



California Regional Water Quality Control Board Los Angeles Region



Linda S. Adams
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Arnold Schwarzenegger
Governor

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Mr. Gary Witt
Southern California Gas Company
9400 Oakdale Avenue
Chatsworth, CA 91311

WATER QUALITY CERTIFICATION FOR PROPOSED SCG LOS SAUCES ACCESS ROAD REPAIR PROJECT (Corps' Project Non-Notify NWP. 12 & 13), UNNAMED TRIBUTARY TO LOS SAUCES CREEK, CITY OF LOS SAUCES CANYON, VENTURA COUNTY (File No. 07-164)

Dear Mr. Witt:

Regional Board staff has reviewed your request on behalf of Southern California Gas Company for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on November 1, 2007.

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

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

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

[Original Signed by]
Tracy J. Egoscue
Executive Officer

March 12, 2008
Date

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

DISTRIBUTION LIST

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ATTACHMENT A

Project Information File No. 07-164

1. Applicant: Gary Witt
Southern California Gas Company
9400 Oakdale Avenue
Chatsworth, CA 91311

Phone: (818) 701-4543 Fax: (818) 701-2549

2. Applicant's Agent: Jason Kirschenstein
Sage Institute
7343 El Camino Real # 135
Atascadero, CA 93422

Phone: (805) 434-2804 Fax: (805) 980-5886

3. Project Name: Los Sauces Access Road Repair

4. Project Location: Los Sauces Canyon, Ventura County

Longitude: 119.41108; Latitude: 34.37656

5. Type of Project: Culvert and road repair

6. Purpose: The purpose of the proposed project is to repair an existing culverted dirt access road. This crossing has been damaged by ongoing storm flows. This proposed project will construct a permanent road crossing which will provide access to Southern California Gas (SCG) facilities located south of the project area.

7. Project Description: The proposed project area is located along an existing dirt access road that meanders in a southeasterly direction along Los Sauces Creek to the main line valve location for Transmission line 1005. The culverted road crossing transverses a tributary drainage to Los Sauces Creek.

The existing damaged culvert was installed in October of 2005 and has been sheared off due to the weight of the soil mass above, and

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the present level of the invert is approximately 3 feet above grade.

In addition, there is slope failure in the vicinity of the culvert.

The easterly slope had been inundated with excess water, supersaturating the soil and mass wasting of the slope occurred resulting in a rotational slope failure. The slope failure area is limited to an area that is approximately 60 feet in length and 12 feet in depth. The easterly slope is bisected by the existing 36-inch diameter culvert which failed with the overall slope failure. If left in this current condition, the easterly slope will continue to deform and the ongoing erosion process will continue. The eastern slope slumped soil mass has reduced the width and structural integrity of the access road.

The western banks in that area are between 7 and 13 feet high.

SCG proposes to construct an engineered fill wall with a Verdura Segmental Retaining Wall (VRW) in order to buttress the slope along the eastern side. The Verdura block design allows for vegetation to become established in the voids between the blocks. Additionally, two planting benches have been incorporated into the design to facilitate large willow growth. The slope failure will be mitigated by excavating the failed soil mass and increasing channel capacity. The excavated area will be reconstructed utilizing a permeable select import material in conjunction with geosynthetic reinforced soil mass that will allow for revegetation. The proposed design will also include the reconstruction of a 36-inch diameter culvert, which will outlet onto a (10-foot by 10-foot) riprap energy dissipation pad area. The rip-rap pad area will dissipate flows as they continue past the culvert and decrease further erosional problems at this location.

All of the excess soil will be properly placed and compacted onsite in a manner which would provide continuity with the surrounding terrain. This proposed solution has been designed in order to provide a long-term repair for the access road.

8. Federal
Agency/Permit:

U.S. Army Corps of Engineers
NWP Nos. 12 & 13 (Non-Notify)

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9. Other Required Regulatory Approvals: California Department of Fish and Game Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302 (Replacement or Reconstruction).
11. Receiving Water: Unnamed tributary to Los Sauces Creek (Hydrologic Unit No. 401.00)
12. Designated Beneficial Uses: MUN*, IND, PROC, AGR, GWR, REC-1, REC-2, WARM, COLD, WILD, MIGR, SPWN

*Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (unvegetated streambed): 0.010 temporary and 0.009 permanent acres (45 permanent linear feet and 60 temporary linear feet)
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: A prior repair of the road crossing was previously authorized in September 2005 under Section 401 WQC File No. 05-132. The original repair was conducted in October 2005, and involved the removal of a failed culvert and installation of a new larger culvert with the intent of providing additional drainage through an existing access road. Although the initial project description was implemented as of October 2005, and required onsite restoration (willow sprigging) has been deemed successful, 2006/2007 storm activity has severely undermined the repair, and the site and a portion of the restoration area is currently in a highly eroded state. The new project description includes a more permanent repair for the road crossing.

