



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Sree Kumar  
County of Los Angeles Flood Control District  
900 S. Fremont Avenue  
Annex Building, 2<sup>nd</sup> Floor  
Alhambra, CA 91802-1460

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7008 1140 0002 8671 9196

**TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED SOFT BOTTOM CHANNEL REACH 115 USACE LEVEE CERTIFICATION (Corps' Project No. 2014-00691-BLR) AND ANNUAL MAINTENANCE, SAN GABRIEL RIVER ESTUARY, CITY OF LONG BEACH, LOS ANGELES COUNTY (File No. 14-132)**

Dear Mr. Kumar:

Board staff has reviewed your request on behalf of County of Los Angeles Flood Control District (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on February 11, 2015.

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 CarrilloZara, P.G., Lead, Section 401 Program, at (213) 576-6759

Samuel Unger  
Samuel Unger, P.E.  
Executive Officer

4-27-15  
Date

## DISTRIBUTION LIST

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Bill Orme (via electronic copy)  
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Johnathan Snyder  
U.S. Fish and Wildlife Service  
2177 Salk Avenue  
Carlsbad, CA 92008

ATTACHMENT A

Project Information  
File No. 14-132

1. Applicant: Mr. Sree Kumar  
County of Los Angeles Flood Control District  
900 S. Fremont Avenue  
Annex Building, 2<sup>nd</sup> Floor  
Alhambra, CA 91802-1460  
Phone: (626) 458-4145 Fax: (626) 458-4150
2. Applicant's Agent: Ms. Jemellee Cruz  
County of Los Angeles Flood Control District  
900 S. Fremont Avenue  
Annex Building, 2<sup>nd</sup> Floor  
Alhambra, CA 91802-1460  
Phone: (626) 458-4170 Fax: (626) 458-4150
3. Project Name: Soft-bottom channel Reach 115 – USACE Levee Certification Project and Annual Maintenance
4. Project Location: Long Beach, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
33.790701	118.091318
33.778072	118.097137
33.775056	118.098192
33.782067	118.096517
33.781784	118.095645
33.775061	118.097249
33.778168	118.098083
33.791020	118.092197

5. Type of Project: Soft-bottom channel (SBC) annual maintenance
6. Project Purpose: The Los Angeles County Flood Control District (LACFCD) will remove vegetation annually at Soft-bottom channel Reach 115, San Gabriel River, to maintain, inspect, and access the channel system for structural damages and conduct minor repairs to each season's storm events in order to re-establish adequate flood protection and diminish the risk of flooding to the adjacent residential communities. The Project will address the vegetation removal deficiencies of the levee system as identified in the U.S. Army

## ATTACHMENT A

### Project Information

File No. 14-132

Corps of Engineers (USACE) 2013 letter regarding Periodic Inspections for the Levee Safety Program.

7. Project Description:

Soft-bottom channel Reach 115 is the soft-bottom portion of the San Gabriel River maintained by LACFCD bank-to-bank, totaling approximately 108 acres. Its upstream limit begins just south of the confluence with Coyote Creek (approximately 1,750 feet north of Interstate 405) and extends 18,354 feet south to Marina Drive (just north of the Pacific Ocean shore) in the City of Long Beach in Los Angeles County. The process for vegetation removal activities will follow methods recommended by the USACE and will be based on its 2009 Engineering Technical Letter (ETL) 1110-2-571 entitled, "Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures" (Vegetation Management Guidelines). All removed vegetation will be taken to the Puente Hills landfill via dump trucks. Riprap/stone and soil will not be removed from the project site.

Approximately 701 noncompliant trees and shrubs will be removed from the riverside slopes. This consists of 590 nonnative and 10 native trees/shrubs within the riprap/stone or sediment bench areas and 111 nonnative and 2 native trees/shrubs in the marsh vegetation areas. It is anticipated that removal of this vegetation will result in a sum of approximately 0.11 acres and 105.15 cubic yards of vegetation removal. Since the voids occurring from the riprap/stone vegetation removal will be filled with imported native soil and approximately 84 percent of total vegetation occurs in these areas, an estimated 88.33 cubic yards of soil will be used for fill. It is assumed the remaining voids will be filled with the displaced soil. Temporary impacts associated with slope access within the jurisdictional areas is estimated to be within approximately 20 percent of the entire jurisdictional boundaries, for an estimated 21.57 acres.

8. Federal Agency/Permit:

U.S. Army Corps of Engineers  
NWP No. 31

9. Other Required  
Regulatory Approvals:

California Department of Fish and Wildlife  
Amendment of Streambed Alteration Agreement No. 1600-1999-0076-R5

