



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Samuel Rojas
Newhall Land and Farming
25124 Springfield Court, Suite 300
Valencia, CA 91355

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7009 2820 0001 6537 7092

WATER QUALITY CERTIFICATION FOR PROPOSED VILLA METRO—CHANNEL REPLACEMENT PROJECT (Corps' Project No. 2007-682-KW), UNNAMED TRIBUTARY TO SANTA CLARA RIVER, CITY OF SANTA CLARITA, LOS ANGELES COUNTY (File No. 12-035; previously 07-088)

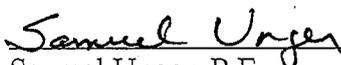
Dear Mr. Rojas:

Board staff has reviewed your request on behalf of Newhall Land and Farming (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete July 30, 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, Lead, Section 401 Program, at (213) 576-6759.



Samuel Unger, P.E.
Executive Officer

Aug 17, 2012
Date

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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ATTACHMENT A

Project Information
File No. 12-035

1. Applicant: Newhall Land and Farming
Samuel Rojas
Manager, Environmental Resources
Newhall Land and Farming
25124 Springfield Court, Suite 300
Valencia, CA 91355
Phone: (661) 255-4283 Fax: (661) 255-4277
2. Project Name: Villa Metro—Channel Replacement
3. Project Location: Santa Clarita, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
34.415082	-118.517698
34.418120	-118.5215527
34.414995	-118.518739
34.414870	-118.522207
34.414879	-118.519917
34.415006	-118.522995
34.414805	-118.520786
34.415100	-118.523117

4. Type of Project: Channel conversion to box culvert
5. Project Purpose: The purpose of the proposed project is to convert a concrete-lined open channel to a buried box culvert, as part of the City of Santa Clarita requirements for the Villa Metro Townhomes project. The proposed project had received a previous Section 401 Water Quality Certifications (07-088). The previous project failed to move forward under the authorization of 07-088. Impacts to waters did not occur, and mitigation was was not completed as impacts to waters did not occur.
6. Project Description: The existing concrete-lined open trapezoidal storm drain channel along the frontage of the project parallels Soledad Canyon Road. This channel is 1,650 feet long with a cross-sectional design five feet deep, with a 12-foot bottom width and 1.5:1 side slopes.

The existing flood control channel will be removed in its entirety for the development of the Villa Metro Townhomes and associated

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landscaping. The channel must be designed to current flood control capacity requirements. The project area will be re-graded (by cut and fill), and a new box culvert (concrete, floor, and walls) will be constructed for a length of 1,650 by approximately 13 feet wide. Construction is anticipated to begin in July 2012 and be completed by March 2013.

Future maintenance of the structure would be in accordance with City of Santa Clarita or Los Angeles County Department of Public Works requirements. Maintenance may entail debris removal, repair, and/or replacement of culvert as necessary to ensure proper function as a storm sewer.

IMPACTS

On-site, there is a Clean Water Act jurisdictional area of 13.5 feet by 1,650 feet, or 0.51 acres. The 0.51 acre, or 1,650 linear feet, of streambed at the project site will be permanently impacted in the project. Concrete and rebar will be installed in the channel to replace existing concrete and rebar. Also, minor soil preparation and grading will be conducted to support forms for the new structure using native fill material from the site.

- | | |
|---|---|
| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 43 (Permit No. 2007-682-SP) |
| 8. California Environmental Quality Act Compliance: | The City of Santa Clarita approved the EIR for the proposed project on June 13, 2006. |
| 9. Receiving Water: | Unnamed tributary to Santa Clara River (Hydrologic Unit No. 403.51) |
| 10. Designated Beneficial Uses: | MUN*, IND, PROC, AGR, GWR, REC-1, REC-2, WARM, WILD, RARE, WET
*Conditional beneficial use |
| 11. Impacted Waters of the United States: | Non-wetland waters (streambed): 0.51 permanent acres (1,350 linear feet) |
| 12. Dredge Volume: | None |

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

The Applicant has conducted various projects on this reach of the Santa Clara River (Lang Gauging Station downstream to Bouquet Canyon Road Bridge):

- Waste Discharge Requirements File 99-099 & CI-8099: The Valencia Company (Newhall Land) Natural River Management Plan for Santa Clara River and its Tributaries was developed, involving approval for numerous improvements along the river system. Projects authorized under this WDR have been completed, are in the process for construction, and are also planned in the future.
- 401 Certification File 05-006: The River Village (Riverpark) Drainage 1 Project involved the restoration of the Staats Canyon drainage related to the housing development project 29-acre park site.
- 401 Certification File 06-094: The River Village (Riverpark) Newhall Ranch Road Extension Drainage Project involved the reconstruction of a debris basin for flood protection on the Newhall Ranch Road extension through the River Village housing development project.

