

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Jing Jaw
City of Los Angeles
1149 S. Broadway, Suite 750
Mail Stop 495-1
Los Angeles, CA 90015

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7012 3460 0001 6366 0830

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED RIVERSIDE DRIVE BRIDGE WIDENING PROJECT (Corps' Project No. 2014-00091-YK), LOS ANGELES RIVER REACH 3, CITY OF LOS ANGELES, LOS ANGELES COUNTY (FILE NO. 14-017)

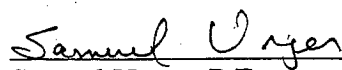
Dear Mr. Jaw:

Board staff has reviewed your request on behalf of City of Los Angeles (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on May 14, 2014.

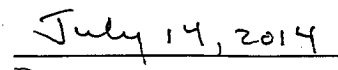
I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

Please read this entire document carefully. The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo Zara, Lead, Section 401 Program, at (213) 576-6759.



Samuel Unger, P.E.
Executive Officer



Date

DISTRIBUTION LIST

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U.S. Fish and Wildlife Service
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**Project Information
File No. 14-017**

1. Applicant: Mr. Jing Jaw
City of Los Angeles
1149 S. Broadway, Suite 750
Mail Stop 495-1
Los Angeles, CA 90015

Phone: 213-485-5174
2. Applicant's Agent: Marieka Schrader
GPA Consulting
231 California St.,
El Segundo, CA. 90245

Phone: 310-792-2624
3. Project Name: Riverside Drive Bridge Widening
4. Project Location: City of Los Angeles, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
34.154807	118.293841
34.154841	118.294026
34.155121	118.294019
34.155962	118.296288

5. Type of Project: Bridge Widening
6. Project Purpose: The purpose of the proposed project is to widen the Riverside Drive Bridge to meet current design standards and to add a bike lane.
7. Project Description: The City of Los Angeles and Caltrans propose to rehabilitate and widen the Riverside Drive Bridge (Bridge #53C-1298) over the Los Angeles River in the City of Los Angeles.

Riverside Drive Bridge does not have any shoulders or bike lanes. The project will widen and rehabilitate the existing four-lane bridge to correct existing geometrical design deficiencies, address seismic vulnerabilities, and improve pedestrian and bicycle travel. The existing bridge will be widened approximately 19 feet on the downstream side. The widened structure will be approximately 75

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feet wide and will accommodate four 11-foot through lanes, a 2-foot median, two 5-foot shoulders, two 8-foot sidewalks, and two 1-foot barrier railings.

The new portion of the bridge deck will be supported by cast-in-place concrete box girders, rather than matching the existing concrete T-beams. The box girders will be supported by new, separate, concrete piers, measuring approximately 21 feet in length and three feet in width. The new piers will be separated from the existing pier walls by approximately four feet.

The project will provide a 14-foot wide bike path that will cross under the bridge. This undercrossing will connect the existing Los Angeles River bike path east of the bridge to the area west of the bridge, where there are plans to extend the bike path. Grading work will be conducted for a bikeway on the west side of Riverside Drive, and new curbs and gutters will be installed adjacent to the SR-134 on-ramp. The project will also provide a new connection from the future bike path to Riverside Drive. The connection will require the removal of the existing concrete railing atop the bridge's southwest abutment. The bikeway construction will include partial removal of the channel liner on the south side. An 800-foot retaining wall will be constructed for the bikeway underpass and retaining walls will be constructed on the top of the channel for the bikeway approaches to Riverside Drive. Fill will be placed behind the retaining walls, and the bikeway will be finished with an asphalt concrete surface. Lighting and conduits will be installed for the bikeway and roadway on both sides of Riverside Drive.

To improve visibility for bicyclists, motorists, and pedestrians, the intersection of the SR-134 on-ramp and Riverside Drive will be modified by softening the curve at the bridge's southwest abutment. The southwest abutment's concrete railing will be removed to accommodate the new curve, improve visibility, and allow for a new entry point to the bike path. The abutment itself will remain in place.

In addition to the bikeway, a retaining wall, and new curbs and gutters will also be constructed on the east side of Riverside Drive.

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The new bridge railings on the upstream side will be reconstructed to match the existing railings, while satisfying current crash barrier requirements.

