



California Regional Water Quality Control Board Los Angeles Region



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Matthew Rodriguez
Secretary for
Environmental Protection

Edmund G. Brown Jr.
Governor

Mr. Mark Sandoval
City of Long Beach
Department of Public Works
205 Marina Drive
Long Beach, CA 90803

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7009 2820 0001 6537 9300

WATER QUALITY CERTIFICATION FOR PROPOSED SHORELINE MARINA FUEL SYSTEM AND DOCK REPLACEMENT PROJECT (Corps' Project No. 2010-01001-C0), SHORELINE MARINA, LONG BEACH, LOS ANGELES COUNTY (File No. 11-192)


Dear Mr. Sandoval:

Board staff has reviewed your request on behalf of City of Long Beach, Department of Public Works (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete February 3, 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 Dana Cole, Section 401 Program, at (213) 576-5733.

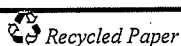


Samuel Unger, P.E.
Executive Officer



Date

California Environmental Protection Agency



DISTRIBUTION LIST

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ATTACHMENT A

**Project Information
File No. 11-192**

1. Applicant: Mr. Mark Sandoval
City of Long Beach, Department of Public Works
205 Marina Drive
Long Beach, California 90803

Phone: (562) 570-3215
2. Applicant's Agent: Mr. Joshua Burnam
Anchor QEA, L.P.
26300 La Alameda, Suite 240
Mission Viejo, CA 92691

Phone: (949) 347-2780 Fax: (949) 334-9646
3. Project Name: Shoreline Marina Fuel System and Dock Replacement
4. Project Location: Long Beach, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
33.761172	118.181639
33.761258	118.181511
33.761294	118.181389
33.761156	118.181275
33.760981	118.181136
33.760936	118.181244
33.760906	118.181378
33.761022	118.181506

5. Type of Project: Fuel dock replacement and upgrade

6. Project Purpose: To replace the City of Long Beach's Shoreline Marina's existing, non-functional fuel dock and associated fuel storage and delivery systems, to restore recreational boaters' access to marine fuel. The project meets a public need for safe recreational boating opportunities.

ATTACHMENT A

Project Information

File No. 11-192

7. Project Description:

The City of Long Beach (City) Shoreline Marina, located in Long Beach, operates 1,764 slips for recreational boaters. The Applicant is undertaking the proposed project in order to replace the marina's existing, non-functional fuel dock and associated fuel storage and delivery systems. The proposed project will increase the safety and environmental friendliness of the dock, improve Americans with Disabilities Act (ADA) accessibility to the marina's fuel dock, and restore the convenience of a local fuel source to boaters. Because the fuel dock has been out of service since 2008, boaters must currently travel to Alamitos Bay Marina or Cabrillo Marina for fueling.

On-site work is scheduled to commence in January 2012 and will take approximately 2 months to complete.

The wooden Shoreline Marina fuel dock and structures mounted thereon will be replaced with a new concrete dock, wooden building, and a state-of-the-art fuel system. The new dock will be placed at the site of the previous fuel dock and secured using the existing piles. The old fuel dock will be disconnected from the four piles that currently secure it in place, and it will be floated to Alamitos Bay Marina. Once at the marina, the old fuel dock will be lifted by crane into a temporary construction yard, where it will be disassembled.

The new dock will be constructed of concrete floats and measure approximately 2,100 square feet. Mounted on the dock will be a 340-square-foot building. The dock will be assembled and mated with the gangway and building at a construction yard in Alamitos Bay Marina and towed to Shoreline Marina, where it will be lashed to the four existing piles. Once in place, fresh water, sewer, electricity, and communication lines will be connected to the existing utility terminus at the gangway landing.

The replacement fuel dock will be installed below ordinary high water within the Pacific Ocean over an area of approximately 2,100 square feet (0.048 acre), with an approximate length of 106 linear feet. The new dock will replace the existing 1,600-square-foot dock, with an approximate length of 98 linear feet, resulting in additional shading of 500 square feet (0.011 acre) of ocean waters over a length of 8 linear feet. The increase in the dock's size is necessary

ATTACHMENT A

Project Information

File No. 11-192

to accommodate the new state-of-the-art fuel system. The additional shading is considered a permanent impact as the dock will remain operational in perpetuity. The project does not result in any discharge of fill or disturbance of the bottom.

The majority of construction occurring during removal and replacement of underground storage tanks and the associated fuel storage and delivery system will take place on land. Work will need to be performed in and near water to complete the dock replacement; however, in-water work will be limited to the simple removal and replacement of the existing dock using barge-mounted equipment. No pile driving will occur and construction will not generate significant noise. Therefore, noise impacts to fish and nesting birds are not anticipated. No trees or other suitable bird nesting habitat are present within 300 feet of the project footprint.

