



# California Regional Water Quality Control Board San Diego Region



**Arnold  
Schwarzenegger**  
Governor

**Linda S. Adams**  
Secretary for  
Environmental  
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340  
(858) 467-2952 • Fax (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>

November 24, 2008

Certified Mail Number:  
7008 1140 0004 9971 8771

In reply refer to: WPS:08C-049:JEBSEN

Mr. Bob Montreuil  
Continental Maritime Inc.  
1995 Bay Front Street  
San Diego, CA 92113-2122  
Dear Mr. Montreuil:

WDID	9 000001803
CIWQS:	
Place	721357
Reg. Measure	348396
Party	476416

**SUBJECT:** Action on Request for Clean Water Act Section 401 Water Quality Certification for the Continental Maritime Inc. Pier 4 Renovation Water Quality Certification No. 08C-049

Enclosed find Clean Water Act Section 401 Water Quality Certification (Certification) with acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017 DWQ for Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have received State Water Quality Certification, for the Pier 4 Renovation project. A description of the project and location can be found in the project information sheet and on location and site maps compiled by the California Regional Water Quality Control Board, San Diego Region (Regional Board), which are included as Attachments 1 through 4.

Any petition for reconsideration of this must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that you have accepted and will comply with all the conditions of this Certification.

Failure to comply with all conditions of this Certification may subject you to enforcement actions by the Regional Board, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to." In order to assist us in the processing of your correspondence please

**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 you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.*

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0800NUNN11

Mr. Bob Montreuil  
401 Certification 08C-049

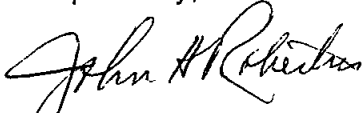
- 2 -

November 24, 2008

include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any questions regarding this notification, please contact Ms. Jody Ebsen directly at 858-636-3146 or by email via [jebsen@waterboards.ca.gov](mailto:jebsen@waterboards.ca.gov).

Respectfully,



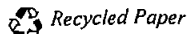
JOHN H. ROBERTUS  
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 08C-049 for Continental Maritime Inc. Pier 4 Renovation project, with 4 attachments

cc: Refer to Attachment 2 of Certification No. 08C-049 for Distribution List.

*California Environmental Protection Agency*



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Linda S. Adams  
Acting Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
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[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

Action on Request for  
Clean Water Act Section 401 Water Quality Certification  
and Waste Discharge Requirements  
for Discharge of Dredged and/or Fill Materials

**PROJECT: Pier 4 Renovation,  
Certification No. 08C-049, WDID No. 9 000001803**

**APPLICANT: Continental Maritime Inc.  
1995 Bay Front Street  
San Diego, CA 92113-2122  
Attention: Bob Montreuil**

CIWQS Reg. Mes. ID: 348396 Place ID: 721357 Party ID: 476416
---

**ACTION:**

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

The proposed project is the renovation of existing Pier 4, involving installation of 69 steel piles, placed adjacent to existing bent piles on either side of the pier. Structural steel will also be placed between each new pile under the existing pier. The pier is owned by the Port of San Diego at the end of Bay Front Street on San Diego Bay within the City of San Diego.

**STANDARD CONDITIONS:**

The following three standard conditions apply to all certification actions, except as noted under Condition 3 for denials (Action 3).

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).

***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 you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.*

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2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility 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. The validity of any non-denial certification action (Actions 1 and 2) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

#### **ADDITIONAL CONDITIONS:**

In addition to the three standard conditions, Continental Maritime Inc. must satisfy the following:

