



California Regional Water Quality Control Board

Los Angeles Region



Terry Tamminen
Secretary for
Environmental
Protection

Over 50 Years Serving Coastal Los Angeles and Ventura Counties
Recipient of the 2001 Environmental Leadership Award from Keep California Beautiful

Arnold Schwarzenegger
Governor

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 • Internet Address: <http://www.swrcb.ca.gov/rwqcb4>

Frank Kiesler
Browning Ferris Industries of California, Inc.
14747 San Fernando Road
Sylmar, CA 91342

CONDITIONAL WATER QUALITY CERTIFICATION FOR PROPOSED SUNSHINE CANYON CITY LANDFILL EXPANSION PROJECT (Corps' Project No. 2003-00408-AOA), BULL CREEK, CITY OF LOS ANGELES, LOS ANGELES COUNTY (File No. 03-001)

Dear Mr. Kielser:

Regional Board staff has reviewed your request on behalf of Browning Ferris Industries of California, Inc. (BFI) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on March 27, 2003. The Regional Board provided notice of receipt of the application for more than 21 days before the issuance of the accompanying certification. An opportunity for public comment was provided before the Regional Board on January 29, 2004. The accompanying Water Quality Certification was developed based on the underlying administrative record, which includes the record for the landfill expansion waste discharge requirements issued by this Regional Board and public comments received prior to issuance of this Water Quality Certification.

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.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

ATTACHMENT A

**Project Information
File No. 01-000**

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



Dennis A. Dickerson
Executive Officer



Date

DISTRIBUTION LIST

Michael Zander
Zander Associates
150 Ford Way, Suite 101
Novato, California 94945

James Aidukas
JTA & Associates
1395 Oakridge Court
Thousand Oaks, CA 91362

Oscar Balaguer
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Sharon Rubalcava
Weston / Benshoof / Rochefort
Rubalcava / MacCuish LLP
333 S. Hope Street, 16th Floor
Los Angeles, CA 90071

Betty Courtney
California Department of Fish and Game
Streambed Alteration Team
4949 View Ridge Avenue
San Diego, CA 92123

Aaron Allen
U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2325

Steven John
U.S. Environmental Protection Agency
c/o U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2325

Tim Vendlinski
Supervisor, Wetlands Regulatory Office (WTR-8)
US EPA, Region 9
75 Hawthorne
San Francisco, CA 94105

Ken Berg
U.S. Fish and Wildlife Service
2730 Loker Avenue West
Carlsbad, CA 92008

ATTACHMENT A

**Project Information
File No. 03-001**

1. **Applicant:** Frank Kiesler
Browning Ferris Industries of California, Inc.
14747 San Fernando Road
Sylmar, CA 91342
Phone: (818) 833-6511 Fax: (818) 362-5484

2. **Applicant's Agent:** Michael Zander
Zander Associates
150 Ford Way, Suite 101
Novato, California 94945
Phone: (415) 897-8781 Fax: (415) 897-0425

3. **Project Name:** Sunshine Canyon City Landfill Expansion Project

4. **Project Location:** Los Angeles, Los Angeles County

Longitude: 118° 30' 20.9880"
Latitude: 34° 19' 23.3040"

5. **Type of Project:** Landfill Expansion

6. **Project Description:** *Purpose:*
The purpose of the proposed project is to expand the Sunshine Canyon Landfill on the City side in order to increase disposal capacity. This will be accomplished by connecting the inactive City Landfill (which stopped operation in 1991) with the currently operational County Landfill. The area to be developed is located between the City and County Landfill areas, eventually resulting in a single landfill footprint.

The proposed landfill expansion would provide a waste disposal rate of 5,500 tons per day (tpd) in the City portion in addition to the 6,600 tpd occurring at the operational County landfill.

ATTACHMENT A

Project Information File No. 03-001

Description:

The City Landfill Expansion project at Sunshine Canyon encompasses 194 acres within the City of Los Angeles. Additional land in the County would be developed to facilitate the engineered design of the landfill footprint within the City and connect with the operational County Landfill.

In order to develop the proposed area for landfill purposes, the following areas will be lost due to clearing and grading activities:

- Approximately 2.40 acres of vegetated stream (arroyo willow scrub and southern willow scrub habitat) will be impacted; and
- Approximately 1.01 acres of wetland areas.

These areas are depicted in the attached Maps BF17 4.psd and BF17 5.psd.