## ATTACHMENT A

### Project Information

File No. 14-132

10. California Environmental Quality Act Compliance: The proposed project is Categoricaly Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 Existing Facility Class 1(d).
11. Receiving Water: San Gabriel River Estuary (Hydrologic Unit Code: 180701060606)
12. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, EST, MAR, WILD, RARE, MIGR, SPWN, SHELL
13. Impacted Waters of the United States: Non-wetland waters (streambed): 0.11 temporary acres (7,125 temporary linear feet)  
Non-wetland waters (un-vegetated streambed): 21.57 temporary acres
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: This project is part of the FEMA Levee Certification; it later will become part of a long-term maintenance program implemented by the County (at which time a separate scope of work will be submitted).  
LACFCD maintains 100 SBCs under Waste Discharge Requirements Order No. R4-2015-0032 (File No. 99-011). The SBC in this certification may be included in future WDRs for File No. 99-011, if appropriate.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- A 500 foot floating boom will be installed to surround the current work area via boats. Crews will remove floating debris once work in that section has been completed and the boom will be relocated to the next work area.
  - A Biologist will flag fresh water marsh vegetation for avoidance and monitor all activities taking place within or immediately adjacent to the marsh community.
  - All work will be scheduled to occur outside of nesting bird season. If necessary to conduct work activities within nesting bird season (generally defined as March 15 through August 31),

## ATTACHMENT A

### Project Information

File No. 14-132

a qualified Biologist will conduct a nesting bird survey within all potentially suitable habitat within and surrounding the activity area within 72 hours of the anticipated start date. If an active nest is found or nesting activities are observed, an appropriate buffer determined by the Biologist will be designated and demarked with flagging for crews to avoid. Project activities will be conducted as recommended by the Biologist to avoid the nest or minimize impact to nesting activities. Work in this area will only proceed once the Biologist has confirmed that nesting activity has ceased. If no nesting activity is detected during the initial survey, work activities may commence. If work activities are discontinuous for greater than 72 hours, the nesting bird survey will be repeated.

- Prior to the beginning of work a Worker's Environmental Awareness Training (WEAP) session will be conducted by the biologist to indicate the flagging that identifies native trees, any discovered bird nests, and any other sensitive resources that may occur at the project site (including the green sea turtle).
- If a green sea turtle is sighted within or adjacent to a work area, work will stop immediately in that vicinity until the turtle has left. A biologist will be notified immediately.
- Best Management Practices (BMP) will be implemented to reduce dust, dirt, and construction debris from leaving the construction area.

17. Proposed  
Compensatory  
Mitigation:

The project activities are temporary in nature. Vegetation regrows annually prior to clearing and all wetlands and other defined jurisdictional features will remain intact as such throughout the life of the project. In addition, nearly all of the vegetation proposed for removal consists of only non-native, invasive species. Compensatory mitigation is proposed through creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum 1:1 area replacement ratio (0.01 acres).

18. Required  
Compensatory  
Mitigation:

The Regional Board will require compensatory mitigation as proposed above.

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

**ATTACHMENT A**

**Project Information**  
**File No. 14-132**

compensatory mitigation.

## ATTACHMENT B

### Conditions of Certification File No. 14-132

#### 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, the 2015 Proposed Maintenance Plan, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.



## ATTACHMENT B

### Conditions of Certification

File No. 14-132

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

## ATTACHMENT B

### Conditions of Certification

#### File No. 14-132

by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2011-0003-DWQ, for Aquatic Animal Invasive Species Control; 2011-0004-DWQ, for Spray Applications; 2011-0002-DWQ, for Vector Control; and 2013-0002-DWQ, for Weed Control.

14. The Applicant shall not conduct any 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. 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 removal activities within native vegetation to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
16. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge (ROWD)** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.
17. 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 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.
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.

## ATTACHMENT B

### Conditions of Certification

File No. 14-132

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 as part of the scheduled annual maintenance report. 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. Bacterial indicators shall include fecal coliform (or E.coli), total coliform and enterococcus.

20. The Applicant shall restore **all acres** 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 filling all cavities created by removal activities with native soil. Replacement of native trees will occur at an alternative site. Details will be provided in a Restoration Plan to be prepared in conjunction with other County project. Native marsh is not expected to incur measurable impacts and vacancies from tree/shrub removal are expected to allow for marsh expansion.
21. The Applicant shall provide compensatory mitigation for the proposed permanent impacts to **0.01 acres** of vegetation within waters of the United States/Federal jurisdictional wetlands by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum 1:1 area replacement ratio (0.01 acres). The mitigation site shall be located within the San Gabriel River Watershed unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:
  - (a) The boundary of the mitigation site shall be clearly identified on a map of suitable resolution and quality and shall also be defined by latitude and longitude.
  - (b) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)

## ATTACHMENT B

### Conditions of Certification File No. 14-132

(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.

22. If the Applicant proposes funding to a third-party organization for the creation or restoration of a total of **0.01 acres** of (vegetated, unvegetated, etc) streambed riparian habitat within waters of the United States/Federal jurisdictional wetlands; then funding shall apply to mitigation acreage only, exclusive of administrative costs. The mitigation site shall be located within the Los Angeles Watershed unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:

- (a) Documentation from the third party indicating that funds have been used for mitigation acreage only, which do not include administrative costs.
- (b) 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.
- (c) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
- (d) Success criteria shall be established.

**This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States** and shall include copies of all agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

23. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation/project 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;

ATTACHMENT B

Conditions of Certification

File No. 14-132

- (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 spreadsheet 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:
- (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)"

## ATTACHMENT B

### Conditions of Certification

File No. 14-132

26. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **14-132**. 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 also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2012-0011-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
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.

ATTACHMENT B

Conditions of Certification

File No. 14-132

- (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.
32. This Certification shall expire **one (1) year** 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.