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16. Avoidance/
Minimization
Activities:

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

- A pre-construction meeting/briefing will be given by a qualified biologist to all the contractors and subcontractors, describing the biological resources associated with the project area and the required mitigation measures imposed by SCG and the permitting agencies.
- The temporary impact area will be minimized to the extent feasible. Areas of disturbed soils with slopes toward the stream will be stabilized to reduce erosion potential. Appropriate BMP's will be used to stabilize the site during construction activities as the project is subject to SCG's Water Quality Construction Best Management Practices Manual (December 2002).
- No debris, soil, silt, sand, bank, slash, sawdust, rubbish, construction waste, cement or concrete or washings thereof, oil or petroleum products or other organic or earthen material will be stockpiled in the active or seasonally dry portions of the stream. All trash will be properly contained and removed from the work site regularly. Any construction materials that could potentially work downstream will be removed from the project site prior to inundation by high flows. When operations are completed, any excess materials or debris will be removed from the work area. No construction related rubbish will be deposited within 150 feet of the creek
- The operator will comply with all litter and pollution laws. A litter control and site cleanup program will be implemented onsite
- Staging/storage areas for equipment will be located outside of the streambed
- Any equipment or vehicles driven and/or operate within or adjacent to the creek will be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life
- Stationary equipment such as motors, pumps, generators, and welders, located within or adjacent to the creek will be positioned over drip pans and will be inspected frequently for leaks

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- No equipment maintenance will be done where petroleum products or other pollutants from the equipment may enter the creek
- The clean-up of any accidental spill will begin immediately pursuant to all relevant hazardous materials regulations. If the spill could affect downstream water quality or impact special-status species, the permitting agencies will be notified to determine the appropriate course of action
- No equipment will be operated within the stream outside of the proposed disturbance area
- Silty/turbid water from dewatering or other activities will not be discharged into the stream. As described in the enclosed diversion plan, water will be settled, filtered, or otherwise filtered prior to discharge
- Water pumped from the channel will not be used for dust control or any other use in the project
- Construction activities within the stream course will be limited to when no measurable rain is forecasted within 72 hours

17. Proposed
Compensatory
Mitigation:

The Applicant has proposed to re-contour the project area to original conditions to the extent feasible and also re-vegetation of the impact area with riparian vegetation native to the area.

18. Required
Compensatory
Mitigation:

The Regional Board will require all temporarily impacted areas to be restored with native vegetation and in addition, all permanent impacts will require a compensatory mitigation ratio of 3:1. Therefore, 0.027 acres of compensatory mitigation will be required for the 0.009 permanent acres of impact.

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

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Conditions of Certification File No. 07-164

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and polices set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 15, are incorporated as additional conditions herein.

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5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.

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12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.
14. The Applicant shall not conduct any 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. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
16. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
17. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
18. All 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.

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19. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
- pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids(TSS)
 - Downstream TSS shall be maintained at ambient levels
 - Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

20. The Applicant shall restore the proposed **0.010 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 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.

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21. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **0.009 acres** of vegetation within waters of the United States by creating or restoring riparian habitat at a minimum **3:1** area replacement ratio (**0.027 acres**).
The mitigation site shall be located within the project vicinity unless otherwise approved by this Regional Board. The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. 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 any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.
22. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
23. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report 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. This report shall include as a minimum, 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 work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results (as required) compiled in an easy to interpret format;
 - (f) A certified Statement of “no net loss” of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.

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**Conditions of Certification
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24. Prior to any subsequent maintenance activities within the project areas, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
25. 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.
26. 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)”

27. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **07-164**. Submittals shall be sent to the attention of the 401 Certification Unit.

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Conditions of Certification File No. 07-164

28. 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.
29. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Ventura County and co-permittees under NPDES No. CAS004002 and Waste Discharge Requirements Order No. 00-108. This includes the Stormwater Quality Urban Impact Mitigation Plan (SQUIMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
30. 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.
31. A copy of this Certification shall be kept at the project site during any period while project activities are being conducted, and shall be available upon request to any staff from this Regional Board.
32. 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.
33. *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

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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.
34. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.