



California Regional Water Quality Control Board San Diego Region



Linda S. Adams
Secretary for
Environmental
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

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)

Arnold
Schwarzenegger
Governor

December 8, 2010

In reply refer to:
749758: jebsen

Sandor Halvax
BAE Systems – San Diego
2205 East Belt
Foot of Sampson St.
San Diego, CA 92113

Dear Mr. Halvax:

SUBJECT: Action on Request for Clean Water Act Section 401 Water Quality Certification for BAE Systems Pride of San Diego, Dry Dock Maintenance Dredging Project, 10C-017

Enclosed find Clean Water Act Section 401 Water Quality Certification (Certification) with acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017 DWQ for Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have received State Water Quality Certification for the BAE Systems Pride of San Diego, Dry Dock Maintenance Dredging Project. A description of the project can be found in the project information sheet and on location and site maps compiled by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), which are included as Attachments 1 through 6.

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that you have accepted and will comply with all the conditions of this Certification.

Failure to comply with all conditions of this Certification may subject you to enforcement actions by the San Diego Water Board including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability, referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper



010N\W\NF

Sandor Halvax
BAE Systems - San Diego
401 Certification 10C-017

- 2 -

December 8, 2010

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. If you have any questions regarding this notification, please contact Ms. Jody Ebsen directly at 858-636-3146 or by email via jebsen@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 10C-017 BAE Systems
Pride of San Diego, Dry Dock Maintenance Dredging Project, with 6 attachments

cc: Refer to Attachment 2 of Certification for Distribution List.

Tech Staff Info & Use	
File No.	10C-017
WDID	9000002037
Reg. Measure ID	373172
Place ID	749758
Party ID	40631
Person ID	496949



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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: BAE Systems Pride of San Diego, Dry Dock
Maintenance Dredging Project Certification
Number 10C-017, WDID: 9 00002037

APPLICANT: BAE Systems – San Diego
Sandor Halvax
2205 East Belt
Foot of Sampson Street
San Diego, CA 92113

CIWQS Reg. Meas. ID: 373172 Place ID: 749758 Party ID:40631
--

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 proposed project is maintenance dredging of approximately 7,000 cubic yards of marine sediment from the existing dry dock sump located between Pier 2 and Pier 3 within the BAE Systems leasehold. The sump is a deep depression in the harbor bottom that is used to lower the dry dock into during ship loading and unloading operations. Since its construction in 1984 the dry dock sump has not been dredged during which time sediments have slowly deposited. This prevents the dry dock from achieving full submergence and impacts ship loading operations. Approximately 25% of the sump dredging area lies within the boundary of the "Shipyards Sediment Site", which is currently the subject of Tentative Cleanup and Abatement Order (CAO) No. R9-2011-0001. This Water Quality Certification 10C-017 (Certification) only focuses on dredging that is necessary to maintain the dry dock sump on the BAE Systems leasehold.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper



06/09/11 11:11

This is not a Certification for the cleanup of the Shipyard Sediment Site. However, sediment samples collected for this project will be tested in accordance with Tentative CAO No. R9-2011-0001. The dredging will result with the final depth of the dry dock sump at -72 feet mean lower low water (MLLW). The site is located on the east side of San Diego Bay at the end of Sampson Street in the City of San Diego.

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, BAE Systems – San Diego (BAE Systems) must satisfy the following:

A. GENERAL CONDITIONS:

1. Water Quality Certification No. 10C-017 (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. BAE Systems 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

provide such notification to the Executive officer of the San Diego Water Board within **10 days** of the transfer of ownership.

8. 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.
9. 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.
10. 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.
11. BAE Systems and successor owners must submit annual progress reports describing status of compliance with all requirements of this Certification, including all monitoring results and waste manifests, to the San Diego Water Board prior to **March 31** of each year following the issuance of this Certification until the project has reached completion.

B. PROJECT CONDITIONS:

1. Prior to the start of the project, and annually thereafter, BAE Systems must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
2. BAE Systems must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, Statewide General Waste Discharge Requirements for discharges of dredged or fill material that have received State Water Quality Certification. These General Waste Discharge Requirements are accessible at:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/general_orders/go_wdr401regulated_projects.pdf.

Waste manifests for all disposed dredged materials shall be included in the final project report.

C. BEST MANAGEMENT PRACTICES AND MONITORING

1. Project implementation, Best Management Practices (BMPs) implementation, and water quality monitoring will be done in accordance with the Certification and as described in supporting documents submitted as supplemental information to the application which include: *Floating Drydock Pride of San Diego 2010/2011 Maintenance Dredging Project – Project Execution Plan*, BAE Systems, August 27, 2010; *Water Quality Control Plan BAE Systems Drydock Sump Maintenance Dredging*, Anchor QEA, October 2010; and *Final BAE Systems Monitoring Plan: "Pride of San Diego" Dry Dock Sump Maintenance Dredging Project*, AMEC Earth & Environmental, Inc., November 2010.
2. Silt curtains will be used to protect nearby eelgrass beds, surround the site area, and surround the active points of dredging.
3. A low turbidity environmental clamshell bucket designed to maximize the amount of sediment dredged while limiting the spread of resuspended sediments shall be used for all dredging.
4. Turbidity monitoring will be ongoing through out the dredging activities using both qualitative and quantitative methods. During active dredging a trained observer will conduct daily visual turbidity monitoring from a high vantage point to ensure water quality objectives are not exceeded outside of the silt curtains. If a visual exceedance is detected the observer has the authority to halt dredging activities to allow for additional BMPs to be implemented for turbidity containment before work can resume. Weekly turbidity will be measured with an optical backscatter type instrument at five selected stations surrounding the project site. Monitoring stations are identified by latitude and longitude positions (see Table 3 *Final BAE Systems Monitoring Plan: "Pride of San Diego" Dry dock Sump Maintenance Dredging Project*, AMEC Earth & Environmental, Inc., November 2010). If the quantitative monitoring indicates a turbidity exceedance above background has occurred, water samples will be collected at that location and analyzed for primary and secondary contaminants of concern identified in tentative Cleanup and Abatement Order No. R9-2011-0001.
5. The proposed dredging is to remove all the unconsolidated material within the sump and a portion of the underlying native material. Post dredge confirmation sampling of the newly exposed material at the bottom of the sump will be conducted. The samples will be tested for the primary constituents of concern as defined in tentative Cleanup and Abatement Order No. R9-2011-0001 and the results compared with requirements set therein.

