



EDMUND G. BROWL, JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Tully Clifford
Director
Ventura County Watershed Protection District
800 S. Victoria Avenue
Ventura, CA 93009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7010 3090 0002 1021 9544

WATER QUALITY CERTIFICATION FOR PROPOSED PROJECT (Corps' Project No. 2012-598-AJS), J STREET DRAIN, CITY OF OXNARD AND PORT HUENEME, VENTURA COUNTY (File No. 12-087)

Dear Mr. Clifford:

Board staff has reviewed your request on behalf of the the 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 January 11, 2012.

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

Samuel Unger

Samuel Unger, P.E.
Executive Officer

1-29-13^{su}

Date

DISTRIBUTION LIST

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89 South California St., Suite 200
Ventura, Ca 93001

ATTACHMENT A

Project Information

File No. 12-087

- 1. Applicant: Ventura County Watershed Protection District
800 S. Victoria Avenue
Ventura, CA 93009
- 2. Applicant's Agent: Angela Bonfiglio
Phone: (805) 477-7175 Fax: (805) 654-3350
- 3. Project Name: J Street Drain Improvement Project
- 4. Project Location: J Street Drain, Oxnard and Port Hueneme, Ventura County

Latitude

Longitude

34°10'24.73"	119°11'08.68"
34°09'16.61"	119°11'09.47"
34°10'14.34"	119°11'08.79"
34°08'51.61"	119°11'09.83"
34°09'57.85"	119°11'09.06"
34°08'51.61"	119°11'10.62"
34°09'40.17"	119°11'09.23"
34°08'21.63"	119°11'20.96"

- 5. Type of Project: Channel improvements to increase flood capacity
- 6. Project Purpose: The purpose of the proposed project is to provide flood protection for the 100-year flood level for the area surrounding J Street Drain. Protection from a 100-year flood is a standard set by FEMA under the National Flood Insurance Program. The need for such protection has been determined by studies which demonstrate that the existing drain has the capacity to handle only a 10-year flood event without overtopping the channel. Without the increase in flood protection, the local area would continue to be susceptible to flooding, as well as federal requirements to purchase flood insurance for properties within the 100-year flood zone after FEMA remaps the project area in the future.
- 7. Project Description: The proposed project will improve the J Street Drain by increasing flow capacity, as well as include a Beach Elevation Management Plan (BEMP). The existing trapezoidal concrete-lined channel has a variable depth averaging 4 feet deep with a bottom varying from 20 to 30 feet with 1:1 side slopes.

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The BEMP identifies a set of environmental thresholds which set a goal of reducing the height of the sand berm. Once the threshold conditions are observed for the berm, a predetermined list of actions will be implemented to ensure the opening of the lagoon outlet if the water level exceeds a target safe elevation and thereby prevent flooding of developed properties.

The project will convert the existing trapezoidal channel into an open rectangular channel. The existing trapezoidal channel will be widened and deepened to increase the capacity; the walls will be vertical with the top of the channel remaining open. The new channel will be up to four feet deeper than the existing channel. The width of the channel will increase up to 13 feet. The existing box culverts under the street crossing and railroad crossing will be replaced with larger structures to improve flow conveyance.

The existing concrete lining ends approximately 50 feet south of the Hueneme Drain Pump Station. Because the concrete-lined portion of the channel invert will be lowered up to four feet to create the required capacity, excavation will continue downstream towards the ocean. The finished invert will be daylighted via an earthen ramp to the lagoon at a 10:1 slope over a distance of up to 40 feet from the end of the existing concrete. A ten-foot-thick layer of four-ton riprap will be placed horizontally beneath the earthen ramp at the end of and at the same elevation as the concrete drain bottom to dissipate flow energy. This rock replaces existing riprap. It is anticipated that during the first few natural lagoon breaching events following construction, the movement of water and sediment (tidal and drain flows) will ultimately result in an equilibrium elevation within the channel transition area, between the end of the concrete channel and the Ormond Beach Lagoon annual breach location.

Press-in steel sheetpiles will be placed to a depth of approximately 30 feet on both the east and west sides of the construction zone to act as vertical shoring and to protect adjacent structures, including two- and three-story residences, Oxnard Wastewater Treatment Plant (OWWTP) infrastructure, a storage facility, and a manufacturing facility. This method was selected because it produces less noise and vibration than conventional sheetpile installation. The sheetpiles will be installed after surface water is

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removed from the work area to avoid any impacts to tidewater gobies.

Based on past geotechnical investigation, the District is aware that less permeable soils with greater clay content are present approximately 30 feet below the ground surface. By installing the sheetpiles to this depth on either side of the work area, the District seeks to minimize the amount of groundwater extraction required to create a dry work area. Where the sheetpiles are within 40 feet of an existing structure, they will remain in place to enhance long-term stability. All other sheetpiles will be removed after the new concrete drain is complete.

