

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

2375 Northside Drive, Suite.100, San Diego, CA 92108
Phone (619) 516-1990 • Fax (619) 516-1994
<http://www.waterboards.ca.gov/sandiego/>

Clean Water Act Section 401 Water Quality Certification
and Waste Discharge Requirements
for Discharge of Dredged and/or Fill Materials

PROJECT: Maintenance Dredging at Pier 12, the Dry Dock Sump, and Berths IV/V Project
Certification Number R9-2018-0024
WDID: 9 000003262

Reg. Meas. ID: 419066 Place ID: 844159 Party ID: 531893 Person ID: 562952
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APPLICANT: General Dynamics NASSCO
2798 Harbor Drive
San Diego, CA 92113

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"/> Enrollment in Isolated Waters Order No. 2004-004-DWQ
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017-DWQ	

PROJECT DESCRIPTION

An application dated January 24, 2018 was submitted by the General Dynamics NASSCO (hereinafter Applicant), for Water Quality Certification pursuant to section 401 of the Clean Water Act (United States Code (USC) Title 33, section 1341) for the proposed Maintenance Dredging at Pier 12, the Dry Dock Sump, and Berths IV/V Project (Project). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on May 16, 2018. The Applicant proposes to discharge dredged or fill material to waters of the United States and/or State associated with construction activity at the Project site. The Applicant has also applied for a Rivers and Harbors Act section 10 Letter of Permission from the United States Army Corps of Engineers (USACE) for the Project (USACE File No. SPL-2018-00051-RRS).

The Project is located within the City of San Diego, San Diego County, California at 2798 Harbor Drive. The center reading coordinates of the proposed dredging areas are located at:

Dredge Area	Latitude WGS84 (dd°mm.mmm')	Longitude WGS84 (dd°mm.mmm')
A	32° 41.3167	-117° 08.4939
B	32° 41.3243	-117° 08.4649
C	32° 41.3080	-117° 08.4756
D	32° 41.3842	-117° 08.4571
E	32° 41.3791	-117° 08.4366
F	32° 41.3854	-117° 08.3755
G	32° 41.10758	-117° 08.2008
H	32° 41.1670	-117° 08.1682
J	32° 41.2328	-117° 08.1164
K	32° 41.2222	-117° 08.1863
L	32° 41.2132	-117° 08.1414
M	32° 41.2437	-117° 08.1227

Notes: WGS84 = World Geodetic System, 1984; ddd/dd°mm.mmm' = degrees decimal minutes

The Applicant has paid all required application fees for this Certification in the amount of \$1,500.00. On an annual basis, the Applicant must also pay all dredging discharge fees. On May 16, 2018, the San Diego Water Board provided public notice of the Project application pursuant to California Code of Regulations, title 23, section 3858 by posting information describing the Project on the San Diego Water Board's web site and providing a period of twenty-one days for public review and comment. No comments were received.

The Applicant proposes to perform maintenance dredging of bay bottom sediment as part of maintenance necessary for vessels to access the berthing areas at Pier 12 and Berths IV and V and for safe submergence of the dry dock (Figure 2). The proposed Project would dredge sediment to various design and overdredge (OD) depths listed in Table 1. The total proposed dredge volume is 11,200 cubic yards (cy) to design depths and 22,000 cy to the proposed OD depths. The majority of the dredging (approximately 60 percent) would occur in the Approach to Berths IV/V.

Areas A through E, H, J and K (see Table 1; Attachment 3, Figure 2) are designed to accommodate for specific needs at each berthing location for specific height and draft information from vessels utilized by the United States Navy. Area L is a high spot currently affecting keel draft on some vessels entering Berths IV and V. The sediment below the NASSCO dry dock is also in critical need of maintenance dredging because the vessel comes in contact with the bay bottom when submerged during docking and undocking evolutions.

Table 1. Dredging Locations, Design Depths, and Approximate Dredge Volumes

Location	Dredge Area	Purpose for Dredge Area	Approx. Start Date	Design Depth (ft. MLLW)	Depth to 2-ft OD Allowance (ft. MLLW)	Dredge Volume to Design Depth (cy)	Dredge Volume with 2-ft OD Allowance (cy)	Depth Ranges of Sediment Removal (to OD Allowance) (ft)
Pier 12 Berth X	A	CG & DDG Sonar Dome	2019	-37	-39	900	1,300	6-8
	D	DDG Sonar Dome	2019	-34	-36	100	300	4
Pier 12 Berth IX	B	CG Sonar Dome	2019	-37	-39	800	1,200	8
	C	CG Propeller	2019	-37	-39	1,300	1,600	10-12
	E	CG Propeller	2019	-34	-36	300	600	5
Dry Dock Sump	F	Dry Dock Sump	Sept. 2018	-53	-55	700	2,100	3-5
Approach to Berths IV/V	G	Approach Area	Sept. 2018	-32	-34	5,600	12,300	2-9
Berth V	H	CG Sonar Dome	2020	-37	-39	600	900	5-8
	J	CG Propeller	2020	-34	-36	100	200	2-5
Berth IV	K	CG Propeller	2020	-34	-36	100	400	6-7
Berth V	L	Matson	2020	-31	-33	300	600	3
	M	T-AO Starboard propeller	2020	-34	-36	400	500	5-8
Total	NA	NA	NA	Various	Various	11,200	22,000	Various

