



EDMUND G. BROWN JR.
GOVERNOR
MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Ms. Patricia Wood
Los Angeles County Flood Control District
900 S Fremont Ave.
Alhambra, CA 91803

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7008 1140 0002 8671 9929

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED SANTA ANITA DAM PROJECT (Corps' Project No. 2015-00605-BLR), SANTA ANITA WASH, CITY OF MONROVIA, LOS ANGELES COUNTY (File No. 15-094)

Dear Ms. Wood:


A Clean Water Act Section 401 Water Quality Certification (Certification) for the above-referenced project was issued on April 15, 2016; however the Certification was dated April 15, 2015. This Certification, without change, is hereby re-issued with today's date. The Certification is valid for 5 years from April 15, 2016.

Board staff has reviewed your request on behalf of Los Angeles County Flood Control District (Applicant) for a. Your application was deemed complete on April 4, 2016.

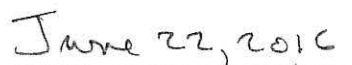
I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), 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, P.G., Section 401 Program, at (213) 576-5733.



Samuel Unger, P.E.
Executive Officer



Date

DISTRIBUTION LIST

Belinda Kwan
Los Angeles County Department of Public Works
900 S Fremont Avenue
Alhambra, CA 91803

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

Matt Chirdon (via electronic copy)
California Department of Fish and Wildlife
Streambed Alteration Team
3883 Ruffin Rd Suite A
San Diego, CA. 92123-4813

Bonnie Rogers (via electronic copy)
U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles District
915 Wilshire Blvd., Suite 1101
Los Angeles, CA 90017

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

Melissa Scianni (via electronic copy)
600 Wilshire Blvd, Suite 1460
Los Angeles, CA 90017
213-244-1817

G. Mendel Stewart
Johnathan Snyder
U.S. Fish and Wildlife Service
2177 Salk Ave. Carlsbad Ca, 92008

ATTACHMENT A

**Project Information
File No. 15-094**

1. Applicant: Los Angeles County Flood Control District
900 S Fremont Avenue
Alhambra, CA 91803
Phone: (626) 458-6131 Fax: (626) 979-5436
2. Applicant's Agent: Los Angeles County Department of Public Works
900 S Fremont Avenue
Alhambra, CA 91803
Phone: (626) 458-6175 Fax: (626) 979-5436
3. Project Name: Santa Anita Dam Spillway Modification
4. Project Location: 2230 N Santa Anita Canyon Road, Monrovia, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
34.179230	-118.022317
34.179618	-118.023798
34.180570	-118.025018
34.181868	-118.023503
34.183168	-118.023830
34.185815	-118.022770
34.186023	-118.021746
34.185653	-118.018149
34.186312	-118.016569
34.186217	-118.015370
34.184706	-118.014539
34.182857	-118.015510
34.182464	-118.018208
34.182542	-118.020654
34.183403	-118.021126
34.182768	-118.022709
34.181495	-118.022317
34.180643	-118.023599
34.180208	118.022285

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5. Type of Project: Dam modification
6. Project Purpose: The Los Angeles County Flood Control District (LACFCD) is undertaking modifications of the Santa Anita Dam (Dam) to meet the safety requirements of the California Department of Water Resources Division of Safety of Dams. The Dam's existing spillways will be modified to accommodate a capacity to pass the Probable Maximum Flood estimation of 26,100 cubic feet per second in order to reduce the risk of dam failure from uncontrolled overtopping during major storm events.
7. Project Description: The proposed improvements to the Dam will not result in changes to the existing maximum water surface elevation restriction and the reservoir's capacity to retain water will not be altered by the Project.

Project Background

The Los Angeles County Flood Control District (LACFCD) intends to modify the Santa Anita Dam and the existing spillways; construct a new pedestrian bridge and upgrade the existing hoist system; repair the existing inlet and outlet works; repair the existing shotcrete on the downstream canyon walls and the toe of the Dam; improve the ancillary facilities of the Dam; replace existing potable water system; replace the existing manual swing entrance gate with a new electric slide gate; and provide new lighting and intercom systems. However, the only tasks that are within waters are the construction of a temporary dirt access road and construction of a concrete ramp.

An approximately 1,200 linear foot (0.928 acre) temporary dirt access road will be established within the reservoir in order to facilitate work at the upstream face of the dam. At the completion of the project, the access road will be removed and the area will be restored to pre-project contours.

If the contractor elects to use other methods (i.e., perform work solely from the dam structure) the upstream face of the dam impacts can likely be minimized or eliminated entirely. The District will notify resource agencies prior to the start of construction if impact areas can be lessened.

An approximately 36-foot-long by 36-foot-wide concrete ramp (0.03 acre) will be constructed to facilitate work at the downstream face of the dam, in the existing concrete channel. The ramp will

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remain in place after construction is complete.

The equipment expected to be used during this project includes: crane, backhoe, compaction roller, hand tools, wheel loader, excavator, grader, dump trucks, water trucks, and pickup trucks. Cranes, excavators, and backhoes may utilize caterpillar tracks.

Construction for this project is expected to begin in summer 2016 and end by Fall 2017. The construction schedule will be sequenced such that the majority of the work in the reservoir is completed during the dry season or during clear weather forecasts. In the event the start of construction is delayed, work in the reservoir will begin in the subsequent dry season.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 3 (Permit No. 2015-00605-BLR)
9. Other Required Regulatory Approvals: California Department of Fish and Wildlife
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The Los Angeles Flood Control District approved the project's Mitigated Negative Declaration on October 15, 2014, and filed the Notice of Determination on July 15, 2015.
11. Receiving Water: Lower Santa Anita Wash (Hydrologic Unit Code: 180701050302)
12. Designated Beneficial Uses: MUN*, GWR, REC-1, REC-2, WARM, WILD, RARE
*Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (unvegetated streambed): 0.96 temporary and 0.00 permanent acres
14. Related Projects Implemented/to be Implemented by the LACFCD also intends to modify existing flood management and water conservation facilities along the Santa Anita Canyon watershed, including the Santa Anita Dam, Santa Anita Headworks,

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Applicant: Wilderness Park Culvert Crossing, and the Santa Anita Debris Dam.

