



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Ms. Mikaela Klein
Mt. San Antonio College
1100 North Grand Avenue
Walnut, CA 91789

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7014 2870 0001 4613 6127

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED WEST PARCEL SOLAR PROJECT (Corps' Project No. 2015-00113-PKK), SAN JOSE CREEK, UPPER SAN GABRIEL RIVER, CITY OF WALNUT, LOS ANGELES COUNTY (File No. 15-021)

Dear Ms. Mikaela Klein:

Board staff has reviewed your request on behalf of Mt. San Antonio College (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on May 12, 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 Valerie CarrilloZara, P.G., Lead, Section 401 Program, at (213) 576-6759.



Samuel Unger P.E. *for*
Executive Officer

5-23-16
Date

DISTRIBUTION LIST

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ATTACHMENT A

**Project Information
File No. 15-021**

1. Applicant: Ms. Mikaela Klein
Mt. San Antonio College
1100 North Grand Avenue
Walnut, CA 91789

Phone: (909) 274-5720 Fax: (909) 274-2931

2. Applicant's Agent: W. Larry Sward
HELIX Environmental Planning
7578 El Cajon Blvd, Ste 200
La Mesa, CA 91942

Phone: (619) 462-1515 Fax: (619) 462-0552

3. Project Name: West Parcel Solar

4. Project Location: City of Walnut, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
34.0428	117.8478
34.0412	117.8446
34.0391	117.8421
34.0380	117.8456
34.0412	117.8446
34.0391	117.8421
34.0380	117.8456
34.0428	117.8478

5. Type of Project: Construction of a solar power generating station

6. Project Purpose: The Applicant plans to subsidize its energy consumption by constructing a solar power generating station in order to reduce costs and greenhouse gasses.

7. Project Description: The San Antonio College (SAC) campus is located in the San Gabriel Valley, north of State Route 60, south of Interstate 10, east

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of the City of West Covina, and west of the City of Pomona in southeast Los Angeles, County, California. The proposed project is located on the Mt. SAC campus, on undeveloped land that is west of North Grand Avenue and south of Amar Road (Site).

The West Parcel Solar Project will consist of grading approximately 10-acres and constructing a solar power generation system. The project footprint affects 18.22 acres of the 27.65 acre West Parcel. The parcel is currently undeveloped and occasionally used for cattle grazing. A small area (approximately 0.71 acre) at the northern tip of the property has been graded flat. The remainder of the Site consists of rolling hills with intervening swales. Vegetation on the Site consists of coastal sage scrub (14.20 acres), agriculture (12.43 acres), mule fat scrub (0.06 acre), disturbed habitat (0.71 acre), and developed areas (0.25 acres). The sage scrub on Site provides habitat for the coastal California gnatcatcher.

There are two ephemeral streambeds on the Site that are Waters of the U.S. The northern streambed transverses the Site from west to east. It enters the Site from an unimproved streambed and exits the Site via a culvert under North Grand Avenue. The culvert connects the drainage to Snow Creek, which flows north to south, just east of North Grand Avenue. The southern streambed originates on-site and also drains to the east and flows into Snow Creek via a culvert under North Grand Avenue.

Grading will be performed using standard earth moving equipment. The grading will impact nearly all of the two ephemeral streambeds. A small section (23 linear feet) of the northern streambed will not be affected by the project. The small watershed for the southern streambed is contained on-site. The northern streambed's watershed is also small, but extends a short distance off-site to the west.

Drainage from the site following construction will also be provided via the culverts that connect to Snow Creek.

A federally listed animal species, the threatened coastal California gnatcatcher (*Polioptila californica californica*), has been observed on the project Site. Construction would impact habitat on Site that supports the gnatcatcher. Potential impacts and effect on the gnatcatcher would be regarded as significant and potentially adverse. Therefore, project effects on gnatcatcher are being be

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evaluated through formal consultation between the USACE and U.S Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No.51 (Permit No. 2015-00113-PKK)
9. Other Required
Regulatory Approvals: California Department of Fish and Wildlife
Streambed Alteration Agreement
10. California
Environmental Quality
Act Compliance: Mt. San Antonio College approved the project's Final Environmental Impact Report (SCH No. 2002041161). A Notice of Determination was filed with the Los Angeles County Clerk on December 26, 2013.

The Los Angeles Regional Water Quality Control Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that Mt. San Antonio College's certified environmental document comports with the requirements of CEQA and is valid. (Pub. Resources Code, § 21167.3.) The Los Angeles Regional Water Quality Control Board has reviewed and considered the environmental document and finding that the environmental document prepared by Mt. San Antonio College addresses the Project's impacts to water quality. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental document includes the mitigation monitoring program (MMP) developed by Mt. San Antonio College for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (d).) The Los Angeles Regional Water Quality Control Board has also reviewed the Habitat Mitigation Plan for the West Solar Project at Mt. San Antonio College, Helix Environmental Engineering (December 8, 2014) and the Biological Technical Report for the Mt. San Antonio College West Parcel Solar Project, Helix Environmental Engineering (May 29, 2015).

The Los Angeles Regional Water Quality Control Board has determined that the Project, when implemented in accordance with the MMP, Habitat Mitigation Plan and the conditions in this Order,

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will not result in any significant adverse water quality impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (h).) The Los Angeles Regional Water Quality Control Board will file a notice of determination with the State Clearinghouse within five (5) working days from the issuance of this Order. (Cal. Code Regs., tit. 14, § 15096, subd. (i).)

