



Los Angeles Regional Water Quality Control Board

Ms. Anitha Balan
Ventura County Public Works Agency
800 S. Victoria Avenue
Ventura, CA 93009-1620

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7009 2820 0001 6537 7399

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED WHEELER CANYON ROAD BRIDGE IMPROVEMENTS PROJECT (Corps' Project No. SPL-2015-175-AJS), TODD BARRANCA, CITY OF SANTA PAULA, VENTURA COUNTY (File No. 15-018)

Dear Ms. Anitha Balan:

Board staff has reviewed your request on behalf of Ventura County Public Works Agency (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on May 27, 2015.

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

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

Should you have questions concerning this Certification action, please contact Dana Cole, Section 401 Program, at (213) 576-5733.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

June 19, 2015
Date

DISTRIBUTION LIST

Anitha Balan
Ventura County Public Works Agency
800 S. Victoria Avenue
Ventura, CA 93009-1620

Bill Orme (via electronic copy)
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Antal Szijj
U.S. Army Corps of Engineers
Regulatory Branch, Ventura Field Office
2151 Alessandro Drive, Suite 110
Ventura, CA 93001

Paul Amato (via electronic copy)
U.S. Environmental Protection Agency, Region 9
WRT-2-4
75 Hawthorne Street
San Francisco, CA 94105

Brian Trautwein
(via electronic copy)
Environmental Defense Center
906 Garden Street
Santa Barbara, CA 93101

Jessie Altstatt
Santa Barbara Channel Keeper
714 Bond Street
Santa Barbara, CA 93103

Joan Cardellino
Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612

Steve Henry
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

ATTACHMENT A

Project Information

File No. 15-018

1. Applicant: Anitha Balan
Ventura County Public Works Agency
800 S. Victoria Avenue
Ventura, CA 93009-1620
Phone: (805) 654-2071 Fax: (805) 654-5169

2. Project Name: Wheeler Canyon Road Bridge Improvements

3. Project Location: Santa Paula, Ventura County

<u>Latitude</u>	<u>Longitude</u>
34.368527	-119.150191
34.368669	-119.150227
34.368765	-119.150233
34.368831	-119.149983
34.368759	-119.149936
34.368679	-119.149949
34.368615	-119.149974
34.368501	-119.150057

4. Type of Project: Bridge repair and improvements

5. Project Purpose: The Applicant proposes to repair deficiencies and the potential for structural failure identified at the Wheeler Canyon Road Bridge (Bridge) (County Bridge No. 109) in the Caltrans Bridge Inspection Report dated August 14, 2009. Repairs will be made to the channel on the downstream side of Wheeler Canyon Bridge, where erosion has exposed a portion of the concrete cutoff wall.

6. Project Description: The project site is located approximately 3 miles northwest of the City of Santa Paula in unincorporated Ventura County, California. Wheeler Canyon Road Bridge is located over Todd Barranca, approximately 2.6 miles upstream (north) of the Foothill Road and Wheeler Canyon Road intersection. The creek invert consists of sand and cobble. Vegetation associated with the creek consists of

ATTACHMENT A

Project Information File No. 15-018

California sagebrush, coyote brush (*Baccharis pilularis*), mulefat, Southern California walnut (*Juglans californica*), California sycamore, and coast live oak.

The Bridge is a concrete T-beam superstructure cast monolithically with the abutments constructed in 1937. Diagonal cracking has been observed in the northeast, northwest and southwest wingwalls of the bridge. Minor rust spots were observed in the northwest and south east wingwalls. The concrete invert has some evidence of erosion to exposed aggregate. Other than one location where a divot has been formed in the invert, the concrete appears to be in good condition. The natural channel ground has eroded approximately 32 inches at the downstream cutoff wall. The stream bed adjacent to the invert has eroded about two feet of sediment.

The proposed project (Project) will remedy the existing erosion and prevent any potential structural failure from continued erosion. The Project will place a 34-foot long blanket of ½-ton ungrouted rock rip-rap downstream of the bridge to protect the bridge from the 100-year storm. The rip rap will be placed on a gravel filter layer to prevent the migration of finer sediment.

When construction is completed the area will be restored to its original grade and vegetated in kind by hydroseeding with a native seed mix to stabilize the embankment. Mulefat scrub, if any removed will be planted at the toe of the embankment.