6. BAE Systems must conduct a post-construction eelgrass survey in accordance with the Southern California Eelgrass Mitigation Policy (Policy). Results of the survey must be provided to the San Diego Water Board and appropriate agencies to determine the need for eelgrass mitigation.

D. BAY PHOTO DOCUMENTATION PROCEDURE

1. BAE Systems must conduct photo documentation of the project site prior to, during and after the dredging event. This information must be submitted to the San Diego Water Board in the final report. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

E. REPORTING:

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the San Diego Water Board for failure to furnish requested information pursuant to CWC section 13268.
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. BAE Systems must submit a final project summary report to the San Diego Water Board within 60 days of completion of the project. The report should include all environmental surveys, monitoring results, waste manifests, as-built drawings no bigger than 11" x 17", and photos taken documenting the project.
4. Copies of the waste manifests for disposal of all the dredging materials must be provided in the final report.
5. All sediment sampling results from activities as described in *BAE Systems, San Diego Ship Repair Facility Pre- And Post-Dredge Sediment Survey Sampling And Analysis Plan*, AMEC, November 24, 2010, shall be submitted no later than March 31, 2011.
6. 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 partnership or sole proprietorship, by a general partner or proprietor, respectively.

- c. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
7. A duly authorized representative of a person designated in Items 6.a. through 6.c. above may sign documents if:
 - a. The authorization is made in writing by a person described in Items 6.a. through 6.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.
8. 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."

9. BAE Systems must submit reports required under this Certification, or other information required by the San Diego Water Board, to:

California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification; Project No. 10C-017
9174 Sky Park Court, Suite 100
San Diego, California 92123

10. Required Reports: The following list summarizes the reports required per the conditions of this Certification to be submitted to the San Diego Water Board.

Report Topic	Certification Condition	Due Date(s)
Unauthorized Discharge	A.5	Within 24 hours of any unauthorized discharge
Transfer of Ownership	A.7	Within 10 days of transfer
Annual Report	A.11	March 31, annually until project completion
Commencement of Work Notification	B.3	At least 5 days prior to commencement
Photo Documentation	D.1	With final project report

Final Project Report	E.3	Within 60 days of project completion
Waste Manifests	E.4	With final project report
Sediment Sampling Results	E.5	No later than March 31, 2011

CEQA FINDINGS:

1. The San Diego Unified Port District is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and determined on September 14, 2010, that the Project is exempt under CEQA Guidelines Title 14, California Code of Regulations, section 15301 (14 CCR § 15301). No challenges were filed during the 35 day public comment period.
2. The San Diego Water Board has reviewed the lead agency's CEQA exemption and also finds that the project as proposed, maintenance of an existing facility that involves negligible or no expansion of an existing use, is exempt from CEQA and therefore determines that issuance of this Certification is exempt from CEQA (14 CCR § 15301).

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On February 24, 2010 receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public.

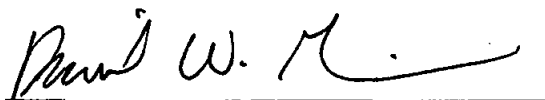
REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Jody Ebsen
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-636-3146
jebsen@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from BAE Systems Pride of San Diego Dry Dock Maintenance Dredging (Project No. 10C-017) 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).



DAVID W. GIBSON
Executive Officer
Regional Water Quality Control Board

12-8-2010
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map and Disposal Site Route
 4. Site Maps a, b, c, d, e
 5. Unloading and Dewatering Plan
 6. Water Quality Monitoring Stations

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: BAE Systems – San Diego
Attention: Sandor Halvax
2205 East Belt
Foot of Sampson St.
San Diego, CA 92113
Telephone: 619-238-1000x2060.
Facsimile: 619-595-0459
Email: sandor.halvax@baesystems.com

Project Name: BAE Systems Pride of San Diego, Dry Dock Maintenance Dredging

Project Location: Latitude: 32.6926 Longitude: -117.1447

Type of Project: Maintenance dredging of marine sediments.

Need for Project: Dredging of the dry dock sump is necessary to return the sump to its original depth of -70 feet mean lower low water (MLLW) plus a 2 foot overdredge allowance for a total depth of -72 feet MLLW. The sump has not been dredged since its construction in 1984. Since then filling by sediments has raised the average depth of the sump to -68 feet MLLW which impacts the submergence of the dry dock for ship loading and unloading.

Project Description: The proposed project is maintenance dredging of approximately 7, 000 cubic yards of marine sediment from the existing dry dock sump located between Pier 2 and Pier 3 within the BAE Systems leasehold. The sump is a deep depression in the harbor bottom that is used to lower the dry dock into during ship loading and unloading operations. Since its construction in 1984 the dry dock sump has not been dredged during which time sediments have slowly deposited. This prevents the dry dock from achieving full submergence and impacts ship loading operations. Approximately 25% of the sump dredging area lies within the boundary of the "Shipyard Sediment Site", which is currently the subject of Tentative Cleanup and Abatement Order (CAO) No. R9-2011-0001. This Water Quality Certification 10C-017 (Certification) only focuses on dredging that is necessary to maintain the dry dock sump on the BAE Systems leasehold. This is not a Certification for the cleanup of the Shipyard Sediment Site. However, sediment samples collected for this project will be

tested in accordance with Tentative CAO No. R9-2011-0001. The dredging will result with the final depth of the dry dock sump at -72 feet MLLW. The site is located on the east side of San Diego Bay at the end of Sampson Street in the City of San Diego.

