



Linda S. Adams
Acting Secretary for
Environmental
Protection

California Regional Water Quality Control Board San Diego Region

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



Edmund G.
Brown Jr.
Governor

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: Oceanside Harbor Maintenance Dredging
Certification Number: 11C-012
WDID Number: 9000002232

APPLICANT: Josephine Axt
U.S. Army Corps of Engineers
915 Wilshire Boulevard
Los Angeles, CA 90017

CIWQS Reg. Mes. ID: 377611 Place ID: 763118 Party ID: 497439

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

PROJECT DESCRIPTION:

The dredge project is located in the City of Oceanside at Oceanside Harbor, along the Pacific Ocean shoreline. Oceanside Harbor is located in the northwestern portion of the City of Oceanside and shares the harbor entrance with some military, national security, and public safety operations from Marine Corps Base Camp Pendleton. The project consists of one-time maintenance dredging of the harbor entrance to maintain the navigational channels. The dredge volume is up to 260,000 cubic yards of material from the channel entrance and two Advanced Maintenance areas east and west of the channel entrance. Not more than 130,000 cubic yards will be disposed along the shoreline just south of the San Luis Rey Rivermouth and not more than 130,000 cubic yards at the beach south of Tyson Street in Oceanside, CA.

California Environmental Protection Agency

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The work will be done in accordance with U.S. Army Corps of Engineers "Maintenance Dredging Oceanside Harbor Construction Solicitation and Specifications, August 2009, W912PL-09-B-0011" document.

The dredge footprint is 26 acres. The project will permanently fill two acres (600 linear ft) of waters of the United States/State at the North Coast Village location and four acres (1,000 linear feet) waters of the United States/State at the Tyson Street location.

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).
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, U.S. Army Corps of Engineers (U.S. Army Corps) must satisfy the following:

A. GENERAL CONDITIONS:

1. Water Quality Certification No. 11C-012 (Certification) is only valid if the project begins no later than 5 (five) years from the date of issuance. If the project has not begun within 5 years from the date of issuance, then this Certification expires.
2. The U.S. Army Corps must maintain a copy of this certification, the application, and supporting documentation at the project site at all times for

review by site personnel and agencies during construction activities or monitoring.

3. Prior to the start of the project, the U.S. Army Corps must educate all relevant personnel on the requirements in this certification, pollution prevention measures, and spill response.
4. The U.S. Army Corps 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 (San Diego Water Board), to support this 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 San Diego Water Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.
5. The U.S. Army Corps must permit the San Diego Water 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.
6. The U.S. Army Corps 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 United States and/or State.
7. The U.S. Army Corps shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the Executive Officer within **24 hours** from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within **five days** of the time the discharger 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

8. The U.S. Army Corps shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with the conditions of this Certification. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Certification.
9. The U.S. Army Corps shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Certification, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.
10. 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.
11. In response to a suspected violation of any condition of this Certification, the San Diego Water 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 San Diego Water 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.
12. In response to any violation of the conditions of this Certification, the San Diego Water Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.
13. The U.S. Army Corps must notify the San Diego Water Board in writing **24 hours prior to** the actual commencement of dredge, fill, and discharge activities.

B. PROHIBITIONS:

1. Discharges of dredged material and dredge material return water in a manner and to lands which have not been specifically described in the application and for which valid waste discharge requirements are not in force are prohibited.

2. Dredging, storage, or disposal of dredged material and return water in a manner that create a pollution, contamination or nuisance, as defined by California Water Code Section 13050 is prohibited.
3. Dredging, storage, or disposal of dredged material and return water in a manner that causes a violation of any San Diego Water Board's Water Quality Control Plan (Basin Plan) or California Ocean Plan (Ocean Plan) prohibition is prohibited.
4. The discharge of materials of petroleum origin in sufficient quantities to be visible is prohibited.
5. Discharged dredged material containing biostimulatory substances in concentrations that exceed natural background levels is prohibited.
6. Discharged dredged material containing hazardous waste or materials is prohibited.
7. No more than 260,000 cubic yards of dredged material may be placed on the beach.
8. The sediment must not form a hardpan after placement. The sediment that will be placed on the beach must have less than 10 percent grain size difference from the receiving beach and no negative aesthetic impact on the receiving beach.
9. The sand used for replenishment must not contain more than 25 percent of fine grained particles. Fine grained particles is defined as particles that are smaller than 0.074 millimeters in diameter or pass through the #200 sieve.
10. The sediment discharge must be free of trash and debris. The U.S. Army Corps will develop and implement a trash and debris management plan that is in compliance with Federal, State, and local regulations. The Plan shall be kept on site during construction activities, and updated as necessary.