14. Avoidance/ Minimization Activities:

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

- As the channel exhibits a consistent flow of nuisance water from local development areas, nuisance water will be collected at the upstream end of the project site and diverted past the grading zone.
- If feasible, a simple berm and pipe conveyance system will be employed to carry the flow past the work zone and discharge back to the existing storm drain outlet.
- If necessary, a sump and pump can be established at the upstream location to move the water up and out of the channel work zone and control the flow along the upper bank, outside of the active zone.
- Work in the channel will not be conducted during storm events or if ponded or flowing water is present. A 48-hour clear weather

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window will be monitored.

- The project timing is scheduled to avoid the rainy season. In this manner, the exposed soils subsequent to removal of the existing concrete lining will not be subject to excessively erosive surface flows.
- During demolition activities, Best Management Practices consisting of silt fence, sand bags, and wattles will be employed at the outlet to control any runoff from disturbed portions of the channel.
- If necessary a check dam can be constructed within the channel to allow settling of any turbid water prior to discharge. Any demolition, excavation, or buried box culvert installation (pouring of concrete) will be suspended and measures will be implemented to control runoff, if a rain event is forecast (40% chance of greater than 0.25 inches of rain).
- Activities will not be initiated, or resumed, in areas of ponded or flowing water.
- During all work, any fuels/lubricants for hand tools shall be staged outside of the channel demolition and culvert construction area.
- Any mobile generators, pumps, or equipment that are brought into the channel shall be checked for leaks prior to accessing the area.
- All vehicles and heavy equipment shall be routinely maintained to avoid leaks.
- Drip pans, oil containment fabrics, and other means of preventing equipment fluids from being released to the ground will be employed as necessary.
- Great care will be taken in obtaining and transferring liquid substances with the potential for environmental contamination.
- Areas adjacent to the concrete channel are devoid of native vegetation. Ingress and egress to the work area will be at various

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locations along the length of the existing concrete channel as necessary to perform demolition of the existing structure and construction of the new buried culvert.

- Clearing limits, easements, setbacks, sensitive areas, vegetation, and drainage courses will be delineated through markings in the field.
- Areas for routine equipment maintenance, parking, and refueling will be designated away from storm drain inlets.
- Residuals and fines will be washed onto dirt areas rather than down the street into storm drain inlets.
- Trash cans will be placed around the site for the immediate cleanup of debris and waste.
- Water trucks will be used during grading operation, as required, to dampen the soil and prevent wind erosion and deposition of dust onto public and private streets.
- Street sweeping will be conducted, as necessary, to clean sand, dust, or debris from paved streets.
- All onsite and temporary construction workers will be informed of good housekeeping procedures and potential consequences of allowing even a small spill to go unattended.
- The project will be constructed pursuant to a Construction Stormwater NPDES permit (NOI and SWPPP) that specifically addresses these special conditions.

15. Proposed
Compensatory
Mitigation:

The Applicant has proposed to enhance 0.51 acres of streambed in the Santa Clara River. The enhancement will involve invasive species control/removal and planting.

16. Required
Compensatory
Mitigation:

Due to impacts from the conversion of a concrete-lined channel to a buried box culvert, the Regional Board will require mitigation at a ratio of 1:1.

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

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ATTACHMENT B

Conditions of Certification File No. 12-035

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. 15, 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 the Regional Board 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. 2004-0008-DWQ and 2004-0009-DWQ.

14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a five-day (5-day) clear weather forecast before conducting any operations within waters of the State.
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 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.
18. 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.
19. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan (plan)** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:

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- 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.

20. The Applicant shall restore **ALL areas** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance, which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. 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.
21. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent loss of **0.51** acres waters of the United States by creating or restoring riparian habitat at a minimum **1:1** area replacement ratio (**0.51 acres**) by enhancing riparian habitat/Federal jurisdictional wetland habitat. The mitigation site shall be located within the Santa Clara River Watershed unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:
 - (a) The boundary of the mitigation site shall be clearly identified on a map of suitable resolution and quality and shall also be defined by latitude and longitude.
 - (b) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
 - (c) Success criteria shall be established.

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This information shall be submitted to this Regional Board for approval prior to any 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. 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. 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 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. Prior to any subsequent maintenance activities within the subject drainages/basin, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the drainage's/basin's existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (d) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (e) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
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 **12-035**. 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. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) 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

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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.
32. This Certification shall expire **five (5) years** from date of this Certification.

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33. If the Applicant intends to continue work in waters of the state or U.S. after expiration of the Certification, the Certification does not renew; therefore:
- (a) A new Clean Water Act 401 Water Quality Certification must be reviewed, signed, and authorized **before** work can continue; which requires:
 - (b) That a complete application as well as current application fees must be submitted at **least 90 days prior to the expiration** of the Certification.