



**California Regional Water Quality Control Board  
Los Angeles Region**



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<http://www.waterboards.ca.gov/losangeles>

Matthew Rodriguez  
Secretary for  
Environmental Protection

Edmund G. Brown Jr.  
Governor

Ms. Karen Seemann  
Essex Property Trust  
22120 Clarendon Street, Suite 200  
Woodland Hills, CA 91367

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7009 2820 0001 6537 9317

**WATER QUALITY CERTIFICATION FOR PROPOSED MARINA CITY CLUB DOCK  
REHABILITATION PROJECT (Corps' Project No. 2012-00047-GS), MARINA DEL REY  
HARBOR, MARINA DEL REY, LOS ANGELES COUNTY (File No. 12-006)**

Dear Ms. Seemann:

Board staff has reviewed your request on behalf of Essex Property Trust and Los Angeles County Department of Beaches and Harbors (Applicants) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on April 5, 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.

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  
Samuel Unger, P.E.  
Executive Officer

April 10, 2012  
Date

## DISTRIBUTION LIST

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ATTACHMENT A

Project Information  
File No. 12-006

1. Applicant:

Ms. Karen Seemann  
Essex Property Trust  
22120 Clarendon Street, Suite 200  
Woodland Hills, CA 91367

Phone: (818) 227-2110 Fax: (818) 593-5859

Mr. Paul Wong  
Los Angeles County Department of Beaches and Harbors  
13837 Fiji Way  
Marina del Rey, CA 90292

Phone: (310) 305-9533

2. Applicant's Agent:

Mr. Gegam Burnazyan  
2500 Via Cabrillo Marina, Suite 200  
San Pedro, CA 90731

Phone: (310) 548-3132 x229 Fax: (310) 548-1924

3. Project Name:

Marina City Club Dock Rehabilitation

4. Project Location:

Marina del Rey, Los Angeles

Latitude

Longitude

|           |            |
|-----------|------------|
| 33.983644 | 118.456125 |
| 33.983947 | 118.451531 |
| 33.983878 | 118.449739 |
| 33.983675 | 118.448692 |
| 33.983033 | 118.448642 |
| 33.983244 | 118.449769 |
| 33.983244 | 118.452167 |
| 33.983017 | 118.456131 |

5. Type of Project:

Marina reconstruction

6. Project Purpose:

The purpose of the project is to replace the existing marina with a new dock system.

7. Project Description:

The proposed project will demolish an existing 323-slip marina and construct a new 282-slip marina. The existing marina is located

## ATTACHMENT A

### Project Information File No. 12-006

within 10.5 acres of water area, and the new marina will be arranged similarly within the same footprint. All existing dock floats, ramps, and pilings within the anchorage will be removed and new structures will be constructed in a similar configuration. The new anchorage will be configured with fifteen docks and gangways, two of which will include a larger gangway to provide American Disability Act (ADA) access.

The existing water area covered by the docks and gangways will decrease from 83,990 square feet to 79,043 square feet. In addition, all existing concrete pilings will be replaced with new concrete pilings, exact quantity and size to be determined during final design. The average slip size will change from 36.1 feet to 38.9 feet.

The project also includes a new pump-out station to serve the reconstructed marina and improve water quality. In addition, a new landing area will be installed for the County's public water shuttle taxi (WaterBus).

The proposed project will also involve the replacement of the 42-inch railing and security access gates which are mounted on the seawall. The existing gates and chain link fence will be removed.

#### FLOATING DOCK STRUCTURES

The existing 16 docks will be replaced with 15 docks. There is approximately 82,756 square feet of existing floats and the proposed project has 77,552 square feet of new floating dock structures, with a net decrease of approximately 5,204 square feet.

#### CONCRETE GUIDE PILES

The existing marina has approximately 195 square feet of concrete guide piles installed. The new marina will have 336 square feet of concrete guide piles. There will be a net increase of 141 square feet of concrete guide piles.

#### ACCESS PLATFORMS

In the existing marina, there are 16 gangways mounted perpendicular onto the seawall. In the proposed marina there will be 13 gangways mounted perpendicular to the seawall and two that provide ADA access. The ADA gangways will require new pile supported landings installed adjacent to the seawall. It is planned

## ATTACHMENT A

### Project Information File No. 12-006

that one of these landings will be approximately 200 square feet and supported by two 18-inch concrete bearing piles. The other ADA gangway will be supported by a cantilever structure over the seawall and will be less than 20 square feet. The ADA gangways are required to be 80-feet long to accommodate ADA requirements.

