



California Regional Water Quality Control Board Los Angeles Region



Linda S. Adams
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Arnold Schwarzenegger
Governor

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Patrick Tennant
Southern California Edison
P.O. Box 800
Rosemead, CA 91770

WATER QUALITY CERTIFICATION FOR PROPOSED PEBBLY BEACH RIP-RAP SLOPE STABILIZATION PROJECT (Corps' Project No. SPL-2007-1166-PHT), PACIFIC OCEAN, CITY OF AVALON, LOS ANGELES COUNTY (File No. 07-131)

Dear Mr. Tennant:

Regional Board staff has reviewed your request on behalf of Southern California Edison for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on August 18, 2007.

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

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

Should you have questions concerning this Certification action, please contact Dana Cole, Section 401 Program, at (213) 576-5733.

[Original Signed By]

October 8, 2008

Tracy J. Egoscue
Executive Officer

Date

California Environmental Protection Agency



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

DISTRIBUTION LIST

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U.S. Army Corps of Engineers
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Eric Raffini (by electronic copy)
US EPA, Region 9
75 Hawthorne St
San Francisco, CA 94105

Ken Berg
U.S. Fish and Wildlife Service
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Carlsbad, CA 92009

ATTACHMENT A

**Project Information
File No. 07-131**

1. Applicant: Patrick Tennant
Southern California Edison
P.O. Box 800
Rosemead, CA 91770

Phone: (626) 302-9543 Fax: (626) 302-2031
2. Applicant's Agent: None
3. Project Name: Pebbly Beach Rip-Rap Slope Stabilization
4. Project Location: Avalon area, Santa Catalina Island, Los Angeles County

<u>Longitude</u>	<u>Latitude</u>
-118.30943889000	33.33287852220
-118.30977442200	33.33323669270
-118.31004713000	33.33369685500
-118.30989286700	33.33383343810
-118.30958010600	33.33296628600
-118.30990669800	33.33347487070
-118.31010161100	33.33375626070
-118.30968464500	33.33359465050

5. Type of Project: Repair of existing rip-rap slope
6. Project Description: The goal of the proposed project is to evaluate the current conditions of the rip-rap slope at Pebbly Beach and make appropriate repairs to prevent rip-rap movement onto the ocean floor. The slope will be maintained at a minimum 1.5 to 1 slope to maintain its ability to dissipate wave energy necessary to protect the Southern California Gas facility from flooding during storms with wave height up to 10-foot.

The Pebbly Beach Facility is located on Catalina Island and provides gas, water, and electricity to the island. The facility is located on 480' of the islands eastern shoreline south of Avalon. It

ATTACHMENT A

Project Information File No. 07-131

provides a storage location for the gas that supplied through the gas distribution network, operates a desalinization plant to supplement surface and ground water sources for the water distribution system, and provides single source power generation for Catalina Island.

The facility site is situated on a relatively flat, low-lying (elevation 18 feet) area along the coast, gently sloping upwards as the facility site extends inland. From the facility site, the shoreline slopes down at a 1.5 to 1 slope from the 18 foot elevation to the water and is armored by an un-engineered rip-rap slope. Severe storms have caused deteriorations of the rip-rap slope.

The project will cover approximately 0.26 acres (380 linear feet). Areas in which rock will be placed are of two types: 1) gaps where existing rip-rap has been displaced due to storms and 2) along the toe of the slope.

1) Gaps where existing rip-rap has been displaced: A hydrographic topographic survey has identified eight voids where rip-rap has been displaced which do not meet the minimum 1.5 to 1 slope. Repair of the slope will require approximately 70 tons of rip-rap material. The material to be placed here will range between 2-5 tons each. Material used will be a similar color to the native material found on the island.

2) The toe of the slope: The toe of the slope will be anchored with material sufficiently sized to prevent continued rip-rap slippage, approximately 5-10 tons each. Anchoring of the toe of the slope will require approximately 1600 tons of rip-rap material. The toe material will be placed below the mean high tide line.

Construction material and equipment will be delivered to the site via barges. Placement of rip-rap will be with a crane barge positioned adjacent to the shoreline. Depending on the contractor, a second barge may be required.

No grading or vegetation removal will occur on the shoreline.

Placement of rip-rap at the toe of the slope will be on new substrate and may cause disturbance of the substrate. The substrate at this location is coarse sand and gravel which will quickly resettle if disturbed. Finer sediments may be disturbed, but due to constant

ATTACHMENT A

Project Information File No. 07-131

wave action in this area, fine sediments are not abundant.

To avoid potential impacts due to anchoring, the contractor, on selection, will provide an anchoring plan. Pre-construction surveys will be performed for both eelgrass and hard substrate habitat which will be avoided if possible. If any eelgrass or hard substrate habitat has potential to be disturbed, a Mitigation and Monitoring Plan will be developed for approval from NOAA's National Marine Fisheries Service prior to commencement of the project.

7. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 13 (Permit No. SPL-2007-1166-PHT)
8. Other Required Regulatory Approvals: California Coastal Commission: Coastal Development Permit
State Lands Commission: State Lands Lease Amendment
9. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 (Replacement or Reconstruction). A Notice of Exemption was filed by the City of Avalon on August 15, 2008.
10. Receiving Water: Pacific Ocean, nearshore (Hydrologic Unit No. 402.10)
11. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, MAR, WILD, BIOL, RARE, MIGR, SPWN, SHELL
12. Impacted Waters of the United States: Ocean/Estuary/Bay: 0.00 temporary and 0.26 permanent acres
13. Dredge Volume: None
14. Related Projects Implemented/to be Implemented by the Applicant: In 2005, the Pebbly Beach Fuel Wharf was removed. The wharf was located at the southern end of this proposed project. In addition to the removal of the fuel wharf and the infrastructure, materials associated with the past operation of the fuel wharf were removed.

ATTACHMENT A

Project Information File No. 07-131

These included anchors and other debris in the general area. Although the wharf was anchored to the shoreline, the rip-rap was not impacted.

In addition, Southern California Edison is proposing to expand its facility and construct a microturbine plant south of the existing plant. This will involve the removal of storage containers and subsequent building of the microturbine plant. SCE will be submitting applications for permits for this project. It is not expected that the project will impact this water body. There is a potential for impact during the construction process, and appropriate BMPs will be employed to minimize any impacts.

15. Avoidance/ Minimization Activities:

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

- No earthmoving or vegetation removal will occur on the shoreline.
- No storage of hazardous chemicals or transfers of those chemicals will occur along the shoreline.
- The contractor selected for this project shall provide a detailed Oil Spill Contingency Plan
- All petroleum hydrocarbons will be stored in double containment
- All fuels and lubricants will be properly labeled
- All petroleum hydrocarbons will be stored a safe distance away from potential ignition sources
- Fueling shall be conducted in a manner best suited to avoid a release
- No vessel to vessel fuel transfers will be permitted.
- When feasible, equipment will be equipped with drip pans
- All equipment will be inspected for leaks on a daily basis
- If any equipment is observed to be leaking, the equipment will be

ATTACHMENT A

Project Information File No. 07-131

shut off and the leak stopped or the equipment replaced.

- Pre-construction surveys will be performed for *Caulerpa taxifolia* within the project area in accordance with the Caulerpa Control Protocol.

16. Proposed
Compensatory
Mitigation:

In coordination with NOAA Fisheries, Southern California Gas will implement a pre- and post- construction survey for surfgrass, eelgrass and rocky habitat. Surfgrass, eelgrass or rocky habitat loss due to the project impacts will be mitigated as required by NOAA Fisheries.

17. Required
Compensatory
Mitigation:

The Applicant shall provide 0.52 acres of mitigation for permanent impacts to shoreline which corresponds to a 2:1 ratio for project impacts. If any surfgrass, eelgrass or hard substrate habitat is to be disturbed, a Mitigation and Monitoring Plan will be developed for approval from NOAA's National Marine Fisheries Service prior to commencement of the project. Surfgrass, eelgrass or rocky habitat loss due to the project impacts will be mitigated as required by NOAA Fisheries.

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

ATTACHMENT B

Conditions of Certification File No. 07-131

STANDARD CONDITIONS

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

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

ADDITIONAL CONDITIONS

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

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Coastal Commission's Coastal Development Permit. These **documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and polices set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*.
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, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.

ATTACHMENT B

Conditions of Certification File No. 07-131

6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
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.

ATTACHMENT B

Conditions of Certification File No. 07-131

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.
14. 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.
15. All project/construction/maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
16. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
 - pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids(TSS)
 - 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%.

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be monitored for on a daily basis during the first

ATTACHMENT B

Conditions of Certification File No. 07-131

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. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

17. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **0.26 acres** of shoreline within waters of the United States/Federal jurisdictional wetlands by creating or restoring shoreline habitat at a minimum **2:1** area replacement ratio (**0.52 acres**). As an alternative, the Applicant may provide adequate funding to a third party organization for the creation or restoration of a total of **0.52 acres** of shoreline habitat within waters of the United States/Federal jurisdictional wetlands. The mitigation site shall be located within the offshore islands Watershed unless otherwise approved by this Regional Board. The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. 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 any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.
18. 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.
19. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1st /May 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report 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. This report shall include as a minimum, the following documentation:
 - (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;

ATTACHMENT B

**Conditions of Certification
File No. 07-131**

- (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.
20. 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.
21. 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)”

ATTACHMENT B

Conditions of Certification File No. 07-131

22. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **07-131**. Submittals shall be sent to the attention of the 401 Certification Unit.
23. 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.
24. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-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.
25. 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.
26. A copy of this Certification shall be kept at the project site during any period while project activities are being conducted, and shall be available upon request to any staff from this Regional Board.
27. 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.
28. *Enforcement:*

ATTACHMENT B

Conditions of Certification File No. 07-131

- (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.
29. 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.