Drainage G, most of Drainage A, wetland W-2 and wetland W-3 will be filled for development of a new waste cell that will increase disposal capacity within the City portion of the Sunshine Canyon Landfill. Drainage F and the upper reaches of Drainage A will be filled for construction of sediment basins and drainage channels required to control both sediment loads transported downstream by surface runoff and to contain peak discharge in the event of a 100-year, 24-hour storm event.

Since the natural drainages will be removed due to grading activities, runoff, which would otherwise flow onto the inactive portion of the inactive landfill, will be directed toward a sedimentation basin. From the sedimentation basin, these waters will enter the stream system downstream into Bull Creek and then toward the Sepulveda Flood Control System. Precipitation that falls within the active portion of the landfill will be captured, contained and treated on-site for use in daily operations and will not enter the natural stream course.

Due to nesting bird restrictions, clearing of any vegetation shall not take place from March 15 to September 1, as specified in the California Department of Fish and Game Streambed Alteration Agreement.

ATTACHMENT A

Project Information File No. 03-001

7. Federal Agency/Permit: U.S. Army Corps of Engineers
Individual Permit (Permit No. 2003-00408-AOA)
8. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement
9. California Environmental Quality Act (CEQA) Compliance: The Environmental Affairs Department of the City of Los Angeles approved the project's Subsequent Final Environmental Impact Report (EIR No. 91-0675, SCH No. 92041046) on December 13, 1999.
10. Receiving Water: Bull Creek, an ephemeral drainage tributary to the Los Angeles River (Hydrologic Unit No. 405.21)
11. Designated Beneficial Uses: MUN, GWR, REC-1, REC-2, WARM, WILD
12. Impacted Waters of the United States: Federal jurisdictional wetlands: 1.01 permanent acres
Non-wetland waters (vegetated streambed): 2.40 permanent acres
13. Dredge Volume: None
14. Related Projects Implemented/to be Implemented by the Applicant: In April 2002, Browning Ferris Industries submitted permit applications to the U.S. Army Corps of Engineers, the Los Angeles Regional Water Quality Control Board, and the California Department of Fish and Game for activities associated with closure of the inactive City of Los Angeles portion of the Sunshine Canyon Landfill. Closure activities will impact approximately 1.4 acres of streamzone and 0.57 acres of wetlands on or near portions of the same waterbodies included in the City Expansion project.

The RWQCB issued Water Quality Certification for the above activities on September 13, 2002 (File No. 02-064). CDFG issued a Streambed Alteration Agreement in August 2002 (Notification No. RS-2002-0163) and the Department of the Army Permit was issued

ATTACHMENT A

Project Information File No. 03-001

on February 19, 2003 (Application No. 2002-00802-AOA).

In 1997, emergency permits were issued for the repair and stabilization of Drainage G. The repairs were required because Drainage G was undermining the integrity of the access road to the landfill due to the steepness of the banks and erosive nature of the soil. A culvert was placed in the area of the drainage threatening to undermine the road. In 1998, additional permits were issued to repair culverts and stabilize eroded streambanks in the lower portion of the Sunshine Canyon landfill that were damaged during large storm flows in February 1998. The impacts from these activities are included in the mitigation for this project.

15. Avoidance/ Minimization Activities:

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

- Several sediment basins are incorporated into the landfill design to trap and retain runoff and sediment from the watershed onsite and control releases to offsite properties; and
- An NPDES permit will be obtained from the LARWQCB for storm water runoff.

16. Compensatory Mitigation:

The Applicant has proposed to provide compensatory mitigation that will result in no net loss of wetland habitat. The final selection of the Chatsworth Reservoir Site as a mitigation site was coordinated with the California Department of Fish and Game and the U.S. Army Corps of Engineers.

The subject mitigation area will be located in the abandoned Chatsworth Reservoir site (which encompasses approximately 1,300 acres). The proposed mitigation areas have been specifically identified in the Mitigation and Monitoring Plan.

In 1997, the City of Los Angeles Department of Water and Power (LADWP) designated the abandoned reservoir and adjacent lands owned by LADWP as a nature preserve and wildlife refuge. The Nature Preserve and Refuge area encompasses approximately 1,318 acres of which 410 acres are located within the dam area of

ATTACHMENT A

Project Information File No. 03-001

the abandoned reservoir.

