



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Acting Secretary for
Environmental Protection

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Edmund G. Brown J
Governor

Mr. Dale Sakamoto
County of Los Angeles Department of Public Works
Programmed Development Division, 11th Floor
P.O. Box 1460
Alhambra, CA 91802

WATER QUALITY CERTIFICATION FOR PROPOSED TEMPLIN HIGHWAY AT MILE MARKER 3.80 PROJECT (Corps' Project No. 2008-01014-PHT), LOS ANGELES NATIONAL FOREST, LOS ANGELES COUNTY (File No. 10-045)

Dear Mr. Sakamoto:

Board staff has reviewed your request on behalf of County of Los Angeles Public Works (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on December 20, 2010.

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

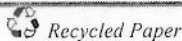
The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

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

Samuel Unger
Samuel Unger
Executive Officer

Feb. 10, 10
Date

California Environmental Protection Agency



DISTRIBUTION LIST

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Feb 10 11
Date

James Lopez
James Lopez
Executive Officer

ATTACHMENT A

Project Information

File No. 10-045

1. Applicant: County of Los Angeles Department of Public Works
900 South Fremont Ave
Alhambra, CA 91803
Phone: (626) 458-3915 Fax: (626) 458-3179
2. Applicant's Agent: Dale Sakamoto
3. Project Name: Templin Highway at Mile Marker 3.80
4. Project Location: Los Angeles National Forest, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
0346549	3829758
0346652	3829928
0345501	3829827
0346561	382982
0346694	3829937
0346649	3829941
0346602	3829988
0346653	3830008

5. Type of Project: Culvert pipe under Templin Highway and slope reconstruction
6. Project Purpose: The purpose of the proposed project is to reconstruct an eroded slope along Templin Highway and prevent future erosion of the slope and the road.
7. Project Description: The proposed site is located in the Angeles National Forest, along Templin Highway at Mile Marker 3.80.

The Templin Highway was built over 70 years ago, when fill was placed in canyons and the road was placed in the path of least resistance. The design for the original road did not utilize engineered fill or undergo any compaction testing. Currently, the road is being compromised due to this placement in a location where a creek previously existed.

The proposed project consists of reconstructing 2.2 acres of eroded slope and filling a basin on the western side of the road to prevent ponding, which poses a threat to the stability of the road. Previously, the Applicant was considering a slope reconstruction

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area of approximately 5 acres. In order to avoid and minimize impacts, the project was downsized to 2.2 acres.

In addition to the slope stabilization, culverts at MM 3.80 and MM 3.90 will be repaired. The work at MM 3.80 will include: fill of the recently created basin on the west side of Templin Highway; replacement of a storm debris buried inlet with a 5-foot diameter corrugated metal pipe (CMP). Approximately 40,000 cubic yards of sediment will be placed in the basin on the west side of the highway in order to prevent soils underneath the road and embankment from becoming saturated and undermining the structures.

The culvert work at MM 3.90 involves a repair of a damaged 3-foot diameter CMP on the east side of the highway. Approximately 43,000 cubic yards of fill will be added at this location to regrade the eroded slope east of the highway. The shoulder along the road will be reduced from 50 feet to 14 feet to flatten and stabilize the hillside. 19,000 square feet of abandoned asphalt road will be removed from the east shoulder.

The basin fill will permanently impact 0.46 acres of jurisdictional waters, and an additional 0.05 acres of streambed will be temporarily filled. A 14-foot wide trapezoidal channel with 1:1 slopes (2 feet high) will be graded along 500 feet of filled basin to create 0.21 acres of streambed within the basin. The stream will be restored with native riparian vegetation.

Grading of the eroded slopes on the eastern side of the highway will impact a total of 0.13 acres of jurisdictional streambed. Of this impact, approximately 0.02 acres will be temporary and the area downstream will be re-established. The impact due to filling of the streambed upstream of the proposed outlet location will be within 0.09 acres. An additional 0.02 acres of riprap will be installed at the outlet structure to prevent erosion and to key in the toe of the slope.

During the storms of 2005, sections of the 3-foot diameter CMP at MM 3.80 broke off and were washed downstream. The proposed 5-foot diameter CMP will outlet at the previous terminus of the previously existing CMP.

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Approximately 83,000 yards of sediment will be required for the fill activities along this segment of highway. The sediment is native material from a local slide storage site.

