



Santa Ana Regional Water Quality Control Board

August 2, 2016

Mr. Jonathan Claudio
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

JClaudio@surfcity-hb.org

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE ADMIRALTY DRIVE BRIDGE REHABILITATION
PROJECT, CITY OF HUNTINGTON BEACH, COUNTY OF ORANGE, CALIFORNIA
(USACE REFERENCE NO. NOT AVAILABLE)
(SARWQCB PROJECT NO. 302015-25)**

Dear Mr. Claudio,

On December 11, 2015, we received from the City of Huntington Beach (Applicant) an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") for a project (Project) to remove and replace existing concrete barriers, sidewalks, and a bridge deck from the Admiralty Drive Bridge. In addition, the proposed Project entails removal and replacement of unsound concrete on one exterior column on the south side of the bridge. The proposed Project is situated in the Queen Elizabeth Passage (channel), within the Sunset Channel network, located in the Huntington Harbour, in northwestern Huntington Beach, Orange County. The proposed Project will result in 0.01 acre temporary impact to jurisdictional waters. The Applicant submitted a filing fee of \$200.00, which satisfies the Project fee requirement for consideration of a 401 Certification. This fee amount was determined using the Dredge and Fill Fee Calculator on the State Water Resources Control Board (SWRCB) web site, which is based on the most current iteration of California Code of Regulations, Division 3, Chapter 9, Article 1, Section 2200 (a) (3) in effect when the application was submitted.

This letter responds to your request for Certification that the proposed Project described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) (Basin Plan) and subsequent Basin Plan amendments:

Project Description: Approximately 0.33 cubic yard of unsound concrete will be removed and patched to repair the southernmost exterior pier beneath the bridge. Approximately 0.01 acre of temporary impact to waters of the United States (U.S.) will

result from the proposed installation of a cofferdam surrounding the pier to perform the necessary repairs. Once installed, the cofferdam will be used to dewater the area around the 3-foot square exterior concrete column in order to patch the existing crack/spall. The pier dewatering system will be in place for approximately one to two weeks during pier repairs.

Another cofferdam is proposed to be installed around one column of the bridge's eastern pier to allow dewatering and provide access to patch the pier's existing cracks and prevent concrete debris, bonding materials, and fresh concrete from discharging into seawater, thereby contaminating channel waters. Installation and removal of both cofferdams, and any work on the piers will be performed during low tide, to minimize the potential for the currents to carry sediment and cause turbidity in the surrounding waters. The cofferdams will remain in place and not be removed until sufficient time passes to allow the newly installed concrete and bonding materials to cure.

Placement, usage and removal of the 3-foot square column dewatering system will likely disturb soft Sunset Channel bottom substrate, generating turbidity plumes. Increased sediment and turbidity are not expected while the construction work is taking place.

The work will take place within Section 19 of Township 6 South, Range 11 West of the U.S. Geological Survey *Seal Beach, CA* 7.5 minute topographic quadrangle map.

Latitude	Longitude
33.721424° N	-118.072846° W
33.721083° N	-118.072621° W
33.721637° N	-118.071423° W
33.721946° N	-118.0711631° W

Receiving water:

Beneficial use designations (existing or potential) for Huntington Harbour include: contact recreation (REC1), non-contact recreation (REC2), commercial and sport fishing (COMM), marine habitat (MAR), navigation waters (NAV), rare, threatened or endangered species (RARE), spawning, reproduction and development (SPWN), and wildlife habitat (WILD).

Fill area:

Temporary Impact to Ocean Habitat	0.01 acre	linear feet not applicable
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Dredge/Fill volume: None

Federal permit: U.S. Army Corps of Engineers (USACE) Nationwide Permit No. 14, Linear Transportation Projects

You have proposed to mitigate water quality impacts as described in your Certification application. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed:

- Standard water quality related best management practices (BMPs) will be employed during construction activities.

Offsite Water Quality Standards Mitigation Proposed:

- None.