The proposed mitigation areas will consist of channels and wetland basins that will support riparian/wetland habitat similar to what is being lost as a result of the proposed project. The plan proposes to create no less than 10.23 acres of waters/wetland areas within the 16.56 acres of riparian area.

Site preparation would consist of an engineering survey to identify the topographic contours and desirable topographic features. Following the survey, all weedy and invasive species will be removed or controlled.

Mitigation site development includes shallow grading and low impoundment structures to create seasonal ponding, late season water and suitable habitat for wetland and riparian plant and animal species. Temporary establishment irrigation may be installed to assure rapid initial establishment and vigorous initial growth. Upon completion of grading and irrigation installation, planting will be implemented.

17. Supplemental Mitigation:

In response to requests from members of the neighboring communities for mitigation in an area closer within the vicinity of the landfill, BFI has proposed to contribute \$100,000 for a local restoration project to be identified in coordination with local community representatives. If a suitable location is not identified by the community within one year of the issuance of this Certification, the \$100,000 shall be contributed by BFI toward an in-lieu fee mitigation bank such as the Santa Monica Mountains Conservancy or other similar organization to complete a local restoration project.

In response to requests from members of the neighboring communities for mitigation to occur closer to the affected communities and in response to concerns raised by Regional Board members during a public meeting, BFI has proposed to provide at least \$100,000 in funding for the enhancement of Bull Creek as an educational and riparian community resource. At the January 29, 2004, public meeting, BFI committed to provide the funding necessary to establish this Bull Creek resource. BFI will work in coordination with local community representatives and Los Angeles

ATTACHMENT A

Project Information File No. 03-001

City Council District #12 offices to maximize local project input.

Bull Creek is located in the City of Granada Hills and is a tributary of the Los Angeles River. The project location is located between Balboa Boulevard and Rinaldi Street. The project would consist of the enhancement of approximately two acres of riparian areas within Bull Creek.

18. Other Regulatory Information

40 CFR 258.12 specifies additional regulatory findings that must be made before the expansion of the landfill facilities into wetlands may occur. 40 CFR 258.12(a)(1) requires that the presumption of a practicable alternative that does not involve wetlands filling be clearly rebutted. The administrative record for the expansion's waste discharge requirements (WDRs) (including the Final Supplemental Environmental Impact Report, the Joint Technical Document, and the four public hearings before the Regional Board), along with the Applicant's submission to the U.S. Army Corps of Engineers in support of the 404 Permit, demonstrate that the presumption of a practicable alternative has been clearly rebutted. This determination is buttressed by the additional fact that the geological features of the canyon make it preferable for containing a landfill, and the canyon's geology and separation from underlying groundwater resources make it more desirable than alternatives.

40 CFR 258.12(a)(2) and (3) were addressed during the development and issuance of the WDRs. Construction and operation of the Landfill in conformance with the WDRs and accompanying Conditions: protect water quality; address erosion, stability, and potential migration of native wetland soils, muds and deposits, and dredged and fill materials used to support the Landfill; specify the volume and chemical nature of the waste managed; prevent impacts on fish, wildlife, and other aquatic resources by containing and preventing releases of waste; and address potential impacts of catastrophic releases by specifying stringent stability and containment requirements. Similarly, 40 CFR 258.12(a)(4) requires that "to the extent required under section 404 of the Clean Water Act or applicable state wetlands laws, steps have been taken to attempt to achieve no net loss of wetlands" The mitigation ratios and requirements specified in the accompanying Conditions

ATTACHMENT A

Project Information File No. 03-001

and in the U.S. Army Corps of Engineers 404 Permit are structured to ensure no net loss of wetlands as defined by acreage and function.

Consistent with the standard specified in 40 CFR 258.12(a)(5) "[s]ufficient information is available to make a reasonable determination with respect to [the foregoing] demonstrations." To ensure that the regulations in 40 CFR 258.12 are not violated, the adopted WDRs prohibit the removal of any wetlands unless a 404 permit is issued by the U.S. Army Corps of Engineers that incorporates conditions contained in this Clean Water Act section 401 Water Quality Certification.

ATTACHMENT B

Conditions of Certification File No. 03-001

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' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. These documents shall be submitted prior to any discharge to waters of the state.
2. 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.
3. 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.