##### **A. GENERAL CONDITIONS:**

1. Continental Maritime Inc. must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (Regional Board), to support this 401 Water Quality Certification and all subsequent submittals required as part of this certification and as described in Attachment 1. The conditions within this certification must supersede conflicting provisions within such plans submitted prior to the certification action. Any modifications thereto, would require notification to the Regional Board and reevaluation for individual Waste Discharge Requirements and/or certification amendment.
2. During construction, Continental Maritime Inc. must maintain a copy of this certification at the project site so as to be available at all times to site personnel and agencies.
3. Continental Maritime Inc. must permit the Regional Board or its authorized representative at all times, upon presentation of credentials:
  - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
  - b. Access to copy any records required to be kept under the terms and conditions of this certification.
  - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this certification.
  - d. Sampling of any discharge or surface water covered by this Order.
4. The Continental Maritime Inc. must notify the Regional Board within 24 hours of any unauthorized discharge, including hazardous or toxic materials, to

waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional best management practice (BMPs) or other measures that will be implemented to prevent future discharges.

5. Continental Maritime Inc. must, at all times, maintain appropriate types and sufficient quantities of materials onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the U.S. and/or State.
6. This Certification is not transferable to any person except after notice to the Executive Officer of the Regional Board. Continental Maritime Inc. must notify the Regional Board of any change in ownership of the project area. Notification must include, but not be limited to, a statement that the property owner has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands the permit requirements and must implement them; the seller and purchaser must sign and date the notification. The notification for transfer of mitigation responsibility shall include a signed statement from the new party demonstrating acceptance and understanding of the responsibility to meet the mitigation conditions and applicable requirements of the Certification. Notification must be provided within **10 days** of the sale of the property.
7. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation must 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.
8. In response to a suspected violation of any condition of this certification, the Regional Board 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 Regional Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
9. In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

**B. PROJECT CONDITIONS:**

1. Continental Maritime Inc. must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, Statewide General Waste Discharge Requirements for discharges of dredged or fill material that have received State Water Quality Certification. These General Waste Discharge Requirements are accessible at: [http://www.waterboards.ca.gov/cwa401/docs/generalorders/go\\_wdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf).
2. Continental Maritime Inc. must comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.
3. To address water quality issues during the project performed under this certification, Continental Maritime Inc. shall follow the proposed Stormwater Pollution Prevention Plan (SWPPP) prepared by Northrop Grumman, August 14, 2008, and procedures outlined in the WSSI memo submitted on August 21, 2008 for the renovation work. This SWPPP identifies appropriate best management practices (BMPs) to be used for containment and capture of debris generated during maintenance/repair activities, storage of materials, and other aspects of the project that could potentially result in discharges to the Bay or Ocean.
4. The renovation project has potential to discharge debris or materials into San Diego Bay or the Pacific Ocean. Catch devices and/or sheeting shall be utilized to capture and contain debris and materials that will be generated by this project. If a barge is used as a work area, debris and loose materials shall be captured on-board the barge. All captured material shall be disposed of properly.
5. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.

**C. BAY PHOTO DOCUMENTATION PROCEDURE:**

1. Continental Maritime Inc. must conduct photo documentation of the project site, including all areas of temporary impact, prior to and after project construction, and mitigation areas, including all areas of permanent and temporary impact, prior to and after project construction.

**D. REPORTING:**

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.
2. All reports and information submitted to the Regional Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.
3. The Continental Maritime Inc. must submit a report to the Regional Board within 30 days of completion of the project. The report should include as-built drawings no bigger than 11" x 17" and photos of the completed project.
4. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:

*"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."*

5. The Continental Maritime Inc. must submit reports required under this certification, or other information required by the Regional Board, to:

Executive Officer  
California Regional Water Quality Control Board  
San Diego Region  
Attn: 401 Certification; Project No. 08C-014  
9174 Sky Park Court, Suite 100  
San Diego, California 92123

6. Required Reports: The following list summarizes the reports, excluding spill notifications and emergency situations, required per the conditions of this Certification to be submitted to the Regional Board.