Federal Agency/Permit:	U.S. Army Corps of Engineers §404, Section 10 of the Rivers and Harbors Act, Robert R. Smith
Other Required Regulatory Approvals:	San Diego Unified Port District, Project Approval, Coastal Development Permit, CEQA State Lands Commission, Dredging Lease form
California Environmental Quality Act (CEQA) Compliance:	Notice of Exemption, September 14, 2010, San Diego Unified Port District, Categorical Exemption, Existing Facilities (SG § 15301 and 14 CCR § 15301) (Class 1).
Receiving Water:	San Diego Bay
Affected Waters of the United States:	Temporary: Ocean
Dredge Volume:	7,000 cubic yards of marine sediments
Related Projects Implemented/to be Implemented by the Applicant(s):	A portion of the project lies within the boundary of the "Shipyard Sediment Site", which is currently the subject of a Tentative Cleanup and Abatement Order from the San Diego Water Board.
Compensatory Mitigation:	Temporary impacts will occur and are not expected to cause a significant impact, therefore no compensatory mitigation is proposed. No direct impacts to eelgrass are anticipated and pre- and post-dredging monitoring of nearby eelgrass beds will be performed to evaluate any incidental impacts. All impacts to eel grass will be mitigated as prescribed in the <i>Southern California Eelgrass Mitigation Policy</i> , National Marine Fisheries Service.
Best Management Practices (BMPs):	BMPs include use of: low turbidity environmental clamshell bucket, silt curtains, qualitative and quantitative turbidity monitoring, and water quality monitoring (<i>Floating Drydock Pride of San Diego 2010/2011 Maintenance Dredging Project – Project Execution Plan</i> , BAE Systems, August 27, 2010; <i>Water Quality Control Plan BAE Systems Drydock Sump</i>

Maintenance Dredging, Anchor QEA, October 2010; and Final BAE Systems Monitoring Plan: "Pride of San Diego" Dry Dock Sump Maintenance Dredging Project, AMEC Earth & Environmental, Inc., November 2010.)

Public Notice: On February 24, 2010 receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public.

Fees: Total Due: \$1,1711.00
Total Paid: \$1,1711.00 (check No. 692961)

CIWQS: Regulatory Measure ID: 373172
Place ID: 749758
Party ID: 40631

**ATTACHMENT 2
DISTRIBUTION LIST**

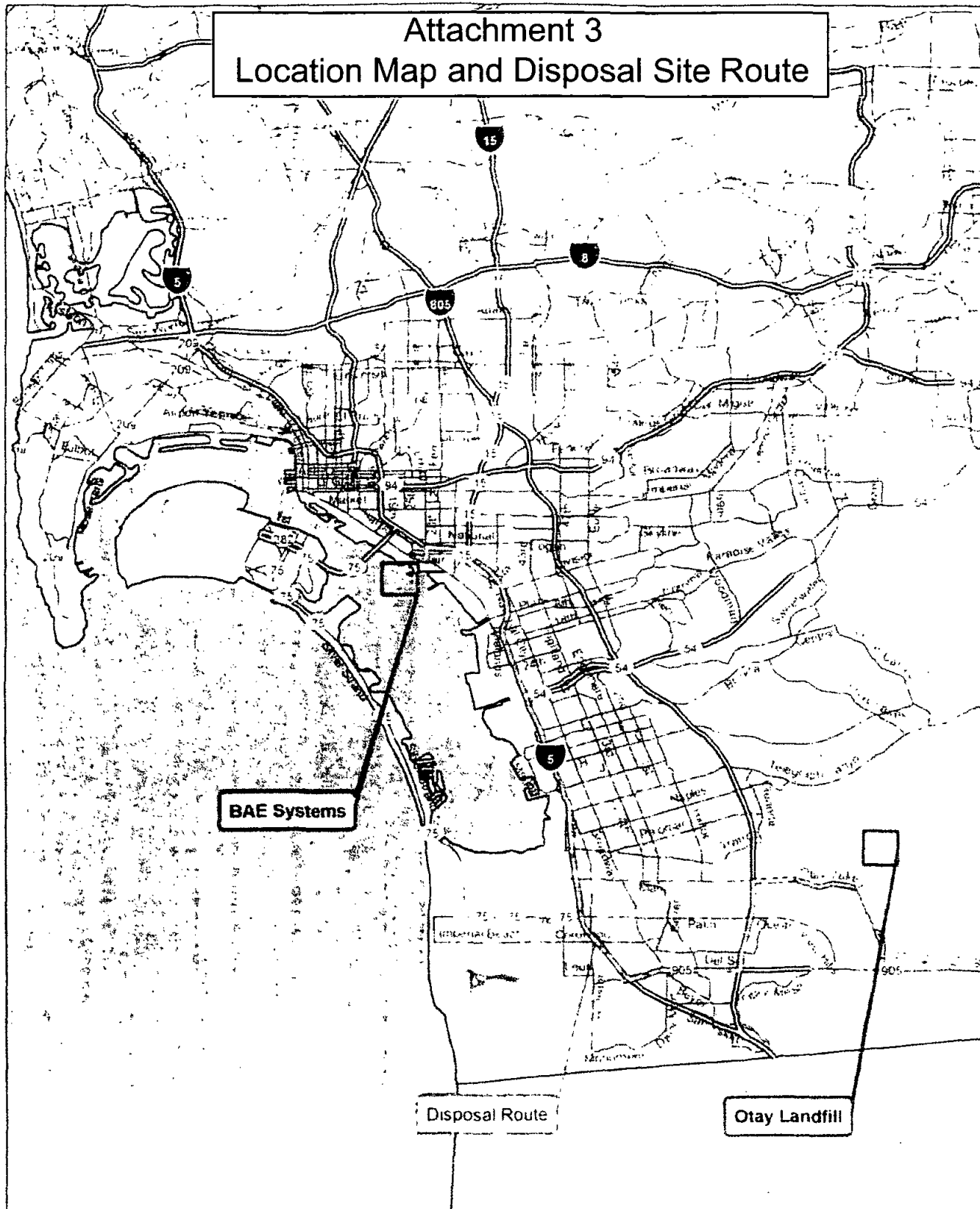
Robert Smith
U.S. Army Corps of Engineers, Regulatory Branch
San Diego Field Office
Robert.R.Smith@usace.army.mil