C. OPERATIONS:

1. Sediment shall be tested according to the document entitled "*1991 Evaluation of Dredge Materials Proposed for Ocean Disposal*" under the direction and approval of the U.S. Army Corps of Engineers and U.S. EPA.
2. Sediment shall be removed or disposed in a manner that will not cause significant water quality degradation.
3. Turbidity shall not increase more than 20 percent over the ambient conditions.

4. If dewatering is conducted as part of the dredging, transportation or disposal projects, and if the dredged sediment is not suitable for near shore ocean disposal or beach replenishment, a sediment dispersal control device such as a double silt curtain shall be installed around any point source discharge of the return water to surface waters.
5. Sediment shall not be deposited in a location that may cause significant adverse effects to aquatic life, fish, shellfish, or wildlife or may harm the beneficial uses of the receiving waters, or does not create maximum benefit the people of the State.
6. Beach replenishment activities at designated grunion spawning sites during the spawning season will be suspended unless the beach replenishment activities are authorized by the Department of Fish and Game.
7. If beach replenishment activities occur during grunion spawning season (March 1 – May 31), the U.S. Army Corps will submit to the San Diego Water Board and the Department of Fish and Game a **Grunion Protection Plan prior to the start of dredge activities**.
8. The project shall not cause significant adverse impacts upon a federal sanctuary, recreational area, or other waters of significant national importance.
9. Sediment to be used for beach replenishment shall be classified in accordance with California Code of Regulations, Title 23, Division 3, Chapter 15, Article 2.
10. Discharges shall comply with the Ocean Plan and the Basin Plan.
11. A Water Quality Management Plan, that specifies Best Management Practices (BMPs) for dredge and disposal activities will be submitted to the San Diego Water Board **prior to initiating dredge activities**. The Plan shall also be kept on site during construction activities, and updated as necessary to protect water quality.

MONITORING AND REPORTING PROGRAM

D. MONITORING PROVISIONS

1. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitoring discharge. All samples shall be taken at the monitoring points specified in this Monitoring and Reporting Program and, unless otherwise specified, before the effluent joins or is diluted

by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Executive Officer.

2. Monitoring must be conducted according to United States Environmental Protection Agency test procedures approved under Title 40, Code of Federal Regulations (CFR), Part 136, Guidelines Establishing Test Procedures for Analysis of Pollutants Under the Clean Water Act as amended, unless other test procedures have been specified in this Monitoring and Reporting Program.
3. All laboratory analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Services or a laboratory approved by the Executive Officer.
4. If the U.S. Army Corps monitors any pollutant more frequently than required by this Monitoring and Reporting Program, using test procedures approved under 40 CFR, Part 136, or as specified in this Monitoring and Reporting Program, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharger's monitoring report. The increase in frequency of monitoring shall also be reported.
5. The U.S. Army Corps shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Monitoring and Reporting Program, and records of all data used to complete the application for this Certification. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the San Diego Water Board Executive Officer.
6. Records of monitoring information shall include:
 - (a) The date, exact place, and time of sampling, measurements, or observations;
 - (b) The individual(s) who performed the sampling, measurements, or observations;
 - (c) The date (s) analyses were performed;
 - (d) The individual(s) who performed the analyses;
 - (e) The analytical techniques or method used; and,
 - (f) The results of such analyses.
7. All monitoring instruments and devices which are used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy.

E. RECEIVING WATER MONITORING

Within 30 days from project completion, the discharger shall submit a Final Monitoring Report that contains the results of the monitoring activities required below. Unless indicated otherwise, when no materials are being disposed directly on the beach, no beach monitoring is required.