Permanent impacts to waters of the U.S. will occur as a result of placement of approximately 900 square feet (0.02 acres) of blanket, half ton, rock rip rap. Temporary impacts to waters of the U.S. (0.01 acres) will involve minor grading and removal of vegetation to provide construction access to channel bottom and work zone.

The Project will occur under a canopy of oak trees but will not result in impact to the trees. A single coast live oak, which has its roots partially exposed on the south west side of the bridge, will be protected in place by backfilling the root system for stabilizing prior to placing of the rip rap. The oak woodland plant community within the project footprint located on the embankments will not be removed or impacted.

The Location Hydraulic Study and hydraulic analysis of the existing

ATTACHMENT A

Project Information

File No. 15-018

and proposed conditions concluded that a localized decrease of water surface elevation (0.27 feet) will occur as a result of this project.

The Construction best management practices will be implemented for all work that could potentially contaminate the waters of the state and U.S. from the surface concrete cleaning, saw-cutting, crack repair, and surface treatment operations. Work will be limited to days when there is no water within the channel. The steel spacers in the bridge road railing will be replaced with wood spacers and the bridge railing on each corner of the bridge will be extended to improve safety.

Booms and gravel bags will be employed if construction continues during wet conditions to prevent contaminants from traveling downstream.

7. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 14 (Permit No. SPL-2015-175-AJS)
8. Other Required Regulatory Approvals: California Department of Fish and Wildlife
Streambed Alteration Agreement
9. California Environmental Quality Act Compliance: A Notice of Exemption was filed by the Ventura County Public Works Department on October 18, 2011. The proposed project is Categorically Exempt from CEQA pursuant to CEQA Guidelines, Article 19, Section 15301 *Existing Facilities*.
10. Receiving Water: Todd Barranca (Receiving Water: Santa Clara Reach 2) Hydrologic Unit Code: 180701020903
11. Designated Beneficial Uses: MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, COLD, WILD, RARE, MIGR, WET

*Conditional beneficial use

ATTACHMENT A

Project Information

File No. 15-018

12. Impacted Waters of the United States: Non-wetland waters (streambed): 0.01 temporary acres and 0.02 permanent acres
13. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
14. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices (BMPs), including, but not limited to, the following:
- Construction will be conducted during the dry season to minimize discharge of construction storm water and sediment into the Todd Barranca.
 - If heavy equipment must be fueled onsite, a designated area away from drainages shall be used.
 - Vehicles and equipment shall be maintained properly to prevent leakage.
 - A designated area away from drainages shall be used if maintenance must occur near the project site.
 - The designated area will include a drain pan, drop cloth, and absorbent materials to clean up spills.
 - Silt fences, gravel bag berms, or fiber rolls will be installed and maintained during the construction period adjacent to surface waters to prevent incidental discharge of soil, construction materials, or turbidity.
 - Tracking control will be used at the construction entrance by stabilizing with soil compaction.
 - The Applicant shall be required to sweep any noticeable material being tracked into the street to prevent it from being discharged from the site.

ATTACHMENT A

Project Information

File No. 15-018

- All material will be properly stored according to the Material Safety Data Sheet requirements, including concrete sealer and any vehicle fluids stored on-site.
- The Applicant will inspect for leaks, spills within the material storage area, portable toilets and any waste management area at regular intervals.
- Soil disturbances during construction of the Metal Beam Guard Rail end treatments will be monitored and minimized by proper compaction and sweeping and removal of any material that is tracked into the pavement area.
- A pre-construction survey by a qualified biologist shall be conducted prior to construction activities to determine the presence or absence of nesting birds.
- A survey for active raptor nests is required seven days prior to commencement, if construction occurs during the raptor breeding season (February 1 through June 30).
- A survey for active bird nests is required seven days prior to commencement if construction occurs during the peak bird nesting season (March 15 through September 15).
- If active nests are found, no construction activity will be allowed within the 500-foot buffer until the nesting is complete and no longer used by the birds, as determined by a qualified Biologist retained by the Applicant.
- Pre-construction surveys for nesting birds will be conducted 15 days prior to initiation of any shrub removal.
- The County's biologist will conduct the survey within the fourteen (14) day period of time prior to any tree or shrub removal.
- If an active nest is found, the bird shall be identified to species and the approximate distance from the closest work site to the nest is estimated.
- The buffer for active bird nests shall be a minimum of 250-feet

ATTACHMENT A

Project Information File No. 15-018

for non-listed passerines, and a minimum of 500-feet for raptors or listed species. The distance may be increased by a qualified biologist, or decreased only with approval from the CDFW.