State Water Resources Control Board, Division of Water Quality
401 Water Quality Certification and Wetlands Unit
Stateboard401@waterboards.ca.gov

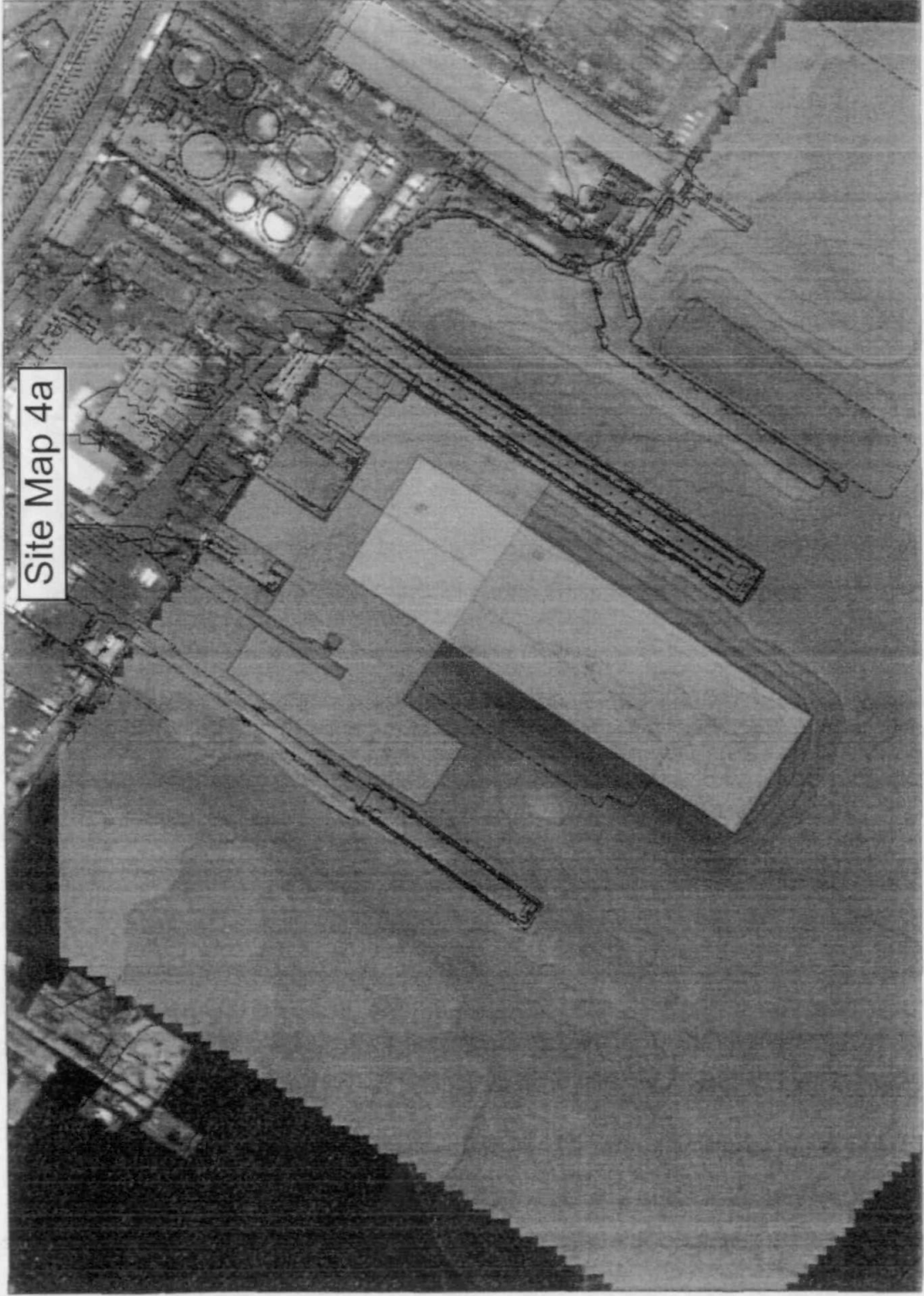
U.S. Environmental Protection Agency, Region 9
Wetlands Regulatory Office
R9-WTR8-Mailbox@epa.gov

David Zoutendyk
U.S. Department of the Interior
Fish and Wildlife Service
david_zoutendyk@fws.gov

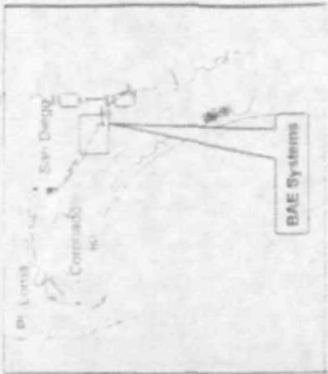
Attachment 3
Location Map and Disposal Site Route