To effectively implement HAZ-1, the Ventura County Watershed Protection District will monitor up to 12 wells, including eight existing and four proposed wells (see Plate 12, Proposed Groundwater Monitoring Well Network for Groundwater Monitoring Plan). Two of the proposed new wells will be located adjacent to the J Street Drain (MW-D1 and MW-D2), one will be located within the OWWTP (MW-W1), and one will be located at the west end of the public parking lot at the sound end of Perkins Road (MW-D3). Tracking pre-project and dewatering phase water levels within the monitoring wells will allow the District to determine if groundwater continues to move northward in the vicinity of the Halaco Site.

If the monitoring shows that groundwater is no longer moving northward from the Halaco Site, then data will be analyzed to determine if groundwater is moving west. Because construction will now involve placement of sheetpiles to a depth of 30 feet on both sides of the proposed work area, it is expected that westward movement of groundwater will not occur. Nonetheless, water levels in the monitoring wells will be regularly evaluated to ensure this is true. If any movement of groundwater westward is detected, then dewatering will be suspended until an injection well system can be installed and operated (this should take about a week).

A total of five injection wells will be drilled immediately south of the fence along the south OWWTP property boundary, within disturbed habitat. The wells will form a line oriented from west to east, evenly spaced over a distance of approximately 350 feet. Potable water will be injected into each well at a rate of 10 to 14

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gallons per minute. The actual rate will be determined in response to the hydrogeologic conditions present during dewatering. The rate will be adjusted to ensure that injected water does not move groundwater beneath the Halaco Site into new areas.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
Individual Permit (Permit No. 2012-598-AJS)
9. Other Required
Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement
10. California
Environmental Quality
Act Compliance: The Ventura County Flood Control District prepared an
Environmental Impact Report which was approved on March 27,
2012.
11. Receiving Water: J Street Drain (Hydrologic Unit No. 403.11)
12. Designated Beneficial
Uses: PROC, NAV, REC-1, REC-2, COMM, MAR, WILD
13. Impacted Waters of the
United States: Non-wetland waters (streambed unvegetated): 7.90 temporary acres
(12,200 temporary linear feet)

Ocean/Estuary/Bay: 0.29 temporary acres (temporary linear feet)
14. Dredge Volume: None
15. Related Projects
Implemented/to be
Implemented by the
Applicant: The Applicant has not identified any related projects carried out in
the last 5 years or planned for implementation in the next 5 years.
16. Avoidance/
Minimization
Activities: The Applicant has proposed to implement several Best
Management Practices, including, but not limited to, the following:
- An existing dirt road north of Perkins Drain may be used for access only when California least terns are absent, as confirmed by a qualified biologist (approximately September 15 through April 30).
 - In order to avoid and/or minimize impacts within waters, the project would implement construction and post-construction

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BMPs as identified in the SWPPP and in the BMPs identified by VCWPD.

- Channel work will be avoided during the rain season.
- Discharges of silt or sediment-laden water during channel activities will be prevented.
- Designated temporary stock pile and staging areas will be identified prior to project implementation.
- Spills and Leaks will be avoided.
- Specific protocols will be implemented for concrete wash-out activities.
- Further specific BMPs in the application submittal for this Certification shall be implemented.

17. Proposed
Compensatory
Mitigation:

The Applicant has proposed for all temporary impacts to be restored in-kind.

Where work comprises replacement of the existing rock riprap outlet or temporary coffer dam installation, restoration will include replacement on the lagoon bottom of the top 12 inches of original soil to ensure suitable conditions for tidewater gobies and benthic fauna. The earth substrate in this area consists of unvegetated open water habitat.

18. Required
Compensatory
Mitigation:

The Regional Board will require mitigation as proposed by the Applicant (as described above).

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

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Conditions of Certification File No. 12-087

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 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) 620-2253 for further information regarding the disposal of solid wastes.
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. 2011-0002-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.
15. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
16. 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 wet excavations (i.e., no excavations shall occur below the seasonal high water table) are authorized by this certification. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.
18. If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
19. All project/construction/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.
20. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points.

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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)

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.

21. 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. Where work comprises replacement of the existing rock riprap outlet or temporary coffer dam installation, restoration shall include replacement on the lagoon bottom of the top 12 inches of original soil to ensure suitable conditions for tidewater gobies and benthic fauna. Restored areas shall be monitored and maintained with native species as necessary for five years. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
22. 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. At a minimum the Annual Reports shall include the following documentation:
 - (a) Color photo documentation of the pre- and post-project site conditions;

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- (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project;
 - (c) The overall status of project including a detailed schedule of 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.
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.

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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 **12-087**. 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. 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.. 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. 2009-009-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:*

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- (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.
31. 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.