on August 21, 2007 (SCH No. 2007061061). |
| 10. Receiving Water: | Ventura River (Hydrologic Unit No. 402.20) |
| 11. Designated Beneficial Uses: | MUN*, IND, PROC, AGR, GWR, FRSH, REC-2, WARM, COLD, WILD, RARE, MIGR, SPWN, WET *Conditional beneficial use |
| 12. Impacted Waters of the United States: | Non-wetland waters (streambed): 0.004 permanent acres Non-wetland waters (unvegetated streambed): 0.353 permanent acres |
| 13. Dredge Volume: | None |

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14. Related Projects
Implemented/to be
Implemented by the
Applicant:

The Applicant has identified the following related projects:

Wetland Restoration and Enhancement Plan for The Ojai Meadows Preserve, Savannah Wetland

This plan presents our strategy and philosophy for the restoration and enhancement of 2.18 acres of riparian wetlands at the Ojai Meadows Preserve in Ojai. Funding for the proposed project comes from the United States Army Corps of Engineers (Corps') In Lieu Fee Mitigation Program. Upon the Corps' approval, implementation will begin immediately. Historic inflows were returned to the Savannah Wetland in 2004 with realignment of storm drains on an adjacent property (Nordhoff High School). As a result, small areas of the wetland have begun to re-vegetate on their own. Restoration and enhancement actions will remove weeds and increase native diversity on the core of the site, creating a higher functioning riparian wetland.

15. Avoidance/
Minimization
Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- Cover all storage areas including soil piles, fuel and chemical depots. Protect from rain and wind with plastic sheets and temporary roofs.
- Locate all construction-related equipment and related processes that contain or generate pollutants (i.e. fuel, lubricant and solvents, cement dust and slurry) in isolated areas with proper protection from escape.
- Locate the above-mentioned in secure areas, away from storm drains and gutters. Place the above-mentioned in bermed, plastic-lined depressions to contain all materials within that site in the event of accidental release or spill. Park, fuel and clean all vehicles and equipment in one designated, contained area.
- Protect downstream drainages from escaping pollutants by capturing materials carried in runoff and preventing transport from the site. Examples of detainment methods that retard movement of water

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and separate sediment and other contaminants are silt fences, hay bales, sand bags, berms, silt and debris basins.

- Slope stabilizers will be implemented. These include natural fiber erosion control blankets of varying densities according to specific slope/ site conditions.
- Expedite the restoration of natural erosion control and reduce risk of slope failure by immediately revegetating and irrigating until first one inch of rain.
- Reduce fugitive dust by wetting graded areas with adequate yet conservative amount water. Cease grading operations in high winds.
- Spring surveys shall be conducted to determine the presence/absence of special-status plant species. These surveys should be conducted during the blooming periods for these species. Should project construction require the removal of these special status species; they shall be dug up, replanted on site, or in planters to be relocated on site after the construction activity as supervised by a qualified biologist.
- If construction activity, including tree removals, occurs within the nesting period for birds (starting February 1 for raptors; March 15 for other species, and until September 15), a qualified biologist shall survey within the limits of project disturbance for the presence of occupied raptor or bird nests for three consecutive days no more than 14 days prior to commencement of activities. Any occupied nests found during the survey will be protected until nesting activity has ended to ensure compliance with the California Fish and Game Code.
- In the winter (November-early January) prior to construction, a survey for monarch butterfly aggregation sites within trees to be removed shall be conducted by a biologist. A report documenting the

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results of the survey shall be prepared and submitted for review and approval prior to issuance of discretionary grading permits or tree removal. If monarch butterflies are found to aggregate (concentration of hundreds to thousands of individuals) in the location where trees are proposed to be removed, new trees such as sycamores and additional nectar sources should be provided adjacent to other onsite suitable habitat.

- Construction near Monarch Butterfly Winter Roost. All construction work must be conducted at least 100 feet from any identified aggregation (concentration of hundreds to thousands of individuals) until the area is no longer being utilized by monarch butterflies.

16. Proposed
Compensatory
Mitigation:

The Applicant has proposed to provide approximately 8.3 acres of wetland restoration within the Ojai Meadows Preserve as specified in the Ojai Meadows Preserve Habitat Restoration and Flood Control Plan.

17. Required
Compensatory
Mitigation:

The Regional Board approves the proposed project as specified in the Ojai Meadows Preserve Habitat Restoration and Flood Control Plan. Because the proposed project is completely restorative in nature, the Applicant will not be required to provide any additional compensatory mitigation.

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. 07-090

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 polices 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. 15, are incorporated as additional conditions herein. Avoidance and Minimization: The amount of disturbance that will result from project implementation will be minimized to avoid impact to the adjacent habitats. Work crews will avoid Corps jurisdictional areas except for the 0.318 acres in which the restoration will be accomplished.

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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 so they are 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. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved 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 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. 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.
16. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
17. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** 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.
18. All 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

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grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.

19. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
 - 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.

20. The Applicant shall restore **all areas** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.

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21. 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.
22. The Applicant shall submit to this Regional Board **Annual Restoration Monitoring Reports** by **January 1st** of each year for a minimum period of **five (5) years** after planting or until restoration success has been achieved. The report shall describe in detail all of the project/construction activities performed during the previous year and all restoration efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, 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 including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results (as required) compiled in an easy to interpret format;
 - (f) A certified Statement of “no net loss” of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
23. Prior to any subsequent maintenance activities within the project area, 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 existing condition/capacity; (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.

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File No. 07-090**

- 24. 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.

- 25. 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)”

- 26. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **07-090**. Submittals shall be sent to the attention of the 401 Certification Unit.
- 27. 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.
- 28. 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.

29. 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.
30. A copy of this Certification shall be kept at the project site during any period while project activities are being conducted, and shall be available upon request to any staff from this Regional Board.
31. 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.
32. *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.
33. 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.