Upland Disposal Site and Route
BAE Systems
San Diego Ship Repair



Site Map 4a



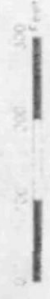
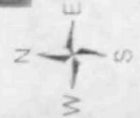
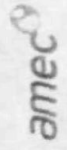
Legend

- Survey Limit
- Depth Contour (ft)
- Proposed Dredge Footprint
- Proposed Clean Up Area

Bathymetry (ft MLLW)

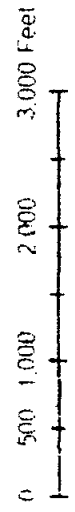
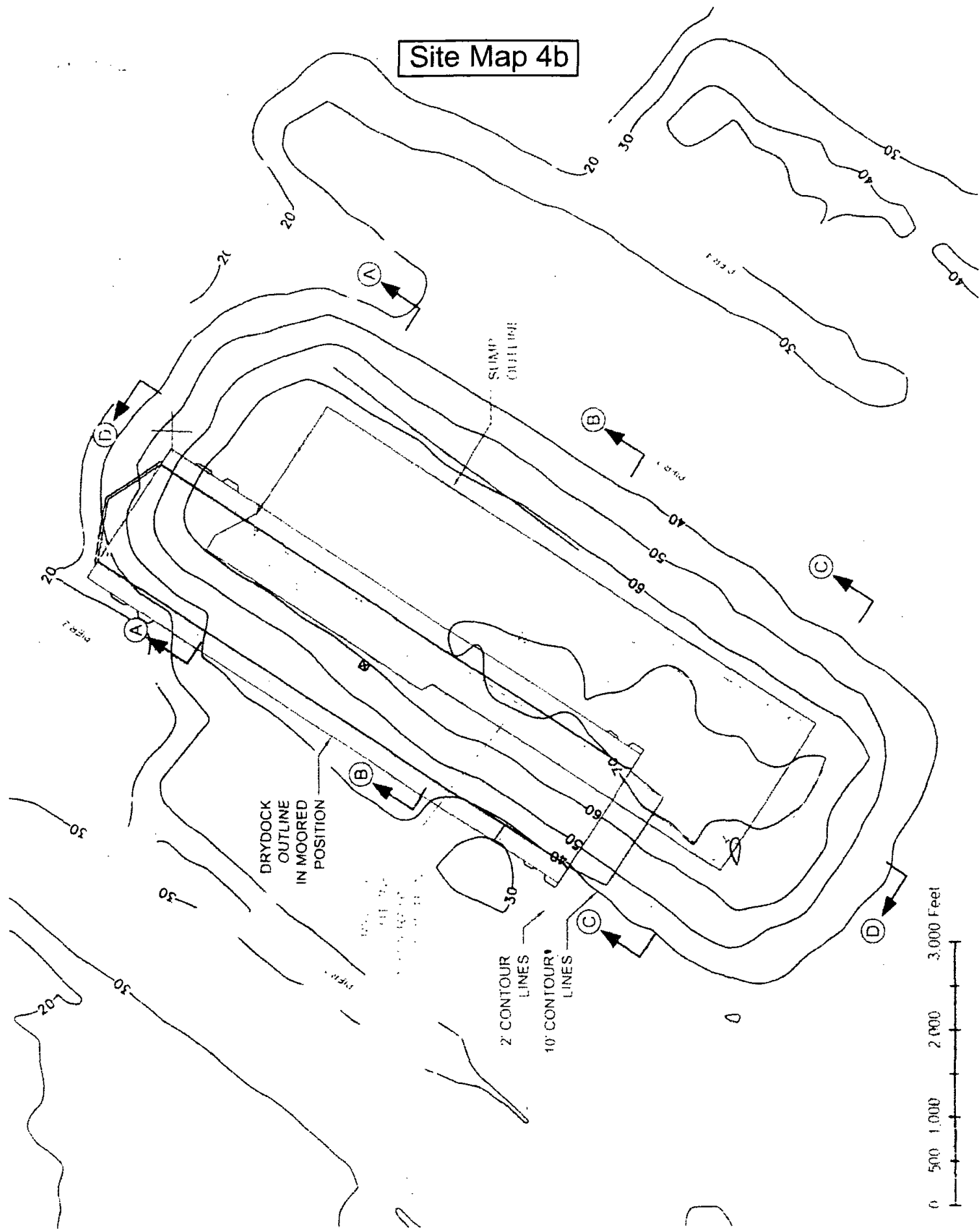


Project Site Information:
 Center of Study: Station 2+00.0 (11-11-2007)
 Image Provided by: Digital Globe



