

Los Angeles Regional Water Quality Control Board

Mr. Tim O'Brien
Legacy Partners Neptune Marina L.P
5141 California Avenue
Irvine, CA 92617

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7014 2870 0001 4613 6288

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED NEPTUNE MARINA REPLACEMENT PROJECT (Corps' Project No. SPL-2016-00084-SPL) PACIFIC OCEAN, CITY OF MARINA DEL REY, LOS ANGELES COUNTY (File No. 16-010)

Dear Mr. O'Brien:

Board staff has reviewed your request on behalf of Mariner's Bay LLC C/O Legacy Partners (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed on October 25, 2016.

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

DISTRIBUTION LIST

Gegam Burnazyan
Bellingham Marine Ind., Inc
8810 Sparling Lane
Dixon, CA 95620

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

Geraldo Hidalgo
U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles District
915 Wilshire Blvd., Suite 1101
Los Angeles, CA 90017

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

G. Mendel Stewart
Johnathan Snyder
U.S. Fish and Wildlife Service
2177 Salk Avenue
Carlsbad CA 92008

Al Padilla
California Coastal Commission
89 South California St., Suite 200
Ventura, CA 93001

Kevin Finkel
Los Angeles County Department of Regional Planning
320 West Temple Street, 13th Floor
Los Angeles, California 90012

ATTACHMENT A

**Project Information
File No. 16-010**

1. Applicant: Mr. Tim O'Brien
Legacy Partners Neptune Marina L.P
5141 California Avenue
Irvine, CA 92617

Phone: (949) 930-7700

2. Applicant's Agent: Gegam Burnazyan
Bellingham Marine Ind., Inc
8810 Sparling Lane
Dixon, CA 95620

Phone: (818) 522-3181 Fax: (707) 678-1760

3. Project Name: Neptune Marina Replacement

4. Project Location: Marina del Rey area, Los Angeles County

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 33.97593 | -118.4578 |
| 33.97539 | -118.4556 |
| 33.97484 | -118.4569 |
| 33.97539 | -118.4542 |
| 33.97494 | -118.4567 |
| 33.97594 | -118.4542 |
| 33.97539 | -118.4570 |
| 33.92594 | -118.4559 |

5. Type of Project: Marina dock replacement

6. Project Purpose: The Neptune Marina (Parcel 10) was originally constructed in the late 1960's and is at the end of its useful life. The Applicant proposes to demolish the existing docks at Neptune Marina (Parcel 10) and construct a new Marina in Parcel 10 and transient docks at Parcel BW/9U.

ATTACHMENT A

Project Information

File No. 16-010

7. Project Description:

The Neptune Marina (Parcel 10) and the transient docks (Parcel BW/9U) will be located adjacent to each other in Marina del Rey (MDR) Harbor in Basin B near 14126 Marquesas Way. Basin B is located towards the middle portion of the Harbor on the Westerly side. Neptune Marina is parallel to the east-west portion of the northern seawall in Basin B and transient docks are parallel to the north-south portion of the seawall in Basin B.

The Americans with Disabilities Act (ADA) requirements require longer and wider gangways and wider boat docks, and the California Parks and Recreation, Division of Boating and Waterway's (DBW) require wider finger widths and the new transient docks at Parcel BW/9U.

A deteriorating and potentially hazardous dock system will be removed from the harbor. A new concrete dock system with a 40- to 50-year life span will be installed in place of the existing deteriorating dock system. The existing deteriorated marina is comprised of 40,189 square feet and the new marina will be comprised of 37,957 square feet marina plus a 3,671 square feet transient dock for a total of 41,629 square feet. The proposed dock system will be equipped with vessel sewage pumpout, fire protection, domestic water, electrical system, and communication (internet, television, telephone) systems.

The proposed marina will result in reduction of number of piles by 52 pilings and 15 square feet of piles. There will be an over water increase in shading of 1,440 square feet, an approximate 3.4% increase of coverage. The concrete dock system will be held in place with pre-stressed concrete pilings.

All existing dock floats, gangways, and piling within Parcel 10 will be removed and new dock floats, ramps, and pilings will be constructed within the same parcel footprint along with construction of new adjacent Transient Docks (Project). Parcel 10 contains eight docks and eight gangways, which includes 182 slips. The new Parcel 10 will have the same number of docks and gangways, but will include 161 slips. The proposed transient dock will be configured with one dock and one gangway and include three double loaded slips and three side ties to moor a total of nine vessels. One gangway at Parcel 10 and the one at the transient docks will be ADA compliant. These gangways will be fixed on

ATTACHMENT A

Project Information File No. 16-010

pile supported piers to comply with access and structural requirements.