Report Topic	Certification Condition	Due Date(s)
Project Completion Report	D3	Within 30 days of project completion

**PUBLIC NOTIFICATION OF PROJECT APPLICATION:**

On June 26, 2008, receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

**REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:**

Jody Ebsen  
 California Regional Water Quality Control Board, San Diego Region  
 9174 Sky Park Court, Suite 100  
 San Diego, CA 92123  
 858-636-3146  
 jebsen@waterboards.ca.gov

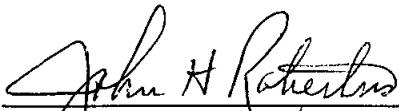
**WATER QUALITY CERTIFICATION:**

I hereby certify that the proposed discharge from the Pier 4 Renovation Project (Project No. 08C-049) 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. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017 DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the Regional Board may issue waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on



compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



JOHN H. ROBERTUS  
Executive Officer  
Regional Water Quality Control Board

24 Nov 2008  
Date

- Attachments:
1. Project Information
  2. Distribution List
  3. Location Map
  4. Site Map

**ATTACHMENT 1  
PROJECT INFORMATION**

Applicant: ✓ Continental Maritime Inc.  
1995 Bay Front Street  
San Diego, CA 92113-2122  
Attention: Bob Montreuil  
Telephone: (619) 234-8851 X 530

Project Name: Pier 4 Renovation

Project Location: ✓ End of Bay Front Street on San Diego Bay within the Unified Port of San Diego and City of San Diego.

Type of Project: ✓ Pier Renovation

Project Description: ✓ The proposed project is the renovation of existing Pier 4 involving installation of 69 steel piles, placed adjacent to existing bent piles on either side of the pier. Structural steel will also be placed between each new pile under the existing pier.

Federal Agency/Permit: ✓ U.S. Army Corps of Engineers §404, Section 10 Permit

Other Required Regulatory Approvals: ✓ Unified Port of San Diego, City of San Diego

California Environmental Quality Act (CEQA) Compliance: On October 15, 2008, the Unified Port of San Diego determined that the project is Categorical Exempt from CEQA Section 15302 (Class 2)

Receiving Water: San Diego Bay

Affected Waters of the United States: ✓ Permanent: 0.01 acres and 40 liner feet of ocean/bay.

Dredge Volume: N/A

Compensatory Mitigation: ✓ Permanent impacts are less than significant, therefore no compensatory mitigation is proposed. Minor localized temporary impacts from increased turbidity resulting from the projects may occur.

Public Notice: ✓ On June 26, 2008, receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

Fees: Total Due: \$720.00  
Total Paid: \$500.00 (check No. 44273)  
Total Paid: \$220.00 (check No. 44881)

CIWQS:

Regulatory Measure ID: 348396  
Place ID: 721357  
Party ID:476416

**ATTACHMENT 2  
DISTRIBUTION LIST**

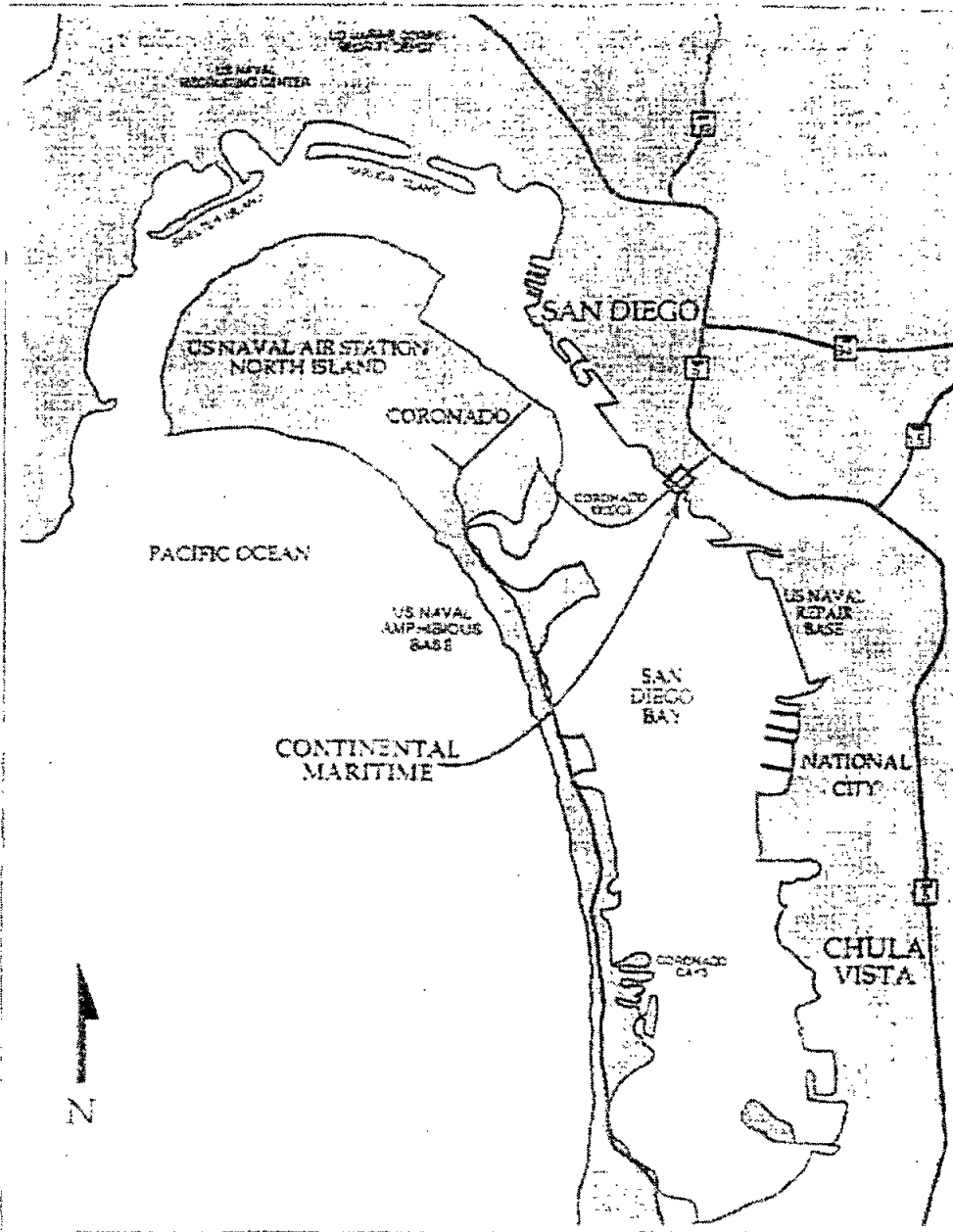
Mr. Terry Dean  
U.S. Army Corps of Engineers, Regulatory Branch  
San Diego Field Office  
6010 Hidden Valley Road, Suite 105,  
Carlsbad CA 92011

Mr. Bill Orme  
State Water Resources Control Board, Division of Water Quality  
401 Water Quality Certification and Wetlands Unit  
P.O. Box 100  
Sacramento, CA 95812-0100

Ms. Elizabeth Goldmann (via e-mail)  
Wetlands Regulatory Office  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105  
[Goldmann.Elizabeth@epamail.epa.gov](mailto:Goldmann.Elizabeth@epamail.epa.gov)