The existing 48-inch storm drain system on the east side of Riverside Drive will be replaced, including grading and pavement reconstruction. Excavation will be required south of the bridge, along the abutment, at a depth of 15 feet. The existing storm drain will be retrofitted with a concrete collar and will be extended ten and a half feet to a new headwall, wingwalls, and apron. The existing headwall, wingwalls, and apron will be removed and replaced with grouted rock slope protection. This work will take place inside the channel on the slope channel liner.

Drainage improvements will also be made to the bridge deck. Drains will be installed at the new shoulders to divert rainfall into the channel below the bridge. Filters will be installed at the existing catch basin at the southeast corner of the bridge to treat rainfall runoff.

To connect bridge electrical lines to the series circuit that currently ends at Victory Boulevard, existing utility lines will be extended north along Riverside Drive until just south of the intersection of Riverside Drive, Victory Boulevard, and Sonora Avenue. This work will likely be accomplished through micro tunneling or jacking of pipe at a maximum depth of 36 inches.

Vegetation will be cut at ground level up to 125 feet downstream of the bridge, prior to project construction and will be a temporary impact.

A water diversion and dewatering of the construction area and vicinity will prevent work in flowing water.

Project construction will result in 0.0035 acre of permanent impacts within wetlands and 0.0035 acres of permanent impacts from construction of the new bridge piers within the river channel. The project will result in 0.21 acre of temporary impacts within wetlands from installation of the water diversion and vegetation trimming. The project will also result in 0.43 acre (750 linear feet) of temporary impacts on non-wetland waters of the U.S. from the water diversion and dewatering.

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The length of the water diversion has been decreased from the original project scope in order to minimize impacts. The length of the water diversion was reduced from 1,500 feet to 750 feet. In addition, the linear impact length was reduced from 1,800 feet to 1,050 feet.

All of the *Arundo* and non-native vegetation will be removed upstream and downstream of the bridge on the vegetated mid-channel bar sections.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 14 (Permit No. 2014-00091-YK)
9. Other Required Regulatory Approvals: California Department of Fish and Wildlife
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: On September 4, 2013 a Mitigated Negative Declaration was issued by the City of Los Angeles for this project.
11. Receiving Water: Los Angeles River Reach 3 (Hydrologic Unit Code: 180701050402)
12. Designated Beneficial Uses: MUN*, IND, GWR, REC-1, REC-2, WARM, WILD, WET
*Conditional beneficial use
13. Impacted Waters of the United States: Federal jurisdictional wetlands: 0.38 temporary acres and 0.0035 permanent acres
Non-wetland waters (streambed): 0.43 temporary (750 linear feet) and 0.0035 permanent acres
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: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

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Activities:

- Staging areas will be outside the river channel to reduce direct and indirect impacts on the Los Angeles River and other sensitive natural resources, including wetlands.
- Work areas in the Los Angeles River channel will be reduced to the extent feasible to minimize impacts.
- Best Management Practices (BMP) will be implemented to reduce dust, dirt, and construction debris from leaving the construction area. BMPs will also be implemented to minimize sedimentation and turbidity within the Los Angeles River from in-stream construction activities.
- All equipment refueling and maintenance will be conducted in the upland staging area per standard specifications and regulatory permits. In addition, BMPs will be implemented during construction to reduce potential impacts associated with leaks and spills of oil, fuel, or machinery fluids. All vehicles refueling and maintenance will take place in the staging area outside of the river channel. All vehicles and equipment to be used in or near the channel will be checked daily for fluid and fuel leaks, and drip pans will be placed under all equipment that is parked and not in operation. BMPs will be implemented to avoid or minimize accidental spills, including development of a Spill Prevention Plan by the contractor that will be presented to resource agencies for approval during the permitting process, and implemented during project construction.
- The City will implement and maintain appropriate permanent post-construction storm water BMPs, which will accommodate the additional drainage discharges generated by the project and avoid adverse effects such as offsite erosion, sedimentation, and water quality impairments.
- Standard erosion control measures, such as silt fencing, fiber rolls, straw bales, sediment traps, or other measures will be installed to reduce the transport of sediment into the river. This will minimize the impacts of turbidity on downstream biological resources including native plant and wildlife species.
- A water diversion plan that complies with all regulatory permits and agreements will be prepared and submitted to appropriate

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resources agencies.