Notes: CG = guided missile cruiser; DDG = guided missile destroyer; T-AO = fleet replenishment oiler; ft = feet; MLLW = mean lower low water; OD = overdredge, cy = cubic yards, NA = not applicable

Dredging at five areas around Pier 12 would remove up to 5,000 cy; dredging at the Dry Dock sump would remove up to 2,100 cy; and dredging at the five areas between Berths IV/V would remove up to 2,600 cy; dredging at the approach area to Berths IV/V would remove up to 12,300 cy. In total, the Project would dredge no more than 22,000 cy (including 2 feet of overdredge) of marine sediment to approximate depths of -33 to -39 feet mean lower low water

(MLLW) at Pier 12, between Berths IV/V, and the approach at Berths IV/V, and -55 feet MLLW at the Dry Dock Sump (see specific design and OD on Table 1). These depths are designed to include 2 feet of OD allowance.

The five proposed dredge areas at Pier 12 totals to approximately 7,630 square feet (0.18 acres). The dredge area at the Dry Dock Sump is approximately 14,875 square feet (0.34 acres). The five proposed dredge areas between Berths IV/V total to approximately 5,350 square feet (0.12 acres). Lastly, the dredge area at the approach to Berths IV and V is approximately 72,700 square feet (1.67 acres). In total, an area of 2.31 acres are planned to be dredged.

Prior to dredging, a pre-dredge eelgrass survey will be conducted. If eelgrass is found within the project footprint, a post-dredging survey will also be conducted. Silt curtains will be placed around the dredge areas and the eelgrass bed that had been previously located along the quay wall (including an eelgrass transplant site); the nearest bed is located approximately 100 feet from the northeastern most dredge area (Dredge Area D) at Pier 12 (Berth X).

A dredged material characterization study was conducted in January 2018 to evaluate sediments and determine appropriate disposal. Sediments were determined to be non-hazardous and acceptable for upland disposal. All dredged material will be disposed of at an appropriately permitted upland disposal facility.

The dredging will be performed using a clamshell dredge by a barge-mounted crane. During dredging activities, standard construction BMPs will be utilized. While material is still on the scow barge, some decanting of water will be conducted while moored within the silt curtains. Prior to transfer to an upland disposal facility (Otay Landfill), sediment will be sufficiently dewatered. This will be completed by either treating the sediment directly within the barges (potentially with a cementitious additive) prior to transfer onto dump trucks, and/or stockpiling and dewatering the sediment at temporary designated areas within NASSCO's facility. For transfer to dump trucks and/or the designated stockpile areas, scow barges will berth along the adjacent shoreline of the designated area (Figure 4). Two areas are proposed as the designated dewatering and stockpiling areas (S-Lane and the base of Pier 12; see Figure 4). The sediment dewatering and stockpiling area(s) will be fully enclosed by a suitable and watertight barrier (i.e., Ecology Blocks, K-rails, or similar raised perimeter), to contain all free water and prevent any loss of water to adjoining land, into the underlying ground, or into San Diego Bay. A similarly equipped spill apron will be in place at the point of barge offloading to keep stray materials contained and out of the bay.

Once the dredge materials are placed in the stockpiling area, any remaining decanted water will be moved into a Baker Tank. A water management system will be designed and operated by the contractor to meet project and permit requirements, and will be designed to have sufficient capacity to accommodate water generated by dredging and sediment dewatering activities. Freestanding water will first be removed from the sediment-filled barges by pumping into one or more holding tanks. In the holding tank(s), water will be allowed sufficient time to settle for the removal of suspended solids, and treated further as necessary to meet City of San Diego's testing requirements for discharge into the City's receiving system under the

Project Batch Permit. Water within the dewatering and stockpiling area will be managed in the same manner.

Once dewatered, all dredged material will be loaded directly onto trucks for transport to the approved upland disposal site. Trucking and decontamination will be the responsibility of the selected dredging contractor, who will be required to adhere to all permit conditions for housekeeping, decontamination, BMP maintenance, road cleanliness, and truck routing, subject to ongoing monitoring by NASSCO's construction management and oversight team.