BAE Systems
 Dry Dock Maintenance Dredging
 Proposed Clean Up Area

Site Map 4b



Site Map 4c

Figure 2 - Elevation A-A

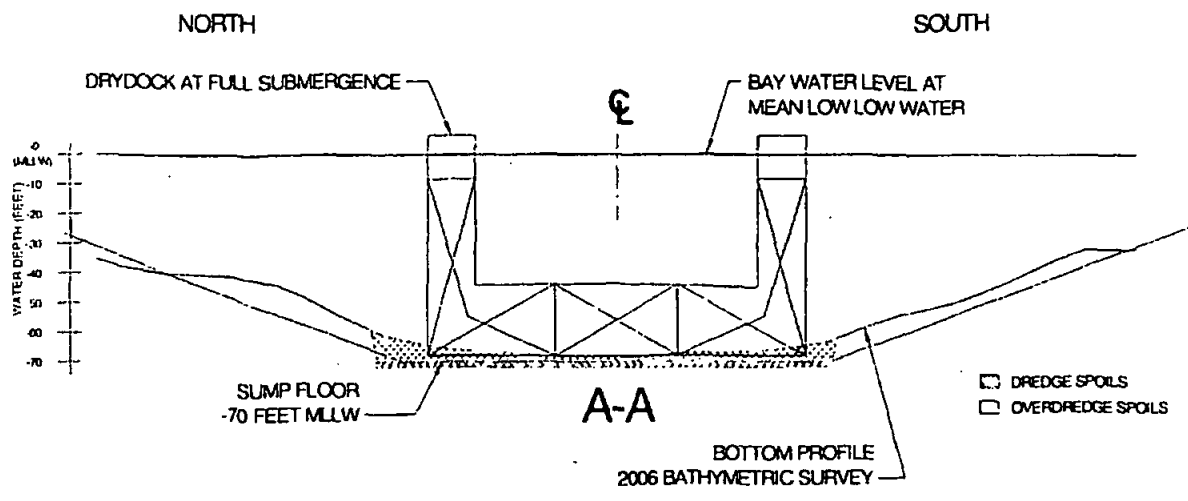
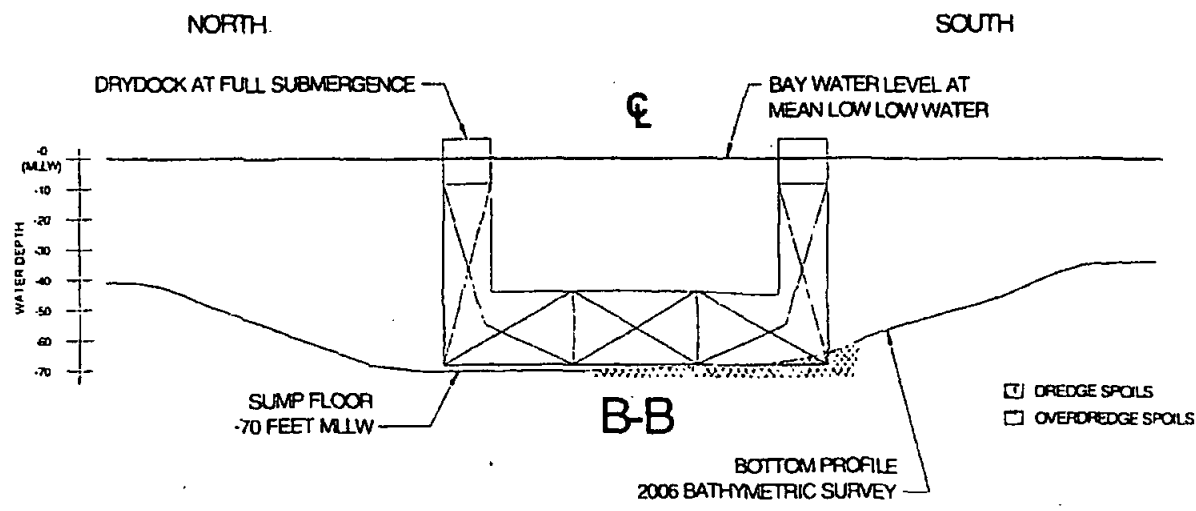