Should the proposed Project impact State- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife should ensure those impacts are mitigated to an acceptable level. Appropriate BMPs will be implemented to reduce construction-related impacts to waters of the State according to the requirements of Santa Ana Regional Board Order No. R8-2009-0030 (NPDES Permit No. CAS618030), commonly known as the Orange County Municipal Storm Water Permit, and subsequent iterations thereof. Order No. R8-2009-0030 requires that the Applicant substantially comply with the requirements of the State Water Resources Control Board General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order Number 2012-0006-DWQ.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND) prepared by the lead agency in determining whether to approve an application submitted for a project to receive 401 Water Quality Certification. A responsible agency has responsibility to mitigate and avoid only the direct and indirect environmental effects of those parts of the project that it decides to carry out, finance, or approve. Further, the responsible agency must make findings as required by Sections 15091 and, if necessary, 15093, for each and every significant impact of the project.

As required by Section 15096, in approving this Certification, the Regional Board has considered the proposed MND entitled *Admiralty Drive Rehabilitation over Queen Elizabeth Passage (State Bridge #55C-0282)*, prepared by the City of Huntington Beach on December 22, 2015. More specifically, the Regional Board has considered those sections of the MND pertaining to water quality standards. Based upon the mitigation proposed in the MND, and the conditions set forth in this Certification, impacts to water quality should be reduced to a less than significant level, and beneficial uses will be protected if all stated mitigation and conditions are performed. Thus, the Regional Board independently finds that these changes or alterations have been required or incorporated into the Project that should avoid or mitigate impacts to water quality to a less than significant level.

This 401 Certification is contingent upon the execution of the following conditions:

- 1) The Applicant must comply with the requirements of the applicable Clean Water Act section 404 permit.
- 2) Effective perimeter control BMPs must be in place at all times to control the discharge of pollutants from the Project site during construction. Construction waste must be contained and protected against wind and exposure to storm water at all times unless being actively handled. Chemical, fuel, and lubricant containers must be kept closed and protected from damage or upset at all times unless being actively used. Dirt and landscaping material stockpiles must have effective erosion control BMPs in place to prevent their transport in storm water or directly into the channel, and may not be located within waters of the United States. Discharges of wastewater from the site are prohibited.
- 3) The Project proponent shall utilize BMPs during Project construction to minimize the controllable discharges of sediment and other wastes to drainage systems or other waters of the State and of the United States.
- 4) Substances resulting from Project-related activities that could be harmful to aquatic life, including, but not limited to, petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, portland cement concrete or asphalt concrete, and washings and cuttings thereof, shall not be discharged to soils or waters of the State. All waste concrete shall be removed from the Project site.
- 5) Using generally accepted protocols, the Applicant must survey for *Caulerpa taxifolia*, an invasive marine seaweed, to help locate and prevent its spread. If *Caulerpa taxifolia* is found prior to or during implementation of the Project, the Applicant must not begin or continue at that location until authorized by Regional Board staff. If the invasive seaweed is discovered, it is not to be disturbed, and the Regional Board must be notified within 48-hours of the

location and date of its discovery. In addition, any sightings of *Caulerpa taxifolia* should be reported to the California Department of Fish and Wildlife (William Paznokas at (858) 467-4218 (wpaznokas@dfg.ca.gov) or the National Marine Fisheries Service (Bryant Chesney (Bryant.Chesney@noaa.gov)) within 24 hours of discovery. Further information regarding *Caulerpa taxifolia* sightings can be obtained at www.sccat.net. Should no *Caulerpa* be observed during the Project, the Applicant must notify the Regional Board of this fact when all construction has been completed. Please contact Wanda Cross at (951) 782-4468 concerning issues related to *Caulerpa taxifolia*.

- 6) Project-related activities must not cause the background natural turbidity, as measured in Nephelometric Turbidity Units (NTUs), in the receiving waters (i.e., Huntington Harbour within 100 feet (ft.) down current ¹of the discharge point) to be increased by values greater than the following Basin Plan objectives:
 - a. If natural turbidity is between 0 and 50 NTU, the maximum increase must not exceed 20% of the measured natural turbidity.
 - b. If natural turbidity is 50 to 100 NTU, the increase must not exceed 10 NTU.
 - c. If natural turbidity is greater than 100 NTU, the maximum increase must not exceed 10% of the measured natural turbidity.