11. Receiving Water: San Jose Creek, San Gabriel River Reach 3 (Hydrologic Unit Code: 180701060601)
12. Designated Beneficial Uses: MUN*, GWR, FRSH, REC-1, REC-2, WARM, WILD
*Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (vegetated streambed): 0.06 permanent acres (875 linear feet)
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The Applicant is currently installing a parking lot in the area east of Snow Creek. This project will not directly affect any Waters of the U.S or Waters of the State. Construction and project's BMPs are expected to prevent any adverse water quality affects to Snow Creek.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Use of water during construction of the project shall be in a manner that avoids causing erosion and the transport of pollutants offsite.
 - Vehicle and equipment cleaning procedures and practices shall be implemented to eliminate or reduce the discharge of pollutants to stormwater from vehicle and equipment cleaning operations. Procedures and practices shall include, but are not limited to: using offsite facilities; washing in designated, contained areas only; and training employees and subcontractors in proper cleaning procedures.

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- Vehicle and equipment fueling procedures and practices shall be implemented to prevent fuel spills and leaks, and reduce or eliminate contamination of stormwater. This will be accomplished by using offsite facilities, fueling in designated areas only, enclosing or covering stored fuel, implementing spill controls, and training employees and subcontractors in proper fueling procedures.
- This project will prevent or reduce the contamination of stormwater resulting from vehicle and equipment maintenance by running a “dry and clean site”. The preferred option would be to perform all maintenance activities at an offsite facility. If this option is not available then work should be performed in designated areas only, while providing cover for materials stored outside, checking for leaks and spills, and containing and cleaning up spills immediately. Employees and subcontractors must be trained in proper procedures.
- Silt fences shall be installed during construction along most of the project perimeter.
- Fiber rolls shall be installed on all disturbed slopes during construction.
- Gravel bag berms shall be implemented at various locations during construction.
- Street sweeping and vacuuming shall be implemented during project construction and includes use of self-propelled and walk-behind equipment to remove sediment from streets and roadways.
- Stabilized construction access, defined by a point of entrance/exit to a construction site that is stabilized to reduce off-site tracking of mud and dirt by construction vehicles, shall be provided for this project.
- Dust and wind erosion shall be controlled by applying water or other dust palliatives as necessary to prevent or alleviate dust nuisance generated by construction activities. Covering small stockpiles or areas is an alternative to applying water or other dust palliatives.
- This project will prevent, reduce, or eliminate the discharge of pollutants from material delivery and storage to the stormwater system or watercourses by minimizing the storage of hazardous materials onsite, storing materials in a designated area, installing

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secondary containment, conducting regular inspections, and training employees and subcontractors.

- This project will prevent or reduce the discharge of pollutants to the storm drain system or watercourses from material use by using alternative products, minimizing hazardous material use onsite, and training employees and subcontractors.
- Stockpile Management procedures and practices shall be implemented in order to reduce or eliminate air and stormwater pollution from stockpiles of materials such as soil.
- Solid waste management procedures and practices shall be enacted to prevent or reduce the discharge of pollutants to stormwater from solid or construction waste by providing designated waste collection areas and containers, arranging for regular disposal, and training employees and subcontractors.
- Proper sanitary and septic waste management practices shall be followed to prevent the discharge of pollutants to stormwater from sanitary and septic waste by providing convenient, well-maintained facilities, and arranging for regular service and disposal.

17. Proposed Compensatory Mitigation:

Mitigation is proposed along Snow Creek per the "West Parcel Solar Project at Mt. San Antonio College Habitat Mitigation Plan," dated December 8, 2014 (Mitigation Plan). The Mitigation Plan includes 0.31 acres of compensatory mitigation for impacts to waters of the US and riparian areas including at least 0.18 acres of created mule fat scrub. The mule fat scrub will be created by grading along the upland banks of Snow Creek to create the proper surface and subsurface hydrology to support mule fat scrub. Mule fat scrub will be established and maintained in this area in perpetuity. The Mitigation Plan also includes mitigation for loss of coastal scrub habitat and gnatcatcher habitat.

In addition, the portions of the West Parcel that are not part of the solar pad or the slopes adjacent to North Grand Avenue, and contain native vegetation, will be preserved. The areas that are similarly situated but do not contain native habitat will be restored to native coastal sage scrub habitat and preserved.

18. Required

The Applicant shall provide 0.31 acres of compensatory mitigation

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Compensatory
Mitigation:

for impacts to waters of the state and U.S.

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

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Conditions of Certification File No. 15-021

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. 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 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 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.
16. 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.
17. 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.

18. 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.
19. 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.

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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.

20. The Applicant shall restore **all acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years.
21. The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.06 acres** of vegetation within waters of the United States by creating or restoring riparian habitat including a minimum **0.31 acres** of waters or riparian habitat including **0.18 acres** of mule fat scrub habitat. The Applicant shall submit a final **Mitigation Report** after all agency permit requirements are established 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

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made between the Applicant and a third party organization regarding compensatory mitigation efforts.

22. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
23. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation and project success 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; including percent survival by plant species and percent cover. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking) or any delays in the mitigation process. At a minimum the Annual Reports shall include the following documentation:
 - (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including whether or not work has begun on the Project and a detailed schedule;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results for each reach (as required) compiled in a spreadsheet format;
 - (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.
24. All applications, reports, or information submitted to the Regional Board shall be signed:
 - (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.

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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.

30. 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.
31. *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.
32. 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.