Ms. Jean Nichols, Ph.D.  
WSSI  
2726 Shelter Island Drive  
San Diego, CA 92106

# Attachment 3 Location Map



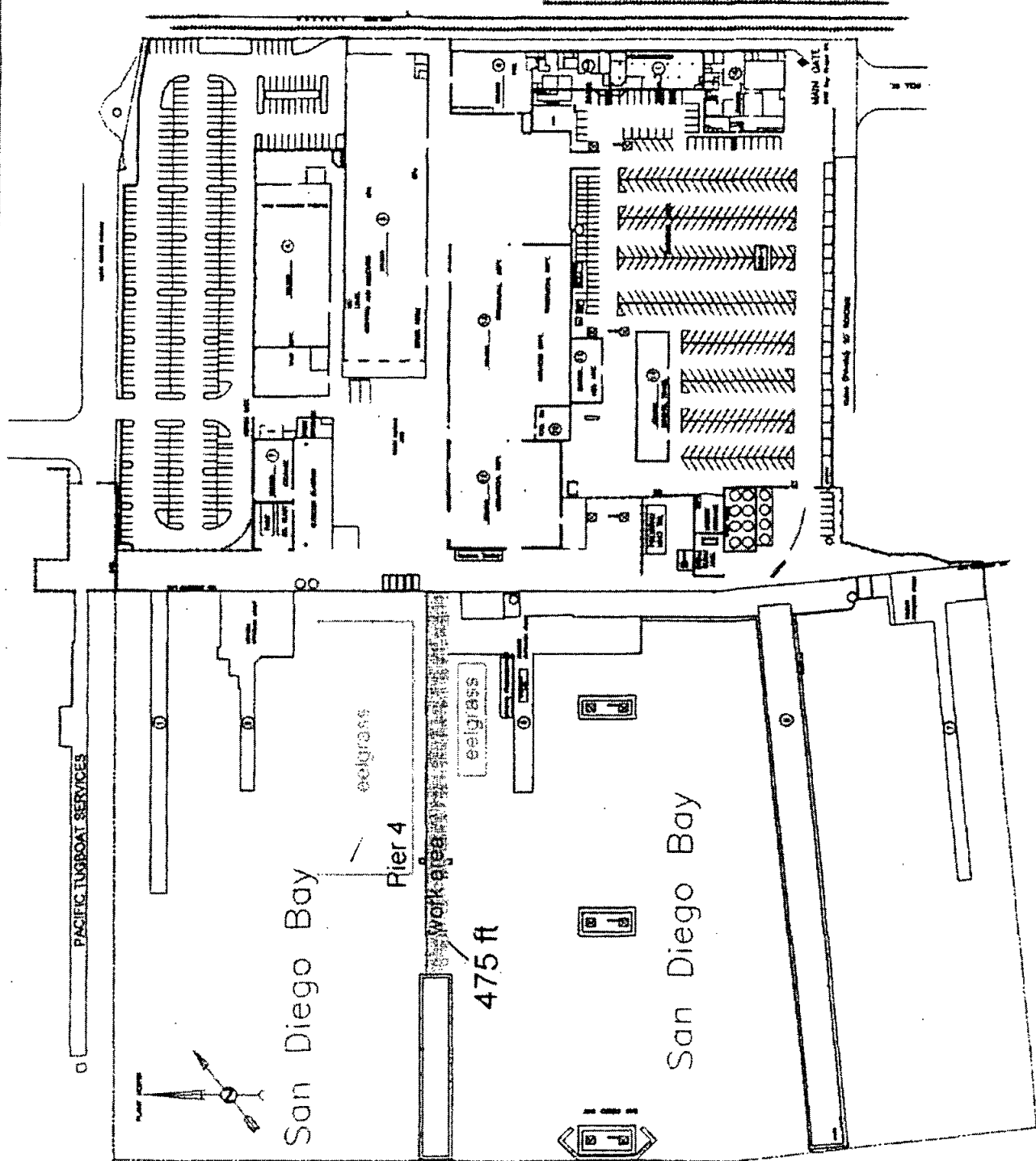
CMSD Site Vicinity Location

**EC-002**

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# Attachment 4 Site Map



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Mr. Bob Montrewi I  
 1995 Bay Front St.  
 San Diego, CA 92113-2127

2. Article Number  
 (Transfer from service label) 7008 1140 0004 9971 8771

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee  
**X**

B. Received by (*Printed Name*) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (*Extra Fee*)  Yes

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

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Certified Fee	2.65	
Return Receipt Fee (Endorsement Required)	2.15	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.24	

Sent To Bob Montrewi I  
 Street, Apt. No., or PO Box No. 1995 Bay Front St.  
 City, State, ZIP+4 SD, CA 92113-2127

PS Form 3800, August 2006 See Reverse for Instructions