



# 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](http://www.waterboards.ca.gov/santaana)

**Arnold Schwarzenegger**  
*Governor*

September 24, 2008

Lieutenant Commander Kevin Norton  
Naval Weapons Station Seal Beach  
Public Works Department  
800 Seal Beach Boulevard  
Seal Beach, CA 90740

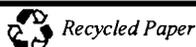
### **CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR DREDGING THE ANAHEIM BAY APPROACH CHANNEL, NAVAL WEAPONS STATION, CITY OF SEAL BEACH (ACOE REFERENCE NO. SPL – 2007 – 1476 – CJF)**

Dear LCDR Norton:

On June 12, 2008, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") for the proposed dredging of the Anaheim Bay Approach Channel. 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 ("Basin Plan") for the Santa Ana River Basin (1995) and subsequent Basin Plan amendments:

**Project Description:** Dredging approximately 100,000 cubic yards of sediment from the Approach Channel to Anaheim Bay to a depth of -38 feet Mean Lower Low Water (MLLW). The material will be dredged using a cutter suction and/or mechanical dredge and is suitable for beach sand replenishment at Surfside Beach. The material will be conveyed via pipeline or scow and will be placed in the near shore zone in water depths of 15 to 22 feet where wave action will sort the sand and move it onto the shore. Work will occur during a period of 2 to 3 weeks beginning in October 2008. The dredge site is located within an un-sectioned portion of Township 5 South, Range 12 West, of the U.S. Geological Survey *Seal Beach, California*, 7.5-minute topographic quadrangle map (33.72670 degrees N/ -118.10205 degrees W). The disposal site is located between Anderson Street and Warner Avenue

*California Environmental Protection Agency*



within an un-sectioned portion of Township 5 South, Range 11 West, of the U.S. Geological Survey *Seal Beach, California*, 7.5-minute topographic quadrangle map (33. 72330 degrees N/ -118. 07499 degrees W).

Receiving water: Pacific Ocean and Outer Anaheim Bay

Fill area: 55 acres of temporary impact to an ocean bottom disposal site.

Dredge/Fill volume: approximately 100,000 cubic yards (22.5 acres at the dredge site).

Federal permit: U.S. Army Corps of Engineers Permit No. SPL – 2007 – 1476 – CJF

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.

The project is subject to a Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. Pursuant to the California Environmental Quality Act ("CEQA"), the Executive Officer has determined that the proposed project is categorically exempt from provisions of CEQA according to Guidelines Section 15304(g) as the project involves maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal agencies.

On July 27, 2006, the State Water Resources Control Board issued a general Certification for projects subject to the Corps' Regional General Permit 67 ("RGP 67") for beach nourishment in Southern California. In the event that the disposal activities of the proposed project qualify for coverage under RGP 67, the scope of this Certification will be limited only to the dredging activities.

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

1. The proposed discharge must not adversely affect recreational use of the receiving waters or cause a condition of nuisance as the result of controllable water quality factors. In the event of an adverse impact to recreation or a condition of nuisance,

the discharger must take corrective action, which may include the modification or the suspension of discharges.

2. The discharger must survey the project area for *Caulerpa taxifolia*, an invasive marine seaweed, to help locate and prevent its spread using generally accepted protocols. 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 the discovery. In addition, any sightings of *Caulerpa taxifolia* must be reported to the California Department of Fish and Game (William Paznokas at (858) 467-4218 ([wpaznokas@dfg.ca.gov](mailto:wpaznokas@dfg.ca.gov))) or the National Marine Fisheries Service (Robert Hoffman at (562) 980-4043 ([bob.hoffman@noaa.gov](mailto:bob.hoffman@noaa.gov))) within 24-hours of discovery. Further information regarding a *Caulerpa taxifolia* sighting can be obtained at [www.sccat.net](http://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*.
3. The discharge of trash and debris into waters of the U.S., which may cause a nuisance or adversely affects beneficial uses, is prohibited.
4. Project activities must not depress the dissolved oxygen content of receiving non-ocean waters (i.e. Outer Anaheim Bay and Anaheim Bay) below 5 mg/L as a result of controllable water quality factors. When natural dissolved oxygen content is less than 5 mg/L, the discharger must not cause further depression.
5. Project activities must not raise the pH of receiving non-ocean waters above 8.6 or lower pH below 7.0 as the result of controllable water quality factors; ambient pH levels must not be changed by more than 0.2 units.
6. Project-related activities shall not cause the background natural turbidity, as measured in Nephelometric Turbidity Units (NTUs), in receiving non-ocean waters to be increased by values greater than the following Basin Plan objectives at a distance of 100 feet from the activity:
  - a. If natural turbidity is between 0 and 50 NTU, the maximum increase shall not exceed 20% of the measured natural turbidity.
  - b. If natural turbidity is 50 to 100 NTU, the increase shall not exceed 10 NTU.
  - c. If natural turbidity is greater than 100 NTU, the maximum increase shall not exceed 10% of the measured natural turbidity.
7. An effective monitoring plan must be developed and implemented to document compliance with conditions 4, 5, and 6 above. Any suspected violation of these conditions must be reported to Regional Board staff in writing within 24-hours of discovery. The monitoring plan and records of monitoring activities must be maintained on site for the duration of the proposed discharge and be available for inspection by Regional Board staff.
8. The applicant must comply with the requirements of the Clean Water Act section 404 permit.

**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 an Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. 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

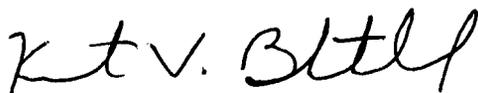
September 24, 2008

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. 200-0017-DWQ is available at:

[www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2004/wqo/wqo2004-0004.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf)

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



for GERARD J. THIBEAULT  
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Chuck Mesa  
State Water Resources Control Board, OCC – David Rice  
State Water Resources Control Board, DWQ-Water Quality Certification Unit – Bill Orme  
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini and David Smith

APF:401/certifications/Anaheim bay dredge 302008-16