



# California Regional Water Quality Control Board Los Angeles Region



Linda S. Adams  
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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Ms. Kathryn Ostapuk  
Navy Region Southwest  
937 N Harbor Drive, Box 81  
San Diego, CA 92132-0058

## **WATER QUALITY CERTIFICATION FOR PROPOSED SOUTHERN CALIFORNIA ANTI-SUBMARINE REFURBISHMENT PROJECT (Corps' Project No. 2008-00091-CLM), PACIFIC OCEAN, SAN CLEMENTE ISLAND, LOS ANGELES COUNTY (File No. 08-009)**

Dear Ms. Ostapuk:

Board staff has reviewed your request on behalf of U.S. Navy, Naval Base Coronado (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on March 24, 2008.

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, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

\_\_\_\_\_  
[Original Signed by]  
Tracy J. Egoscue  
Executive Office

\_\_\_\_\_  
April 28, 2008  
Date

**California Environmental Protection Agency**



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

## **DISTRIBUTION LIST**

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San Francisco, CA 94105

Jim Bartel  
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6010 Hidden Valley Road  
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# ATTACHMENT A

## Project Information File No. 08-009

1. Applicant: U.S. Navy, Naval Base Coronado  
3 Wright Street Bldg 3  
San Diego, CA  
  
Phone: (619) 556-9885 Fax: (619) 532-2283
2. Applicant's Agent: Kathryn Ostapuk, NEPA Coordinator  
Navy Region Southwest  
937 N Harbor Drive, Box 81  
San Diego, CA 92132-0058  
  
Phone: (619) 532-2748 Fax: (619) 532-2283
3. Project Name: Southern California Anti-Submarine Refurbishment
4. Project Location: San Clemente area , Los Angeles County
- | <u>Longitude</u> | <u>Latitude</u> |
|------------------|-----------------|
| -118.6050        | 33.0144         |
| -118.6250        | 32.9917         |
| -118.6439        | 32.9889         |
| -118.5908        | 33.0111         |
| -118.6111        | 32.9750         |
| -118.6439        | 32.9625         |
5. Type of Project: Underwater cable upgrade
6. Project Purpose: The NAVY intends to upgrade the underwater instrumentation cable, Southern California Anti-Submarine Warfare Range (SOAR). The purpose of refurbishing the SOAR instrumentation is to improve tracking and communication capability, minimize risk to the trunk cable in the littoral area, and reduce average time-to-repair through a system-wide refurbishment of components of the SOAR in-water system (IWS) comprising undersea cables with one or multiple hydrophones, underwater telephones (UWT) and associated cable.

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7. Project Description: The existing SOAR IWS was installed during 1985, 1988, and 1991. Several recent failures of hydrophones and UWTs have occurred, resulting in significant reductions in tracking capability and submarine communications coverage. These system failures are the result of random survivability failures, abrasion on the seabed, and interactions with sports and fishing boat anchors. A partial repair was completed during 2005 for the UWTs and other components to restore SOAR capabilities to baseline levels.

However, additional failures or accidental damage continue to occur, resulting in impaired performance and raising safety issues for the military units undergoing training exercises and may ultimately render SOAR unusable.

Four bore holes of 5.5-inch outer diameter will be horizontally drilled from an onshore drilling pad at San Clemente Island to a location approx. 2780 feet offshore (sub-surface). The cable will be placed for this length on the ocean floor. The drill string pipes will be left in place. Offshore, an underwater cable distribution box will be installed in approximately 85-90 feet of water. Then, fiber optic cables will be routed from the distribution box to the drill pipes and pulled to shore through the pipes using pull lines. Once on land, the fiber optic cables will be terminated in a cable vault then routed to an existing building via a trench.

In the ocean, the sub-surface laid fiber optic cable and the distribution box will be secured to the bottom. Nine submarine cables will be deployed from the distribution box seaward following predetermined cable routes. The cables will be double armored for a length of 328 feet.