The marine fuel system consists of the following major components:

- One 20,000 gallon split (gasoline and diesel) underground storage tank (UST) installed in the uplands;
- Approximately 560 feet of double-walled fiberglass underground piping installed in the uplands;
- One double-walled underground transition sump;
- Approximately 2,000 feet of double-walled, stainless-steel pipe mounted aboveground along the jetty to the gangway landing;
- One fiberglass, above-ground transition sump at the gangway landing;
- Approximately 250 feet of flexible high-density polyethylene pipe (HDPE) running under the gangway and through the dock to the dispensers;
- A leak monitoring system that includes two monitoring panels and approximately 15 liquid sensors, vacuum sensors, and leak detectors.

Once construction is complete and the system has been fully tested,

ATTACHMENT A

Project Information File No. 11-192

the Shoreline Marina fuel dock will open to the public. During the summer, the fuel dock will be open seven days a week from 7:00 AM until 6:00 PM, and during the winter, it will be open from 8:00 AM until 5:00 PM. It is anticipated that the site will pump approximately 250,000 gallons of fuel per year.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
Letter of Permission (Permit No. 2010-01001-CO)
9. Other Required Regulatory Approvals: California Coastal Commission
Coastal Development Permit 5-10-239
10. California Environmental Quality Act Compliance (CEQA): The City of Long Beach found the proposed project to be Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 Existing Facilities.
11. Receiving Water: Shoreline Marina: Los Angeles County Coastal, Los Angeles-Long Beach Harbor, All other Inner Areas (Hydrologic Unit No. 405.12)
12. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, MAR, RARE, SHELL
13. Impacted Waters of the United States: Ocean/Estuary/Bay: 0.48 temporary acres (106 linear feet) and 0.011 permanent acres (8 linear feet)
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The original fuel system was removed in November 2010 as Phase I of this project.

ATTACHMENT A

Project Information

File No. 11-192

16. Avoidance/
Minimization
Activities:

An eelgrass and noxious algae underwater survey was performed on October 11, 2011, by Ecomarine Consulting, LLC. The survey included 14 transects through the survey site within a 35-foot radius of the existing fuel dock. No eelgrass or noxious algae was observed along any transects. The entirety of the project site is located within Shoreline Marina, and no designated critical habitat is present within the project vicinity. As stated above, the project does not include pile driving or other construction activities that might affect special status species.

The only species listed as endangered under the Endangered Species Act (ESA) that may be present at the proposed project site is the California least tern (*Sternula antillarum browni*). California least terns are not recorded to have nesting habitat at Shoreline Marina. A breeding survey conducted in 2008 by the California Department of Fish and Game (CDFG) indicates that Bolsa Chica Ecological Reserve and the Seal Beach National Wildlife Refuge are the closest California least tern nesting locations to the project site. These areas are outside of the zone of impact for the proposed project. As such, the California least tern will not be affected by the proposed project, and there should be no effect to species listed under ESA.

On January 11, 2012, a California Coastal Commission (CCC) Coastal Development Permit was unanimously approved on consent with no mitigation proposed.

Super Unleaded (91 octane) gasoline has been eliminated from the product lineup to minimize the project's foot print. As a result, 4,000 fewer gallons of hazardous material will be stored at the site. One fuel tank, 280 feet of underground pipe, 1,000 feet of aboveground pipe, and an on-dock fuel dispenser are also eliminated.

The proposed fuel dock includes a leak monitoring system that will continuously monitor the secondary containment of the entire fueling system, from the UST to the fuel dispensers on the dock. If a leak is detected, the system will close solenoid valves in the product lines, shut off the pumps, sound audible alarms and activate flashing lights at both the tank site and the fuel dock, and immediately send an email to the City's UST Program Supervisor.

ATTACHMENT A

Project Information

File No. 11-192

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

Design Element BMPs

- Fibrelite tank-sump manhole covers reduce the probability of water ingress during heavy rainfall and allow easy cover removal for monthly sump inspections.
- Sub-grade fuel delivery spill buckets reduce the probability that fuel overfilled during delivery will escape containment and contaminate the area.
- A double-walled fiberglass tank, rather than a fiberglass over steel tank, will help prevent corrosion when buried in standing saltwater.
- Multiple normally-closed solenoid valves along the piping run compartmentalize the system and help minimize the total release-exposure associated with a single event.
- Ridged double-walled, marine-grade stainless steel, aboveground piping provides better impact protection and eliminates pooling, compared to flexible HDPE piping (the only other pipe type authorized by the state for this application).
- Fuel hose housed in product-tight stainless steel structures contain drips from hose connections and nozzles.
- Leak monitoring system connected directly to the internet for remote monitoring and the fastest possible response to alarm events.

Constructional BMPs

- Daily employee tailgate meeting agenda to include a review of water quality BMPs, the day's weather forecast, and any special weather-related procedures.
- All storm drains and potential runoff routes to be blocked with

ATTACHMENT A

Project Information

File No. 11-192

sandbags and filter cloth as needed to prevent debris and contaminated runoff from reaching the stormwater system or the ocean.