1. The U.S. Army Corps shall keep records of, and report on, the following:
 - a. Calculations of the daily volume (in cubic yards) of dredge material, the location from which the material was removed, and the location where the material was disposed.
 - b. The total volume (in cubic yards) of dredged material removed during the project and the total volume (in cubic yards) of material deposited at each final disposal location.
2. During any monitoring conducted pursuant to this monitoring and reporting program, visual observations shall also be made and recorded and submitted as part of the required reports. The following observations shall be made and recorded:
 - a. speed and direction of the currents;
 - b. tidal stage;
 - c. appearance of rubbish or refuse (including cans, bottles, paper, plastic, etc.), garbage, trash or any other solid waste;
 - d. appearance of oil or other materials of petroleum origin;
 - e. discoloration and extent of any visible turbidity plume; and,
 - f. odors.
3. Dredge sampling shall occur at three sampling stations. Station A is at 500 feet updrift of the dredging activities. Station B is inside any visual plume at the dredging site and/or within the silt curtain if possible. Station C is between 100 and 250 feet downdrift and inside any visual plume if possible. At these stations, turbidity samples shall be collected or a turbidity meter shall be used daily during dredging activities to sample turbidity. If turbidity at Station C increases more than 20 percent over the turbidity at Station A, the dredging operations shall be suspended, the San Diego Water Board Executive Officer shall be notified in accordance with A.7 above, and remedial measures shall be implemented.
4. A minimum of two grab samples of the receiving water at middepth shall be collected within the visible turbidity plume at the dredging site and at the near-shore disposal site and analyzed for the listed constituents:
 - a. Dissolved Oxygen

- b. Copper
 - c. Polar and non-polar oil and grease
 - d. Hydrogen sulfide
5. Whenever dredged materials are being deposited directly onto the beach, samples of supernatant from the loaded barge shall be collected three times a week and analyzed for polar and nonpolar oil and grease and reported in the Final Monitoring Report.
 6. Whenever dredged materials are being deposited directly onto the beach, samples shall be collected at three sampling stations for each active disposal site. Station D is at 3,000 feet updrift of the disposal site and 500 feet offshore. Station E is at 1,500 feet downdrift of the disposal site and 500 feet offshore. Station F is at the disposal site and inside any visual plume if possible. At these stations, turbidity samples shall be collected or turbidity meter shall be used during disposal activities. If turbidity at Station E increases more than 20 percent over the turbidity at Station D, the disposal operations shall be suspended. The San Diego Water Board Executive Officer shall be notified in accordance with A.7 above, and remedial measures shall be implemented.
 7. Whenever dredged materials are being deposited directly onto the beach, three replicate water samples shall be taken once per week within 100 feet down current of each dredged material disposal point(s) and sampled for Total Coliform, Fecal Coliform, and Enterococcus. If any water sample is found to contain bacteria in levels that exceed Ocean Plan Bacterial Water-Contact Standards, the Department of Health Services of the applicable County shall be notified immediately and the San Diego Water Board shall be notified in accordance with A.7 above. In such cases, additional daily sampling shall be conducted within the surf zone at 100, 200, 500 and 1,000 feet down current of the dredged material disposal points(s) until the bacterial contamination is noted for three consecutive days.

E. REPORTING:

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Pursuant to CWC section 13308, if the San Diego Water Board determines there is a threatened or continuing violation of any cleanup or abatement order, cease and desist order, or any order issued under section 13267 or 13383, the San Diego Water Board may issue an order establishing a time schedule and prescribing a civil penalty which shall become due if compliance is not achieved in accordance with the time schedule.
2. All reports and information submitted to the San Diego Water 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. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:
 - a. For a corporation, by a responsible corporate officer of at least the level of vice president.
 - b. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
 - c. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
4. A duly authorized representative of a person designated in Items 3.a. through 3.c. above may sign documents if:
 - a. The authorization is made in writing by a person described in Items 3.a. through 3.c. above.
 - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c. The written authorization is submitted to the San Diego Water Board Executive Officer.
5. All applications, reports, or information submitted to the San Diego Water 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."

6. U.S. Army Corps of Engineers must submit reports required under this Certification, or other information required by the San Diego Water Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification; Project No. 11C-012
9174 Sky Park Court, Suite 100
San Diego, California 92123

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On **February 16, 2011** receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No comments were received for this project.

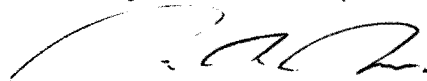
SAN DIEGO WATER BOARD CONTACT PERSON:

Alan Monji
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-637-7140
amonji@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the Oceanside Maintenance Dredging Project (Certification No. 11C-012) 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 (General WDRs)*," 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 San Diego Water 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 San Diego Water Board's Water Quality Control Plan (Basin Plan).


 for James G. Smith, A&E
 DAVID W. GIBSON
 Executive Officer
 San Diego Water Board

3/3/11
 Date

Attachments: 1. Project Information
 2. Distribution List
 3. Site Maps
 4. Project Maps