The cable installation will not consist of any permanent water quality impacts.

8. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP No. 12 (Permit No. 2008-00091-CLM)

9. Other Required Regulatory Approvals: California Department of Fish and Game  
Streambed Alteration Agreement

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10. California Environmental Quality Act Compliance: The Navy prepared an Environmental Assessment under NEPA and the finding of no significant impact was approved on October 20, 2006.
11. Receiving Water: San Clemente Island, Pacific Ocean (Hydrologic Unit No. 406.50)
12. Designated Beneficial Uses: MUN\*, GWR, REC-1, REC-2, WARM, WILD, RARE  
\*Conditional beneficial use
13. Impacted Waters of the United States: Ocean: 0.558 temporary acres (laying of cable underwater)
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- The Navy is preparing a Stormwater Pollution Prevention Plan and Naval Undersea Warfare Center has prepared a Bentonite Spill Prevention and Monitoring Plan specifically for this project.
  - The plans incorporate standard Best Management Practices and specific conservation measures relating to direction drilling to avoid and/or minimize impact to waters of the United States associated with this type of work.
  - The geologic characteristics of the site will be examined in advance and considered by the construction contractor in development of the drilling plan.
  - During the final stages of drilling, the dilution ratio of the cutting

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### Project Information File No. 08-009

fluid will be increased when as the drill bore nears the seafloor, reducing the amount of bentonite sediment that may be released.

17. Proposed  
Compensatory  
Mitigation:

The Navy has not proposed any additional compensatory mitigation due to the temporary impacts associated with the project activities and the nature of the project being mandatory in order to ensure safe military operations. The permanent impacts associated with the project only consist of laying underwater cable on the sea floor. BMPs will be implemented in order to avoid any impacts to water quality.

18. Required  
Compensatory  
Mitigation:

Since the project impacts are temporary in nature, the Regional Board will not require any additional compensatory mitigation.

See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

## ATTACHMENT B

### Conditions of Certification File No. 08-009

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and 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. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Coastal Commission Concurrence. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

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### **Conditions of Certification File No. 08-009**

6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.



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### Conditions of Certification File No. 08-009

13. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
14. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
15. All project/maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting.
16. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
  - pH
  - temperature
  - dissolved oxygen
  - turbidity
  - total suspended solids(TSS)
  - Downstream TSS shall be maintained at ambient levels
  - Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

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Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

17. The Applicant shall restore all areas (**0.558 acres**) of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours. The Applicant shall implement all necessary Best Management Practices to prevent water quality impacts from this project.
18. The Applicant shall submit to this Regional Board a **Final Project Report** by **January 1<sup>st</sup>** of the year following completion. The Final Project Report shall describe in detail all of the project/construction activities performed and all restoration efforts. At a minimum the Annual Reports shall include the following documentation:
  - (a) Color photo documentation of the pre- and post-project site conditions;
  - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project areas;
  - (c) The overall status of project including a detailed schedule of work;
  - (d) Copies of all permits revised as required in Additional Condition 1;
  - (e) Water quality monitoring results (as required) compiled in an easy to interpret format;
  - (f) A certified Statement of “no net loss” of wetlands associated with this project;
  - (g) Discussion of any monitoring activities and exotic plant control efforts; and
  - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
19. Prior to any subsequent maintenance activities within the project areas, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the existing conditions; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic

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**Conditions of Certification  
File No. 08-009**

resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.

20. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
  - (b) For a partnership, by a general partner.
  - (c) For a sole proprietorship, by the proprietor.
  - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

21. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

“I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
(Signature)  
(Title)”

22. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **08-009**. Submittals shall be sent to the attention of the 401 Certification Unit.
23. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
24. The project shall comply with the local regulations associated with the Regional Board’s **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under

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### Conditions of Certification File No. 08-009

NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.

25. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
26. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant 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.
27. *Enforcement:*
  - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation 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.
  - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) 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 SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a

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reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

- (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
28. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.