ATTACHMENT B

Conditions of Certification

File No. 03-001

4. The Applicant shall not conduct any activities within waters of the State during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any activities are to be held within the five (5) days preceding a predicted rainfall event, the Applicant shall stage all materials necessary to prevent water degradation on site, and shall ensure that all site stabilization procedures are completed prior to the rainfall event. If it is anticipated that activities will need to take place within the five (5) days preceding a predicted rainfall event, the Regional Board shall be notified by facsimile prior to commencement of work. The Applicant shall have the burden of demonstrating that any work done in the five (5) days preceding a predicted rainfall event was performed in a manner that prevented water degradation on the site.
5. 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 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.
6. 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.
7. 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. The Applicant shall coordinate entry to the premises with the City of Los Angeles Department of Water and Power.
8. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during all clearing activities. The biologist shall be available on-site during clearing activities in order 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.

ATTACHMENT B

Conditions of Certification File No. 03-001

9. The Applicant shall submit Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project area. Additionally, the Applicant shall submit a site description, including dimensions of project areas, and pre and post- project photographs.
10. The project proponent shall submit an **Annual Report** by **January 1st** each year. The report shall describe in detail all of the project/construction/clearing activities actually performed during the previous year within the project areas. This report shall include as a minimum, the following documentation:
 - (a) Color photo documentation of the pre- and post-project conditions;
 - (b) The overall status of project including a detailed schedule of work;
 - (c) Copies of all permits revised as required in Additional Condition 1;
 - (d) Water quality monitoring results compiled in an easy to interpret format;
 - (e) A certified statement of "no net loss" of wetlands associated with this project; and
 - (f) A certified statement from the permittee or his/her representative that all conditions of this certification have been met.
11. 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** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion 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. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

ATTACHMENT B

Conditions of Certification File No. 03-001

12. 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 to the extent feasible. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.
13. The Applicant shall provide **COMPENSATORY MITIGATION** to offset the proposed permanent impacts to **2.40 acres** waters of the United States and **1.01 acres** of Federal jurisdictional wetlands by creating or restoring a minimum of 10.23 acres within the Chatsworth Reservoir Nature Preserve.
14. The Applicant shall provide the funds necessary, but at least \$100,000, for the enhancement of approximately two acres along Bull Creek as an educational and riparian community resource. Bull Creek is located in the City of Granada Hills and is a tributary of the Los Angeles River. The Applicant will work in coordination with local community representatives and Los Angeles City Council District #12 offices to maximize local project input.
15. 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 two years of this Certification issuance.
16. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** documenting the success of all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative photographs from designated stations shall be included in the reports. The reports shall be submitted by **January 1st** of each year, for a minimum period of **five (5) years** after planting. The mitigation shall comply with the Army Corps of Engineers (Letter No. 02-2) Regulatory Guidance on Compensatory Mitigation Requirements, dated December 24, 2002. By January 1, 2008, the Applicant shall report to the Regional Board on (i) the status of, consistent with the aforementioned Army Corps Guidance and (ii) the continuing viability of the Chatsworth Reservoir and Bull Creek projects. If as a result of the January 1, 2008, submittal, the Regional Board determines at a Regional Board meeting that established success criteria have not been satisfied, then the Regional Board may direct further mitigation and monitoring beyond the five-year program anticipated by this Certification. The Regional Board shall deem the mitigation project complete when the success criteria have been satisfied.
17. All applications, reports, or information submitted to the Regional Board shall be signed:

ATTACHMENT B

Conditions of Certification File No. 03-001

- (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; and
 - (e) A certified statement from the permittee or his/her representative that all conditions of this certification have been met shall be submitted once their project has been completed.
18. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number 03-001. Submittals shall be sent to the attention of the Section 401 Program.
19. The Applicant shall have copies of this certification and all other regulatory approvals on site at all times, and all contractors employed by the Applicant shall be made aware of the conditions of this certification.
20. 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.
21. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater General Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. Also, the **Standard Urban Storm Water Mitigation Plan (SUSMP)**, the **Storm Water Construction General Permit**, the **Industrial Activities General Permit** and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment.
22. The Applicant or their agents shall report any noncompliance with this certification. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the non-compliance. 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, corrective actions and if the noncompliance has not been corrected; the anticipated time it is expected to

ATTACHMENT B

**Conditions of Certification
File No. 03-001**

continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.

23. 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) 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 may add to or modify the conditions of this certification as appropriate to ensure compliance.

24. 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.

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

"I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed they 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)"