- Excavated soil to be stored in a purpose-build containment area.
- Containment area will be ringed with sandbags.
- Heavy duty plastic will cover the pavement and sandbags to create a bathtub-like containment area.
- Once excavated soil is placed in the containment area, it will be covered with a layer of heavy duty plastic sheeting.
- One person will be designated as the Water Quality Officer, and will be responsible for understanding and implementing all BMPs associated with water quality.
- The Water Quality Officer will review the BMPs at the daily tailgate meetings and conduct site inspections at the start and end of the day's work.
- All heavy equipment will be inspected for oil and hydraulic fluid leads upon arrival at the construction site.
- Equipment if it appears in sub-par condition in the opinion of the Water Quality Officer will be turned away or repaired prior to being put into service.
- All tractors and heavy equipment when not in use will be parked over drip pans.
- Trucks leaving the construction site will be inspected for cleanliness. Tires will be clear of mud and excessive dirt.
- Trucks hauling an excavated soil load will be covered.
- The jobsite will be cleaned daily.
- Dirt and trash will be contained at the end of each work day.
- All slag and debris associated with welding the jetty piping will

ATTACHMENT A

Project Information File No. 11-192

be immediately gathered and taken to a legal point of disposal.

- All environmentally sensitive operations will be witnessed by a fire inspector.
- Lookouts shall be stationed at all pipe joints when pressurizing the fuel system for the first time.

Fuel Dock Operation BMPs

- A 55 Gallon spill containment kit, containing absorbent pads, pillows, bulk material, boom material, instructions, and Personal Protective Equipment will be placed close to the tank.
- A reusable containment boom will be located near the tank to be used during fuel deliveries.
- Additional spill containment equipment, including a large boom and petroleum-only absorbent pads used for spills in the water will be stored on the dock.
- Each day, a facility employee will inspect all aboveground piping and sumps. A log of the Inspections will be maintained onsite for at least one year.
- The Fuel Dock will be operated and monitored in accordance with the provisions of the California Water Resources Control Board-approved, City of Long Beach Underground Storage Tank Compliance Program, which provides detailed operating procedures and multiple layers of oversight.
- A Long Beach City employee and member of the City of Long Beach UST Task Force will conduct a 16-point, semi-weekly site inspection. The Inspection Checklist is included as Attachment 10.
- As part of the UST Compliance Program, the fuel dock must be inspected, and certified as compliant, by the City's UST Project Manager within 30 days of starting operation. The Site Certification form is included as Attachment 11.
- The UST Compliance Program also requires blank Site Repair

ATTACHMENT A

Project Information File No. 11-192

Tickets be conspicuously posted so that anyone (employee, customer, or passerby) can easily report a sub-standard condition to the City's UST Program Supervisor. The UST Program Supervisor will then immediately review the problem and issue a Corrective Action Report. Once the corrective action is complete, the site must again be inspected by the UST Project Manager and certified as compliant.

- All facility employees will be trained annually in accordance with the City's UST Facility Employee Training Program, which has been approved by the Long Beach Certified Unified Program Agency (CUPA).
- The fueling system will be continuously monitored onsite by a facility employee and remotely by the UST Program Supervisor.
- Prior to delivering fuel, the delivery driver or a facility employee will use the on-site containment boom to create a dike around the spill bucket in order to provide additional layer of containment in case of a delivery overflow.

17. Proposed
Compensatory
Mitigation:

The Applicant has not proposed any compensatory mitigation due to the temporary nature of impacts associated with the project.

18. Required
Compensatory
Mitigation:

An eelgrass and noxious algae underwater survey was performed. No additional mitigation shall be required. 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. 11-192

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 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. 11-192

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 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. If turbid conditions or debris in water is generated from the project an ocean water quality monitoring shall be performed by the Applicant. Work shall stop until a Water Quality Monitoring Plan is submitted prior to further project construction activities (unless a Monitoring Plan is anticipated and drafted ahead of the project schedule) and shall include

ATTACHMENT B

Conditions of Certification

File No. 11-192

baseline sampling and 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 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.

14. 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 or until project completion has been achieved and documented. The Annual Reports shall describe in detail all of the project or construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. The Annual Reports shall describe the status or any delays in the mitigation process. At a minimum the Annual Reports shall include the following documentation:
 - (a) Color photo documentation of the pre- and post-project 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 work;
 - (d) Copies of all permits revised as required in Additional Condition 1;

ATTACHMENT B

Conditions of Certification
File No. 11-192

- (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.
15. 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.
16. 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)"

17. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **11-192**. Submittals shall be sent to the attention of the 401 Certification Unit.

ATTACHMENT B

Conditions of Certification File No. 11-192

18. 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.
19. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to the City of Long Beach under NPDES No. CAS004003 and Waste Discharge Requirements Order No. 99 - 06 - DWQ. 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.
20. 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.
21. 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.
22. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.

ATTACHMENT B

Conditions of Certification

File No. 11-192

- (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.
23. 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.