The docks will be constructed of a durable state-of-the-art floating concrete dock system equipped with an internal utility chase. The modern construction will require minimal maintenance. The docks will not require painting. The dock system pontoons will have a six-sided concrete shell with expanded polystyrene foam core fully encapsulated in the concrete shell.

The separate dock pontoons will be rafted together with a wooden waler system. Wood walers on the docks will be installed lengthwise on each side of the dock tying each dock module together.

All wood treatment will be done at a certified treatment facility and be treated in compliance with Western Wood Preservers Institute recommendations and best management practices. The wood walers used will be constructed with either Southern Yellow Pine or Douglas Fir Larch. Wood treatment will use approved preservatives for salt water splash zone areas. Southern Yellow Pine will be treated with Copper Azol Type C (CA-C) with 0.31 pounds per cubic foot of retention. Douglas Fir Larch will be treated with Ammoniacal Copper Zinc Arsenate (ACZA) with 0.60 pounds per cubic foot of retention.

The existing marina does not have any sewer pumpout capabilities; the new proposed sewer pumpout system will include two sewer pumpout locations; one at the transient dock and the other at the Neptune Marina.

The following demolition and installation will take place:

1. The new dock pontoon system and modules will be manufactured off-site. The dock subassemblies will be shipped to site by truck.
2. The existing dock system will be disassembled by hand tools and work boat. The disassembled pieces will be rafted together with rope and floated to a location where the docks can be removed out of the water by either a land based crane, forklift or waterside barge mounted crane. The removed docks will be

ATTACHMENT A

Project Information

File No. 16-010

taken to a legal point of disposal. Material, suitable for recycling, will be recycled which includes copper piping, concrete pile, recyclable plastics, and metal.

3. The new concrete piles will be manufactured off-site. The manufactured piles will be moved to the site by truck.
4. The new docks will be placed in the water from truck by land-based crane or forklift.
5. The new piles will be transported from truck to the floating work barge by either barge mounted crane or land-based crane.
6. The dock modules will be assembled and connected together by hand tools.
7. Piles will be driven through predetermined openings in the dock system. The piles will be driven with a barge-mounted crane.
8. Once the docks are assembled together and piles driven, the final dock assembly will take place which includes installation of fendering, cover boards, pile guides, wet and dry utilities, and dock components including fire standpipes, power centers, and dock boxes. The final dock assembly will be completed by hand tools.

Eelgrass and Caulerpa are not present at the site. A preconstruction eelgrass and Caulerpa surveys will be completed in the project area.

Marine mammal presence at the site will likely be a function of opportunity more than permanence, given the lack of available resources and existing water clarity within the project area. Closer to the entrance of MDR the haul out areas and open water habitat are the preferred habitat for both seals and sea lions, but with the implementation of best management practices to control turbidity, allow for animal relocation prior to the beginning of pile driving, and minimize noise impacts during the nesting season of sensitive bird species, impacts from project construction will be temporary and minimized.

8. Federal Agency/Permit:

U.S. Army Corps of Engineers
Section 10 (Permit No. 2016-00084-GLH)

ATTACHMENT A

Project Information File No. 16-010

9. Other Required Regulatory Approvals: California Coastal Commission
Coastal Development Permit No. 5-11-131 (issued to the County of Los Angeles by the California Coastal Commission on June 26, 2012)
- Los Angeles County Regional Planning
Parcel 10 Approval in Concept/Site Plan Review
No. RPP 2006 02195 and No. RPP 2006 02195
- Los Angeles County Regional Planning
Parcel 9U Approval in Concept/Site Plan Review
No. RPP 2006 02195 and No. RPP 2011 00566
10. California Environmental Quality Act Compliance: The Los Angeles Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061. Specifically, the issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section(s) 15302 Replacement or Reconstruction. Additionally, the Los Angeles Water Board concludes that no exceptions to the CEQA exemption apply to the activities approved by this Order.
11. Receiving Water: Receiving water from Pacific Ocean (Hydrologic Unit Code: 180701010202)
12. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, MAR, WILD, BIOL, RARE, MIGR, SPWN, SHELL
13. Impacted Waters of the United States: Ocean/Estuary/Bay: 5.2 acres temporary impacts (1,662 linear feet), 0.033 acres permanent impacts (ecological degradation/shading) (included within the 5.2 acres temporary impacts)
14. Dredge Volume: None
15. Related Projects Implemented/to be: Landslide improvements to building and site within the same parcel and development are planned to occur in next 2 years