#### LANDSIDE IMPROVEMENTS

The only Promenade/Landside improvements to occur with the dock replacement are the removal and replacement of the seawall railing, lighting and security access gates. As noted the existing marina provides 16 access locations and the proposed project requires 15 access locations. The total length of project area along the seawall does not change. There will be minor trenching required for the relocation of utilities but the landside areas will be restored to existing conditions after construction. A second phase to the Promenade/Landside improvements includes removal of a fence approximately 1420 feet in length located between the promenade and the fire access lane, repaving the existing promenade and widening 165 feet of the promenade furthest to the west.

The project is currently planned to reconstruct the marina in eight phases, taking 24 months beginning in July of 2012 and lasting until June of 2014.

- |  |  |
|--|--|
| 8. Federal Agency/Permit:                                  | U.S. Army Corps of Engineers<br>Individual Permit (Permit No. 2012-00047-GS)   |
| 9. Other Required<br>Regulatory Approvals:                 | California Coastal Commission<br>Coastal Development Permit  |
| 10. California<br>Environmental Quality<br>Act Compliance: | The proposed project was determined to be a ministerial project by the Los Angeles County Regional Planning on April 14, 2010. |
| 11. Receiving Water:                                       | Marina del Rey Harbor (Hydrologic Unit No. 405.13)   |
| 12. Designated Beneficial<br>Uses:                         | NAV, REC-1, REC-2, COMM, MAR, WILD, SHELL  |
|  | *Conditional beneficial use  |
| 13. Impacted Waters of the<br>United States:               | Ocean: 1.81 permanent acres  |

ATTACHMENT A

Project Information  
File No. 12-006

14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: In certain areas and limited areas within the project boundary, the County has completed a previous project to modify the rock slope revetment.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to inundation or dispersion in the waters of the marina.
  - Any and all debris resulting from construction activities shall be removed from the site within 10 days of completion of construction.
  - Machinery or construction materials that are not essential for project improvements shall not be allowed at any time in the intertidal zone.
  - If turbid conditions are anticipated during construction, a silt curtain shall be utilized to control turbidity.
  - Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day.
  - Non-buoyant debris discharged into coastal waters shall be recovered by divers as soon as possible after loss.
  - Spill kits and cleanup materials will be available at all locations of pile driving. Equipment used shall be leak-free.
  - Hammers and other hydraulic attachments will be protected from run-on and run-off by placing them on plywood and covering them with plastic or a comparable material prior to the onset of rain.

## ATTACHMENT A

### Project Information File No. 12-006

- BMPs subject to non-stormwater discharges will be inspected daily while non-stormwater discharges occur.
- Drip pans and absorbent materials for equipment and vehicles will be used, and it will be ensured that an adequate supply of spill cleanup materials is available.
- Drip pans should be placed under all vehicles and equipment placed on docks, barges, or other structures over water bodies when the vehicle or equipment is expected to be idle for more than one hour.
- Watertight curbs or toe boards will be provided to contain spills and prevent materials, tools, and debris from leaving the barge, platform, and dock.
- All materials will be secured to prevent discharges to receiving waters via wind.
- Sandbag barriers will be placed around the construction area (staging area) to control sediment and prevent run-off.
- It will be ensured that employees and subcontractors implement the appropriate measures for storage and use of materials and equipment.
- All trenches will be backfilled as soon as possible.
- Excavated soil will be covered with tarps if rain is expected.
- All drainage inlets will be covered with fiber rolls.

#### Water Quality Management Plan

- The marina shall ensure that marina tenants, when washing boats, utilize detergents and cleaning components that are phosphate-free and biodegradable. Amounts used shall be minimized.
- The marina shall prohibit the use of detergents containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum

## ATTACHMENT A

### Project Information File No. 12-006

distillates, or ley.

- Trash receptacles shall be provided at the entrances to all docks.
- Containers for recyclables shall be provided and sited so they are convenient for boaters.
- All trash and separate containers for recyclables, oil wastes, fish wastes, etc. shall be clearly marked, have the capacity to handle all waste streams, and be sited so that they are convenient for boaters.
- All solid waste, including sewage, shall be properly disposed of only at appropriately designed facilities.
- The marina shall provide a secure location to store hazardous wastes, including petroleum products, old gasoline or gasoline with water, absorbent materials, and oily rags.
- Containers for anti-freeze, lead acid batteries, used oil and used oil filters will be provided by the marina and collected separately for recycling.
- Signage shall be placed on all regular trash containers to indicate that hazardous wastes may not be disposed of in the container. The containers shall notify boaters as to how to dispose of hazardous wastes and where to recycle certain recyclable wastes.
- The marina shall maintain an adequate supply of absorbent pads for use by marina tenants and lessees for the cleaning of minor spills.
- The marina shall provide a service that reduces oily charges from in-board engines, either a bilge pump-out facility (with an oil-water separation device) or the marina shall promote the use of oil absorbing materials in the bilge areas or engine compartments of all boats with inboard engines. When distributing oil absorbents to boaters, the marina shall provide adequate safety warnings as to the safe use and handling of flammable materials and methods to prevent fouling the bilge pump. Oil absorbent materials should be examined at least once a year and replaced as necessary. The marina shall recycle the materials, if possible, or



## ATTACHMENT A

### Project Information File No. 12-006

dispose of them in accordance with hazardous waste disposal regulations. The marina environmental policies shall encourage boaters to regularly inspect and maintain engines, lines, and hoses in order to prevent oil and fuel spills. These policies shall encourage boaters to use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas. The use of soaps that can be discharged by bilge pumps shall be discouraged.