Figure 3 - Elevation B-B



Site Map 4d

Figure 4 - Elevation C-C

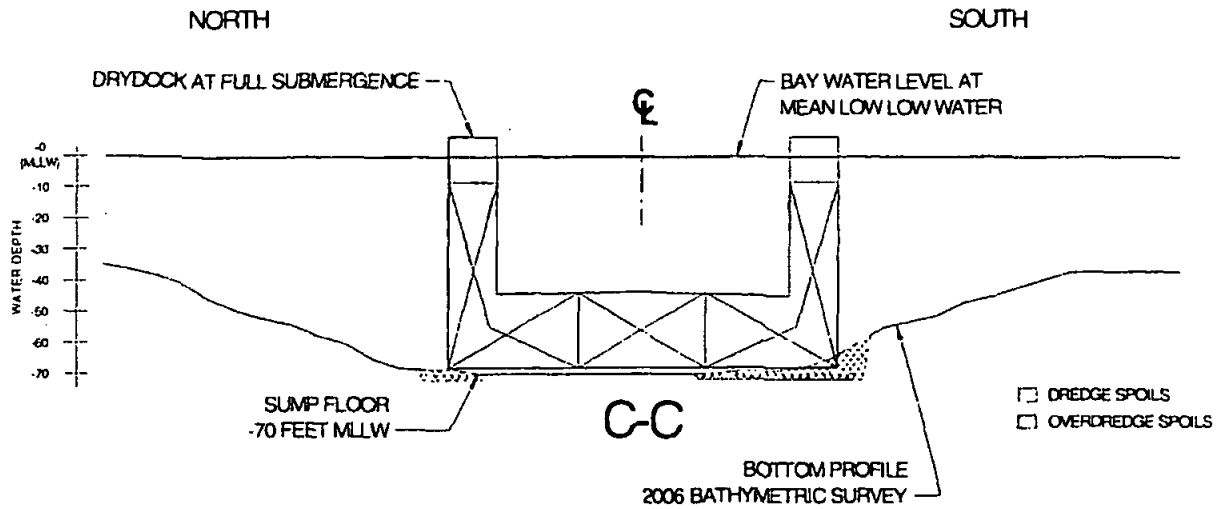
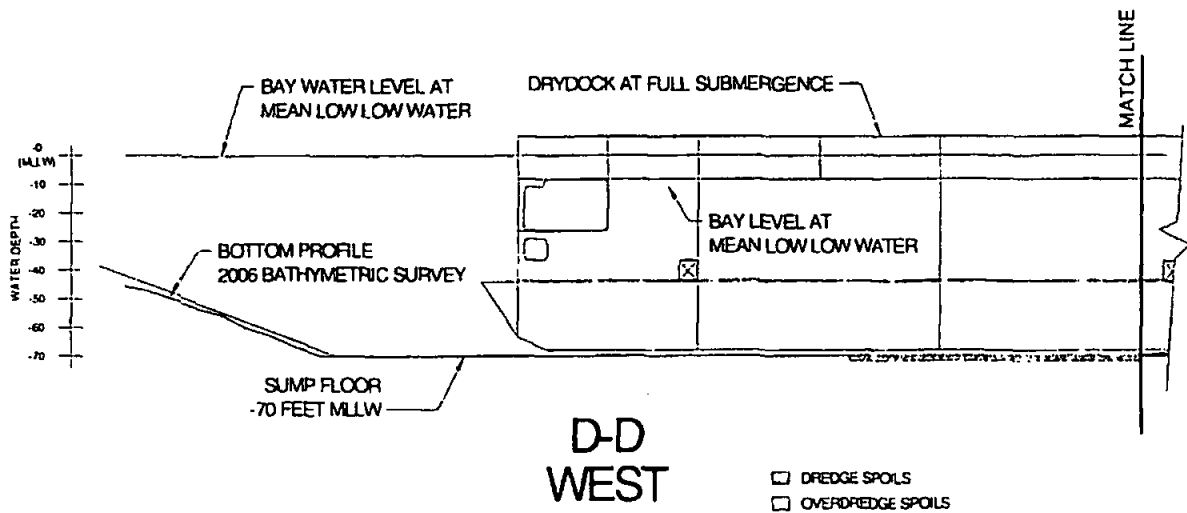
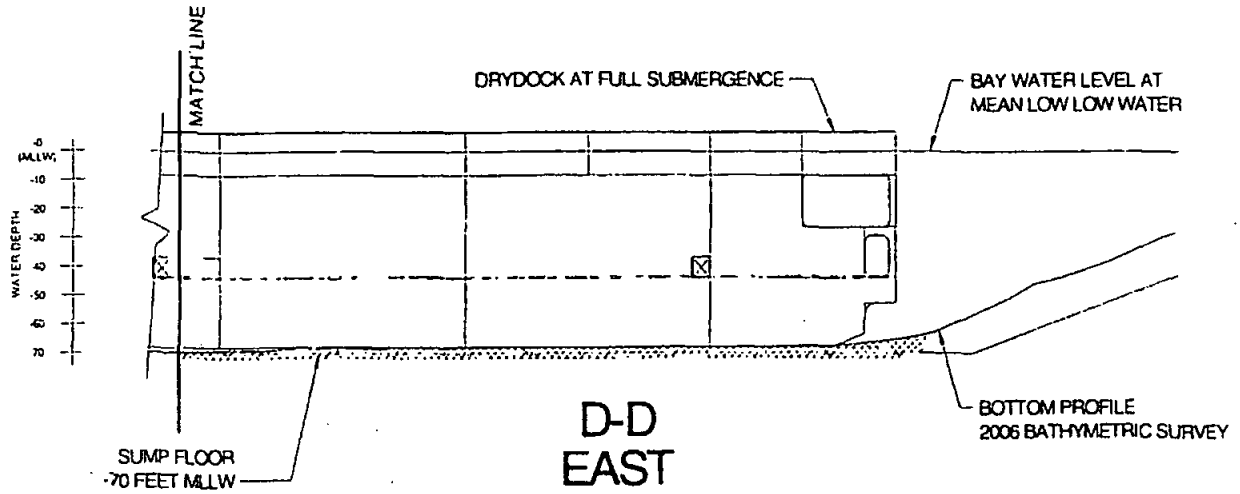


Figure 5 - Elevation D-D (west end)



Site Map 4e

Figure 5 - Elevation D-D (continued, east end)



