



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221
www.waterboards.ca.gov/santaana

Arnold Schwarzenegger
Governor

November 22, 2010

Leah M. Sullivan
Shell Oil Company
P.O. Box 576
Houston, TX 77001-0576

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE SEAL BEACH NATIONAL WILDLIFE REFUGE
ABANDONED OIL WELL CONCRETE PAD REMOVAL PROJECT, SEAL BEACH
NAVAL WEAPONS STATION, ORANGE COUNTY, CALIFORNIA (SARWQCB
PROJECT NO. 302010-43)**

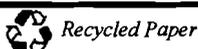
Dear Ms. Sullivan:

On October 11, 2010, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from Geosyntec Consultants for the Shell Oil Company to remove an abandoned oil well pad in the Seal Beach National Wildlife Refuge (SBNWR), within the U.S. Navy's Seal Beach Naval Weapon Station. This work is part of a larger effort to restore coastal salt marsh habitat for State and Federally listed endangered species. 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: Fill the existing well pipe with concrete slurry, remove the cemented pipe to 5' below the surface, remove other concrete structures to 5' below the surface and return the affected area to similar conditions as the surrounding elevation. Excavation for well abandonment will be greater than 5' in depth as will several areas during concrete removal. The work will take place within Section 18 of Township 5 South, Range 13 West, of the U.S. Geological Survey *Seal Beach* quadrangle map (33° 44' 12" N/ 118° 04' 20" W).

Receiving water: Anaheim Bay

California Environmental Protection Agency



Fill area: 0.06 acres of permanent impact to a wetland habitat, 036 acres of temporary impact to a wetland habitat (400 linear feet)

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 27 & 33

The applicant has been advised that discharges of dewatering wastes for the project are subject to the requirements of the Santa Ana Regional Water Quality Control Board's Order No. R8-2009-0003, Waste Discharge Requirements for Discharges to Surface Waters That Pose An Insignificant (De Minimus) Threat to Water Quality (NPDES No. CAG998001).

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.
- Work will be performed during optimum season to avoid disturbing any endangered species in the area. Work will be coordinated with United States Fish and Wildlife Service (USFWS) SBNWR staff to minimize impact to endangered species.
- Work will be performed during optimal tidal conditions.
- Existing vegetation in the work area will be excavated and stored on site for reuse to enhance re-vegetation after project completion.
- USFWS staff will monitor the restoration site as part of their refuge management responsibilities following project specific restoration activities.
- Settling tanks will be incorporated into dewatering activities to remove sediment from collected waters prior to discharge into adjacent tidal channels. If necessary, screens will be used between collection tanks to capture suspended solids.
- BMPs will be reviewed daily by site personnel to ensure appropriate application.

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 Game will 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 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 you substantially comply with the requirements of State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity.

Pursuant to the California Environmental Quality Act (CEQA), Geosyntec Consultants filed a CEQA Guidelines Section 15301 "Class 1" Categorical Exemption on behalf of the U.S. Navy Seal Beach Naval Weapon Station, on which the SBNWR is located, which declares that the project involves the operation, repair, maintenance, and minor alteration of public/private structures that result in a negligible expansion of uses. The Regional Board has considered the Seal Beach Naval Weapon Station's Categorical Exemption in the issuance of this Certification and independently finds that no changes or alterations to the proposed project are necessary to 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) All materials generated from construction activities associated with this project shall be managed appropriately. This shall include identifying all potential pollution sources within the scope of work of this project, and incorporating all necessary pollution prevention BMPs as they relate to each potential pollution source identified.
- 3) The project proponent shall utilize Best Management Practices 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.
- 5) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or other water body in such a manner that petroleum

products or other pollutants from the equipment may enter these areas under any flow or tidal conditions. Vehicles shall not be driven or equipment operated in waters of the state on-site, except as necessary to complete the proposed project. No equipment shall be operated in areas of flowing water.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all 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 the applicant to 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.

Leah M. Sullivan
Shell Oil Company

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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 (Order No. 2003-0017-DWQ), "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/wqo_2003-0017.pdf

Should there be any questions, please contact Marc Brown at (951) 321-4584, or Mark Adelson at (951) 782-3234.

Sincerely,



Kurt V. Berchtold
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Jason Lambert
Department of Fish and Game – Anna Milloy
State Water Resources Control Board, Office of Chief Counsel – David Rice
State Water Resources Control Board DWQ – Water Quality Certification Unit
U.S. EPA – Supervisor of the Wetlands Regulatory Office WTR- 8

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