The 2.2 acre area which will be re-graded is disturbed non-native grassland. The graded slope will be covered with jute mesh netting and hydroseeded with a native chaparral mix. The 100 tons of abandoned asphalt that will be removed along the east shoulder covers 0.44 acres. This area will also be covered with jute mesh netting and hydroseeded.

Along the edge of the basin area, 0.08 acres of exotic and invasive salt cedar will be removed and properly disposed of. Proper disposal is necessary in order to prevent salt cedar seeds from being carried downstream and establishing new plants further into the lower portion of the watershed.

Upon completion of the excavation and installation of the new 600-foot CMP culvert, Templin Highway will be repaved.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP Nos. 14 & 43 (Permit No. 2008-01014-PHT)
9. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302 Replacement or Reconstruction.
11. Receiving Water: Unnamed tributary to Castaic Creek (Hydrologic Unit No. 403.51)
12. Designated Beneficial Uses: MUN, IND, PROC, AGR, GWR, FRSH, POW, REC-1, REC-2, WARM, COLD, WILD, RARE, SPWN
13. Impacted Waters of the United States: Non-wetland waters (streambed): 0.02 temporary and 0.62 permanent acres
14. Dredge Volume: None

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15. 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.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Work will take place when the site is dry and rain is not forecasted (50% or less chance of rain) with a 7-day window.
 - Grout and other material will be placed in such a way as to not be exposed or which could enter any waters.
 - A biologist will monitor construction activities.
 - All work shall cease if a listed species is spotted during work activities.
 - Excavated material will be disposed of offsite at designated disposal sites.
 - All refueling activities and equipment storage will be outside the banks of the drainages and creek.
 - Standard Stormwater BMPs will be in place should unexpected precipitation occur.
 - The Department will ensure that work is monitored to ensure compliance with all avoidance and minimization measures.
17. Proposed Compensatory Mitigation: The Applicant has proposed to implement the following restoration components in the project vicinity:
- 0.08 acres of salt cedar will be removed;
 - 0.21 acres of streambed will be restored (within the basin on the west side of the highway);
 - 0.02 acres of streambed will be restored (below the graded

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slope on the eastern side of the highway).

18. Required
Compensatory
Mitigation:

The Regional Board will require the Applicant to provide compensatory mitigation for all impacts associated with the proposed project at a ratio of 2:1. Therefore, a total of 1.28 acres of mitigation will be required. With the restoration efforts already proposed by the Applicant (0.31 acres), an additional 0.97 acres of mitigation is 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. 10-045

STANDARD CONDITIONS

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

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

ADDITIONAL CONDITIONS

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

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this Certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and 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.

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6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith.
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

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by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.

14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
15. 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.
19. 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.
20. All project/maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.

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21. 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.

22. 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. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
23. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **0.02** acres waters of the United States by creating or restoring riparian habitat at a minimum **2:1** area replacement ratio (**0.04 acres**). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.62 acres** of

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Conditions of Certification File No. 10-045

vegetation within waters of the United States by creating or restoring riparian habitat at a minimum **2:1** area replacement ratio (**1.24 acres**). With the restoration efforts already proposed by the Applicant (**0.31 acres**), an additional **0.97 acres** of mitigation is required. 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) 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.
- (b) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
- (c) 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.

24. If the Applicant proposes funding to a third-party organization for the creation or restoration of a total of **0.97 acres** of (vegetated, unvegetated, etc) streambed riparian habitat within waters of the United States/Federal jurisdictional wetlands, 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.

25. 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 success has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts;

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including percent survival by plant species and percent cover. At a minimum the Annual Reports shall include the following documentation:

- (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
- (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
- (c) The overall status of project including a detailed schedule of work;
- (d) Copies of all permits revised as required in Additional Condition 1;
- (e) Water quality monitoring results (as required) compiled in an easy to interpret format;
- (f) A certified Statement of "no net loss" of wetlands associated with this project;
- (g) Discussion of any monitoring activities and exotic plant control efforts; and
- (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.

26. 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.

27. 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,

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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)"

28. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **10-045**. Submittals shall be sent to the attention of the 401 Certification Unit.
29. 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.
30. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2009-009-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
31. 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.
32. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

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33. *Enforcement:*

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

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