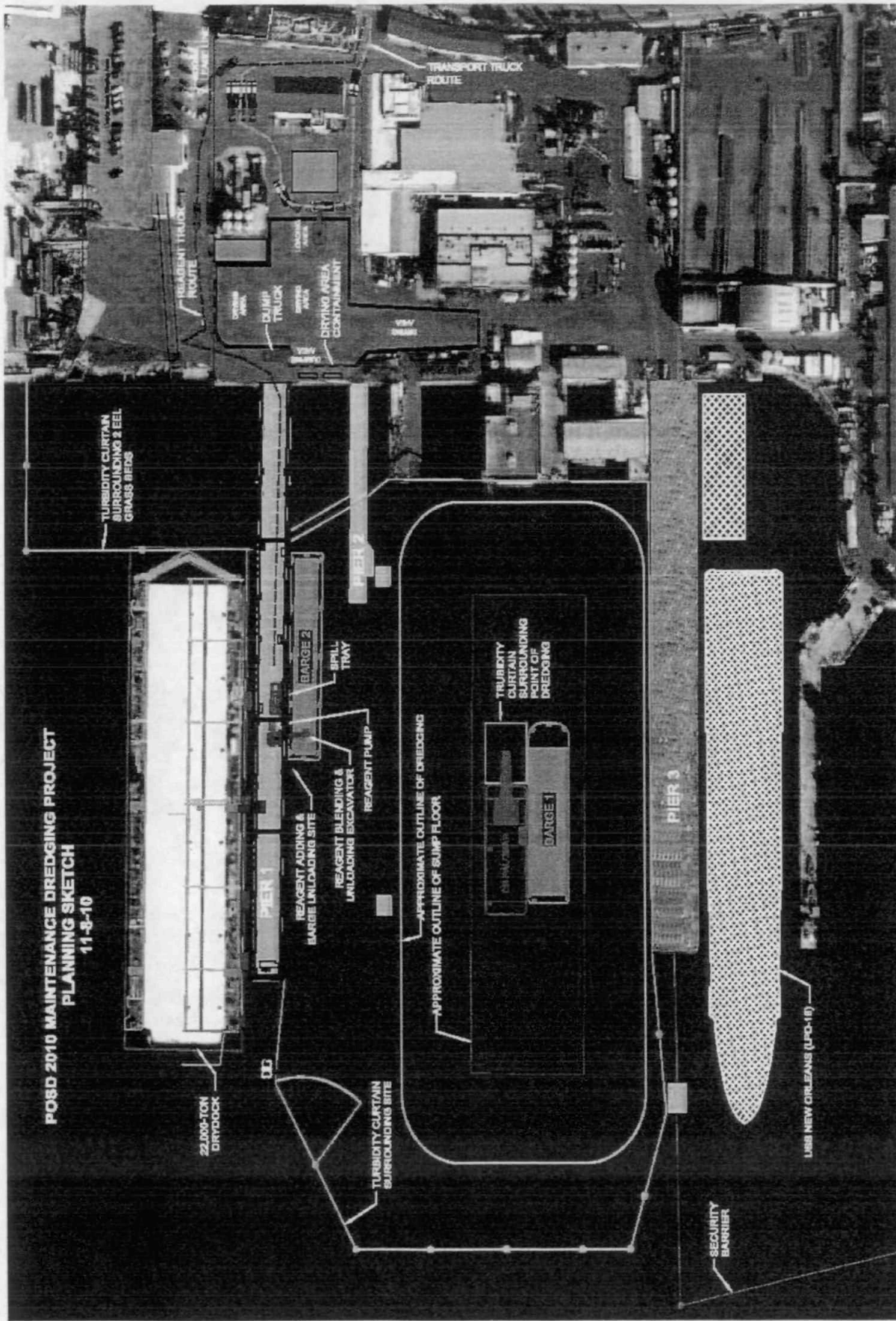


Figure 2 Unloading and Dewatering Plan

Attachment 5
Unloading and Dewatering Plan

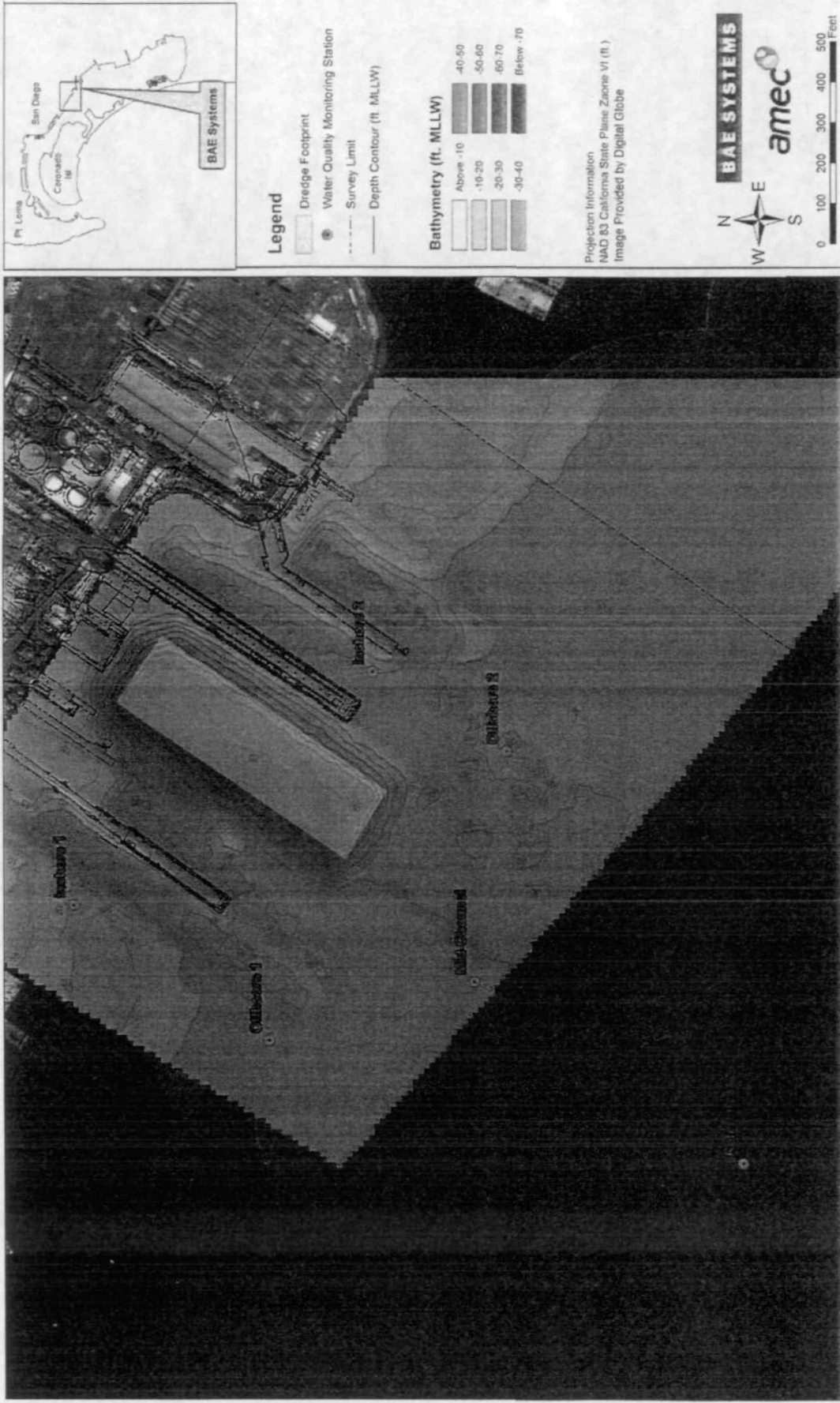


Figure 4. Elevation View of Water Quality Survey Areas

Attachment 6
Water Quality Monitoring Stations