- 7) Project-related activities must not cause a violation of the following Basin Plan objectives for Enclosed Bays and Estuaries for turbidity, dissolved oxygen (DO) and/or pH in the area 100 ft. down current of the Project site in Huntington Harbour, or at the down current edge of any visible discharge plume:
 - a. *"The dissolved oxygen content of enclosed bays and estuaries shall not be depressed to levels that adversely affect beneficial uses as a result of controllable water quality factors."*

 - b. *"The pH of bay or estuary waters shall not be raised above 8.6 or depressed below 7.0 as a result of controllable water quality factors; ambient pH levels shall not be changed more than 0.2 units."*

 - c. *"All enclosed bays and estuaries of the region shall be free of changes in turbidity which adversely affect beneficial uses."*

¹ Down current during outgoing tides would be towards the outlet of Huntington Harbour, which is generally to the southwest. Down current during incoming tides would be generally to the northwest. At ebb tide, the monitoring location would be 100 feet west of the discharge point.

- 8) Each day that discharges from Queen Elizabeth Passage into Huntington Harbour include flows that have been in contact with materials or equipment used to construct this Project, turbidity, dissolved oxygen (D.O.), temperature and pH monitoring must be conducted, according to the following:
 - a. Monitoring must be conducted in Huntington Harbour approximately 100 ft. down current from the outlet of the Sunset Channel at a depth midway between the water surface and the harbor bottom.
 - b. Whenever monitoring is conducted as specified in this Condition, background monitoring must also be completed. Background monitoring must be completed at the same depths in an area not affected by Project activities and within four hours of when Project discharge monitoring is conducted. Turbidity, D.O., temperature and pH monitoring shall be conducted at a background monitoring station.
 - c. Coordinates of all locations where monitoring is conducted shall be recorded, and reported with the respective monitoring data.
 - d. Regional Board staff must be provided with monitoring results via email within 48 hours. Results must be accompanied by the longitude and latitude of each location monitored.
- 9) Motorized equipment shall not be maintained or parked within or near any body of water in such a manner that petroleum products or other pollutants from the equipment may enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the State onsite, except as necessary to complete the proposed Project. No equipment shall be operated in areas of flowing water.
- 10) This Water Quality Certification is subject to the acquisition of all local, regional, State, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any the conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in appropriate enforcement action, including the revocation of this Certification and imposition of administrative civil or criminal liability.
- 11) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 12) Construction de-watering discharges, including temporary stream diversions necessary for Project construction may be regulated under Regional Board Order No. R8-2015-0004, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimis) Threat to Water Quality. For more information, please review Order No. R8-2015-0004 at www.waterboards.ca.gov/santaana/

- 13) The Applicant shall ensure that all fees associated with this Project shall be paid to each respective agency prior to conducting any onsite construction activities.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all 401 Water Quality Certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the Applicant.

If the above-stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require that the Applicant submit a Report of Waste Discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this Certification, the holder of any permit or license subject to this Certification 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. Violations of the conditions of this Certification may subject the Applicant to civil liability pursuant to Water Code Section 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby certify 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 (Order No. 2003-0017-DWQ),

Mr. Jonathan Claudio
City of Huntington Beach
SARWQCB # 302015-25

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"General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 2003-0017-DWQ is available at: www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Should there be any questions, please contact Marc Brown at or (951) 321-4584 or marc.brown@waterboards.ca.gov, or Wanda Cross at (951) 782-4468 or wanda.cross@waterboards.ca.gov.

Sincerely,



for Kurt V. Berchtold
Executive Officer

cc (via electronic mail):

GPA Consulting – Jennifer Morrison – Jennifer@gpaconsulting-us.com
USACOE, Los Angeles Office - Andreas Polis – andreas.polis@usace.army.mil
State Water Resources Control Board, OCC - David Rice
California Department of Fish and Wildlife – Russell Barabe – rbarabe@dfg.ca.gov
SSWRCB, DWQ-Water Quality Certification Unit - Bill Orme
U.S. EPA – Jason A. Brush – brush.jason@epa.gov