ATTACHMENT A

Project Information File No. 16-010

Implemented by the
Applicant:

16. Avoidance/
Minimization
Activities:

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

- Silt curtains will be utilized to control turbidity during removal and placement of piles.
- Floating booms will be maintained around the project site in order to capture floating debris during all demolition and construction phases.
- Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- Floating debris would be removed from the water and disposed of properly.
- Disturbance to the ocean bottom and intertidal areas will be minimized.
- Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- Operators of construction equipment and all other project workers will not harass any marine mammals, waterfowl, or fish in project area.
- Netting, sandbags, tarps and other forms of barriers will be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering bay.
- Erosion and sedimentation controls will be used to prevent impacts to coastal waters during project staging and demolition.
- The Applicant will ensure no debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, from construction will be allowed to enter into or placed where it may be washed by rainfall or runoff into waters

ATTACHMENT A

Project Information File No. 16-010

of the United States.

- All floatable debris and trash generated by construction activities within the project area will be disposed of as soon as possible or at the end of each day.
- Mud and debris will not be dropped from construction vehicles into public streets. Turning areas and pavement entrances will be swept as needed.
- At the end of the construction period, the Applicant will inspect the project area and ensure that no debris, trash or construction material has been left on the shore or in the water.
- A qualified independent biologist or environmental resources specialist will conduct a biological survey of the trees within 500 feet of project site prior (within seven days) to the commencement of demolition and construction activities, and once a week upon commencement of demolition and construction activities that include use of heavy equipment that can cause excessive noise, odors, or vibrations (such as pile driving) . The environmental resource specialist shall be directed to conduct the survey in order to determine the presence of black-crowned night herons, great blue herons, snowy egrets, or other sensitive species within 500 feet of the work site and immediately report the findings of the survey to the Applicant.
- In the event that the environmental specialist reports any black-crowned night herons, great blue herons, snowy egrets, or other sensitive species exhibiting reproductive or nesting behavior within 500 feet of the work site, the following restrictions shall apply:
 - Construction noise reduction measures such as sound shields made from plywood or sound-board or molded sound shields shall be used and measures shall be taken to minimize loud noise generation to the maximum feasible extent during construction. Permanent lighting shall be shielded and directed downward. Bright upward shining lights shall not be used during construction. Construction employees will not bring pets to the construction site.

ATTACHMENT A

Project Information File No. 16-010

- Noise generated by construction (including, but not limited to, pile driving) shall not exceed 85 dB at any active nesting site within 500 feet of project site for black-crowned night herons, snowy egrets, great egrets, great blue herons, raptors, or other sensitive species. If construction noise exceeds 85 dB, then alternative methods of pile driving or other sound mitigation measures (including, but not limited to, sound shielding and noise attenuation devices) shall be used as necessary to achieve the required decibel threshold levels. If these sound mitigation measures do not reduce noise levels, construction within 500 feet of the nesting trees shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.

17. Proposed
Compensatory
Mitigation:

None.

18. Required
Compensatory
Mitigation:

The applicant will comply with the NOAA Fisheries California Eelgrass Mitigation Policy, October 2014, and the Caulerpa Control Protocol. No additional compensatory mitigation will be required due to the reduction in quantity and area of pilings. In addition, the development may provide for improved water quality.

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. 16-010

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 (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. 16-010

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. 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.

ATTACHMENT B

Conditions of Certification File No. 16-010

14. If rain is predicted after operations have begun, activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
15. 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 2012 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.

In addition, in order to demonstrate water quality improvement associated with the installation of the dock pumpout system, water quality monitoring shall be conducted for bacterial indicators before and after the project. Bacterial indicators shall be measured on an approximately **weekly basis** such that at least **12** samples are collected prior to relocation of boats currently occupying slips and construction activities and at least **12** after the project is complete and slips are reoccupied. The bacterial indicators shall include fecal coliform (or *E. coli*), total coliform and enterococcus.

16. The Applicant shall restore **all areas** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State.

ATTACHMENT B

Conditions of Certification

File No. 16-010

17. 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 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. The Annual Reports shall describe the status of other agreements or requirements (eelgrass and Caulerpa surveys) 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 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;
 - (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 or his/her representative that all conditions of this Certification have been met.
18. 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.

ATTACHMENT B

**Conditions of Certification
File No. 16-010**

19. 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)”

20. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **16-010**. Submittals shall be sent to the attention of the 401 Certification Unit.
21. 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.
22. 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. R4-2012-0175. 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. 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.
23. 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.
24. 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

ATTACHMENT B

Conditions of Certification

File No. 16-010

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.

25. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.

26. 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.