- A qualified biologist shall periodically monitor any confirmed nest sites during construction to determine if grading activities occurring outside the buffer zone disturb the birds and if the buffer zone should be increased to prevent nest abandonment.
- The nest trees shall be monitored until all nests have been abandoned (for non-project related reasons) or the young have fledged. If no nesting birds are found on-site during this time period, construction activities may continue as planned.
- Hydroseeding will be used to prevent erosion on the slopes.
- Existing vegetation shall be maintained whenever feasible
- All BMPs listed above will be inspected by the Applicant daily and logged or documented.

15. Proposed Compensatory Mitigation:

The Applicant has proposed mitigation for temporary impacts (0.01 acres) to be provided by in-kind restoration and enhancement of the impacted area including the stream banks and stream bed following the construction activities.

Mitigation for permanent impacts of 0.02 will be provided off-site on a 3:1 ratio by the removal 0.06 acres of invasive plants within the Santa Clara watershed which is the same watershed as Todd Barranca.

16. Required Compensatory Mitigation:

The Applicant shall provide 0.07 acres of mitigation for impacts within waters of the state and U.S. 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. 15-018

STANDARD CONDITIONS

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

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

ADDITIONAL CONDITIONS

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

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Wildlife's (CDFW) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this Certification, the CDFW's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 14, 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. 15-018

6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved

ATTACHMENT B

Conditions of Certification

File No. 15-018

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

14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
15. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
16. The 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.
17. 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.
18. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge (ROWD)** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.

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.

19. All project or 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.

ATTACHMENT B

Conditions of Certification

File No. 15-018

20. 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)

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

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Downstream TSS shall be maintained at ambient levels. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

21. The Applicant shall restore **0.01 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.
22. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **0.01** acres waters of the United States by creating or restoring riparian habitat at a minimum **1:1** area replacement ratio (**0.01 acres**). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.02 acres** of vegetation within waters of the United States by creating or restoring riparian habitat at a minimum **3:1** area replacement ratio (**0.06 acres**). If the Applicant proposes funding to a

ATTACHMENT B

Conditions of Certification File No. 15-018

third-party organization for the creation or restoration in part, or in total, for **0.07 acres** of vegetated streambed riparian habitat within waters of the United States, then funding shall apply to mitigation acreage only exclusive of administrative costs. The mitigation site shall be located within the Santa Clara River Watershed unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:

- (a) Documentation from the third party indicating that funds have been used for mitigation acreage only, which do not include administrative costs.
- (b) The boundary of the mitigation site shall be clearly identified on a map of suitable resolution and quality and shall also be defined by latitude and longitude.
- (c) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
- (d) Success criteria shall be established.

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

23. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation and project success and completion has been achieved and documented. The Annual Reports shall describe in detail all of the project **and** construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking) or any delays in the mitigation process. At a minimum the Annual Reports shall include the following documentation and answered appropriately whether or not mitigation has been performed:

- (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 whether or not work has begun on the Project and a detailed schedule;
- (d) Copies of all permits revised as required in Additional Condition 1;
- (e) Water quality monitoring results for each reach (as required) compiled in a spreadsheet format;

ATTACHMENT B

Conditions of Certification

File No. 15-018

- (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 Applicant (as designated in Condition 28 and 29 below) that all conditions of this Certification have been met.

24. All applications, reports, or information submitted to the Regional Board shall be signed:

- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
- (b) For a partnership, by a general partner.
- (c) For a sole proprietorship, by the proprietor.
- (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

25. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

"I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

(Signature)
(Title)"

- 26. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **15-018**. Submittals shall be sent to the attention of the 401 Certification Unit.
- 27. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.

ATTACHMENT B

Conditions of Certification File No. 15-018

28. 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. R4-2010-0108. 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.
29. The project shall comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2012-0011-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
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. 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.
32. *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. 15-018

(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.

33. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application at least 90 days prior to termination of this Certification if renewal is requested.