- In addition, the BMP program shall include enforcement provisions, including eviction from the marina and notice of possible civil or criminal fines and/or penalties, to assure compliance with this program by all marina tenants. The marina shall provide information about all the measures in the BMP program through a combination of signage, tenant bill inserts, and distribution of the BMP program to new tenants and each year to repeat tenants. The program shall be posted at the dockmaster's office and at all dock entrances, and be included and attached to all slip lease agreements.

17. Proposed  
Compensatory  
Mitigation:

Since the project impacts are temporary in nature and the new marina footprint will be reduced in size, the Applicant has not proposed any compensatory mitigation.

18. Required  
Compensatory  
Mitigation:

The Regional Board will require the Applicant to provide compensatory mitigation for any impacts to eelgrass, surfgrass or rocky habitat at a ratio of 1:1.

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

## ATTACHMENT B

### Conditions of Certification File No. 12-006

#### 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 action 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 Coastal Commission's (CCC) Coastal Development Permit. 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 CCC's Coastal Development Permit, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

## ATTACHMENT B

### Conditions of Certification File No. 12-006

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. 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.
8. 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 Dr. Wen Yang of the Land Disposal Unit at (213) 620-2253 for further information regarding the disposal of solid wastes.
9. 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.
10. 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.
11. 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.
12. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event.
13. 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

## ATTACHMENT B

### Conditions of Certification

File No. 12-006

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.

14. 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.
15. All project/construction 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.
16. The Applicant shall implement a post-construction survey for surfgrass, eelgrass, *Caulerpa taxifolia*, and rocky habitat. Surfgrass, eelgrass or rocky habitat lost due to project impacts will be mitigated at a ratio of 1:1. Surveys shall be performed for *Caulerpa taxifolia* ("Caulerpa") within the project area shall be in accordance with the *Caulerpa* Control Protocol.
17. Ocean water quality monitoring shall be performed by the Applicant. A Water Quality Monitoring Plan shall be submitted prior to any project construction activities. Baseline sampling may be conducted at one location within the project boundary for each phase. All other sampling shall take place on both sides of silt curtains at a minimum of two locations (4 locations total). Monitoring for the following shall be included:
  - pH
  - temperature
  - dissolved oxygen
  - turbidity
  - total suspended solids(TSS)
  - visual assessment for floating particulates (oil and grease shall not be visible)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to project commencement (baseline sampling) and then monitored on a daily basis during the first week of construction, and then on a weekly basis, thereafter, until the work is complete. Monitoring shall ensure compliance with all water quality objectives specified in the 2005 Ocean Plan.

**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. Construction activities shall not result in the

## ATTACHMENT B

### Conditions of Certification File No. 12-006

degradation of beneficial uses or non-compliance of any water quality objectives. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

In addition, in order to demonstrate any water quality improvements associated with the proposed project, water quality monitoring shall be conducted for bacterial indicators before and after each phase of the project. For each phase area, bacterial indicators shall be measured on an approximately weekly basis such that at least 12 samples are collected prior to construction activities and at least 12 after the phase is complete. The bacterial indicators shall include fecal coliform (or *E. coli*), total coliform and enterococcus.

18. The Applicant shall restore all areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
19. The Applicant shall submit to this Regional Board Annual Monitoring Reports (Annual Reports) by January 1st of each year for a minimum period of five (5) years following this issuance of 401 Certification 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 efforts; including percent survival by plant species. At a minimum the Annual Reports shall include the following documentation:
  - (a) Color photo documentation of the pre- and post-project site conditions;
  - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project 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 (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 (photo documentation for BMPs) such as turbidity curtains and exotic plant control efforts, such as eelgrass and Caulerpa; and
  - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.

ATTACHMENT B

Conditions of Certification  
File No. 12-006

20. 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.
21. 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.
22. 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)"

23. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number 12-006. Submittals shall be sent to the attention of the 401 Certification Unit.

## ATTACHMENT B

### Conditions of Certification

File No. 12-006

24. 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.
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25. 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 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.
26. 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.
27. 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.
28. *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

## ATTACHMENT B

### Conditions of Certification File No. 12-006

(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 in 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.
29. 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.