- The contractor will implement appropriate hazardous materials management practices to reduce the possibility of chemical spills or releases of contaminants, including any non-storm water discharge. Standard hazardous materials management and spill control and response measures will minimize the potential for surface and groundwater contamination.
- The construction area will be reduced to the extent feasible to avoid the Los Angeles River area and other vegetated areas, including the Bette Davis Picnic Area.
- Staging areas will be restricted to upland areas to avoid indirect impacts on the Los Angeles River and other sensitive vegetated areas.
- Work areas within the river and impacts on sensitive habitats will be minimized to the extent feasible.
- Construction activities within the stream channel will be completed during the dry season, to the extent feasible, when turtles are more likely to be out of the river or easier to identify for relocation.
- A qualified biologist will conduct pre-construction surveys for western pond turtles within construction area within 48 hours prior to construction, channel excavation, and riparian vegetation removal.
- If western pond turtles are present, they will be relocated upstream or downstream of the construction area to an area of suitable habitat.
- Prior to water diversion, block netting will be placed approximately 200 feet upstream of the bridge to prevent the arroyo chub from entering the project area during the water diversion process. Prior to and during the installation of the water diversion, the wetted areas of the Biologically Sensitive Areas (BSA) will be surveyed by a qualified fisheries biologist and all arroyo chub within the diversion area will be captured and relocated downstream of the project area.
- During the water diversion process, the area to be diverted will be surveyed thoroughly to ensure that no arroyo chub are stranded in

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drying areas of the river. Block netting will be checked to ensure it is preventing any fish from entering the area to be diverted. After the water diversion is successfully diverting flows around the construction area, the upstream block nets will be removed to allow arroyo chub to migrate volitionally through the water diversion to downstream habitat.

- If a water diversion is not necessary but the river is still flowing through the work area, block nets will be placed upstream and downstream of the work area following surveys for chub and other fish species, and all fish are removed from the project area. Block netting will be removed when project work is completed.
- If nesting or foraging birds are found in the project area, appropriate construction buffer areas for birds (300 feet) will be implemented, in coordination with the appropriate resource agencies, to ensure that the birds and/or their nests are not harmed.
- Pile-drivers will need to remain in the channel for up to five days during the work week. Secondary containment structures will be constructed around all pile-drivers and BMPs, including drip pans, drip cloths, and containment cloth rolls will be placed around all pile-drivers while they are in the channel bed.

17. Proposed Compensatory Mitigation:

The Applicant has proposed to restore and re-create wetland habitat on-site and restore temporarily impacted areas. In addition onsite removal of all non-native invasive vegetation on the entire mid-channel bar will be required to mitigate for impacts on jurisdictional areas.

18. Required Compensatory Mitigation:

The Regional Board will require compensatory mitigation at a ratio of 2:1 for all temporary impacts and 3:1 for any impacts within wetlands.

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. 14-017

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 Wildlife's (CDFW) 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 CDFW'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.
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 target species and habitat. All pesticides directed toward aquatic species must be approved

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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 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.
17. 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.
18. 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.
19. 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.
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. Restored areas shall be monitored and maintained with native species as necessary for five years.
22. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **0.43 acres** waters of the United States and **0.38 acres** wetlands by creating or restoring habitat at a minimum **2:1** area replacement ratio (**1.62 acres total**). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.0035 acres** of waters and **0.0035 acres** within Federal jurisdictional wetlands by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum **3:1** area replacement ratio (**0.021 acres total**). The mitigation will be accomplished through onsite restoration or, if onsite restoration is not feasible, will be located within the Los Angeles River Watershed unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:

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- (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.

This information shall be submitted to this Regional Board for approval prior to any project activities which take place 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.

23. 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:
- (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 whether or not work has begun on the Project and a detailed schedule;
 - (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.
24. All applications, reports, or information submitted to the Regional Board shall be signed:

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- (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 14-017. 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 Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. R4-2012-0175. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to the Department of Transportation (Caltrans) under NPDES No. CAS000003 and Waste Discharge Requirements Order No. 2012-0011 - DWQ. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with

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Construction Activity, Order No. 2012-0011-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.

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. 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.
31. *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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32. 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.