15. Avoidance/
Minimization
Activities:

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

- Work activities will be minimized to the greatest extent possible and only conducted within the approved project boundary.
- A Biological Monitor will be on site during vegetation clearing in Project Work Areas and will confirm that the limits of Project Work Areas are clearly marked.
- At least seven days prior to the initiation of any dewatering, a five-day, and four-night pre-construction trapping for the Pacific pond turtle shall be conducted by a qualified Biologist.
- A qualified Biologist shall be present during the latter stages of dewatering of the reservoir to ensure that no Pacific pond turtles, or other special status species encountered are stranded.
- The Applicant (in consultation with a qualified Biologist) may employ bird exclusionary measures such as Mylar flagging prior to the start of bird breeding season.
- A pre-construction survey shall be conducted by a qualified Biologist for nesting birds or raptors within three days prior to clearing of any vegetation or any work near existing structures.
- If the Biologist finds an active nest within or immediately adjacent to the construction area, the Biologist shall delineate an appropriate buffer zone around the nest depending on the sensitivity of the species and the nature of the construction activity.
- Water shall be drained or re-routed around Project Work Areas at least one month prior to construction to deter bats from roosting in the vicinity of the Work Areas.
- If exclusionary measures have not already been installed on all potential roost structures within the Project Work Areas, a pre-construction follow-up roosting bat survey (including both day

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and evening efforts) shall be conducted by a qualified Biologist within two weeks prior to the initiation of construction.

- If active bat day-roosts occur within the Project Work Area, bat exclusion devices shall be installed under the supervision of a qualified Biologist prior to the start of construction.
- The Biological Monitor shall provide environmental awareness training to the Contractor.
- Training will include a discussion of native habitat types, special status species that may occur in the Project Work Areas, direction for what to do if a special status species is observed, and an overview of applicable permit conditions.
- Should archaeological resources be found during ground-disturbing activities for the Project, an Archaeologist will be consulted.
- Brightly-colored construction fencing shall be placed around all native trees to be preserved that are located within 50 feet of Project Work Areas. If an existing access road is within the Tree Protection Area, the Tree Protection Area may be adjusted to allow for access along the existing roadway.
- Stockpiling of materials or vehicle operation shall be prohibited within the Tree Protection Areas.
- If branches larger than 3 inches diameter need to be removed or if more than ten percent of the total canopy will be affected, these activities shall be supervised by a Certified Arborist.
- Changes to the grade or drainage patterns in the areas surrounding a Tree Protection Area shall be avoided, unless otherwise approved by a Certified Arborist.
- Trash, debris, refuse, and cleared vegetation will be taken to a legal point of disposal.
- The equipment used during construction will not be stored or maintained in the streambed or channel.
- All on-site generated waste that meets hazardous waste criteria

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shall be stored, manifested, transported, and disposed of in accordance with the California Code of Regulations (Title 22).

- Construction will occur during clear weather forecasts.
- No construction-related materials such as waste, spills, or residue will be discharged from the Project site to drainage facilities, receiving waters, or adjacent property by wind or runoff.
- All vehicles including equipment will be maintained and checked prior to entering the worksite, to ensure no oil, petroleum byproducts, or exotic species will be introduced to the streambed.
- Concrete removal management will be implemented to properly dispose of concrete at disposal sites legally permitted to accept such material.
- A water truck will be utilized for dust control during grading activities.
- If surface waters are present and the elected work methods require access to a dry reservoir basin, a surface water diversion plan and a dewatering plan will be provided by the Applicant to the Regional Board prior to implementation.
- The final dewatering and surface water diversion plan will be coordinated with the contractor and designed to minimize impacts to sensitive resources based on field conditions at the time of implementation.

16. Proposed
Compensatory
Mitigation:

The Applicant has not proposed any compensatory mitigation due to the temporary nature of impacts associated with the project and the alteration within a concrete lined channel.

17. Required
Compensatory
Mitigation:

Since the project impacts are temporary in nature in an area devoid of vegetation, or are a concrete to concrete modification, the Regional Board will not require any compensatory mitigation. The channel cross-section width and capacity will not be modified by the project.

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

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Conditions of Certification File No. 15-094

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. 15**, 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 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.

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14. 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.
15. 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.
16. 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.

17. All project and 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.
18. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, 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

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- 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.

19. 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 (not including the concrete portion of the channel) to pre-project contours and revegetation with native species, as applicable.**
20. 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 project 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; including percent survival by plant species and percent cover. The Annual Reports shall describe the status of other agreements or any delays in the 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 site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project areas;
 - (c) The overall status of project including a detailed schedule of whether or not work has begun on the Project;
 - (d) Copies of all permits revised as required in Additional Condition 1;

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- (e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
 - (f) A certified Statement of “no net loss” of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
21. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.
 - (c) For a sole proprietorship, by the proprietor.
 - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

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

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

Executed on the _____ day of _____ at _____.

_____ (Signature)
_____ (Title)”

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23. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **15-094**. Submittals shall be sent to the attention of the 401 Certification Unit.
24. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
25. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. R4-2012-0175.
26. 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.
27. 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.
28. 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.
29. *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.

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- (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.
30. 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.