Dredging activities are scheduled to begin in September of 2018. All dredging activities will be performed between September 16 and March 30 to avoid the California Least Tern nesting season.

Project construction will permanently impact 2.31 acre (up to 22,000 cubic yards) of San Diego Bay waters of the United States and/or State. The Applicant reports that the Project purpose cannot be practically accomplished in a manner that would avoid or result in less adverse impacts to aquatic resources considering all potential practicable alternatives, such as the potential for alternate available locations, designs, reductions in size, configuration or density. No impact to eelgrass is anticipated; however, in the event that any eelgrass is impacted during the Project, compensatory mitigation will be provided in accordance with the terms of the *California Eelgrass Mitigation Policy*.

Additional Project details are provided in Attachments 2 through 3 of this Certification.

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Attachments:

- 1. Definitions**
- 2. Project Location Maps**
- 3. Project Site Plans**

The San Diego Water Board has independently reviewed the record of the Project to analyze the extent and nature of proposed Project impacts to the water quality and beneficial uses of waters of the United States and/or State and associated compensatory mitigation required to offset impacts attributed to the Project. In accordance with this Certification, the Applicant may proceed with the Project under the following terms and conditions:

I. STANDARD CONDITIONS

Pursuant to section 3860 of title 23 of the California Code of Regulations, the following three standard conditions apply to all water quality certification actions:

- A. This 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 chapter 28, article 6 (commencing with title 23, section 3867), of the California Code of Regulations.
- B. This Certification action is not intended and shall not be construed to apply to any discharge from 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 California Code of Regulations title 23, section 3855 subdivision (b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. This Certification action is conditioned upon total payment of any fee required under title 23, chapter 28 (commencing with section 3830) of California Code of Regulations and owed by the applicant.

II. GENERAL CONDITIONS

- A. **Term of Certification.** Water Quality Certification No. R9-2018-0024 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 (33 USC Title 33, section 1344) permit issued by the USACE for this Project, or b) five (5) years from the date of issuance of this Certification, whichever occurs first.
- B. **Duty to Comply.** The Applicant must comply with all conditions and requirements of this Certification. Any Certification noncompliance constitutes a violation of the Water Code and is grounds for enforcement action or Certification termination, revocation and reissuance, or modification.
- C. **General Waste Discharge Requirements.** The requirements of this Certification are enforceable through 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* (Water Quality Order No. 2003-0017-DWQ). This provision shall apply irrespective of whether a) the federal permit for which the Certification was obtained is subsequently retracted or is expired, or b) the Certification is expired. Water Quality Order No. 2003-0017-DWQ is accessible at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf.

- D. **Project Conformance with Application.** All water quality protection measures and BMPs described in the application and supplemental information for water quality certification are incorporated by reference into this Certification as if fully stated herein. Notwithstanding any more specific conditions in this Certification, the Applicant shall construct, implement and comply with all water quality protection measures and BMPs described in the application and supplemental information. The conditions within this Certification shall supersede conflicting provisions within the application and supplemental information submitted as part of this Certification action.
- E. **Project Conformance with Water Quality Control Plans or Policies.** Notwithstanding any more specific conditions in this Certification, the Project shall be constructed in a manner consistent with the Water Quality Control Plan for the San Diego Basin (Basin Plan), the California Ocean Plan, and any other applicable water quality control plans or policies adopted or approved pursuant to the Porter Cologne Water Quality Act (Division 7, commencing with Water Code Section 13000) or section 303 of the Clean Water Act (33 USC section 1313). The Basin Plan accessible at:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/index.shtml

The receiving water limitations set forth below for San Diego Bay are based on applicable water quality standards contained in the Basin Plan, policies and federal regulations and are a required part of this Certification. Project activities shall not cause or contribute to exceedances of these receiving water limitations in the San Diego Bay. Compliance with these limitations shall be determined from samples collected at the points of compliance described in the Monitoring Requirements in section VI of this Certification. Relevant water quality objectives from the Basin Plan are as follows:

1. **Visual.** Floating particulates and grease and oil shall not be visible.
2. **Color.** Waters shall be free of coloration that causes nuisance or adversely affects beneficial uses.
3. **Hydrogen Ion Concentration.** The pH shall not be changed at any time more than 0.2 units from that which occurs naturally.
4. **Hydrogen Ion Concentration.** The pH shall not be depressed below 7.0 nor raised above 9.0.
5. **Turbidity.** If natural turbidity is between 0 to 50 nephelometric turbidity units (NTUs), the maximum increase from dredge activities must not exceed 20 percent of the measured natural turbidity. If natural turbidity is between 51 to 100 NTUs, the maximum increase from dredge activities must not exceed 10 NTUs. If natural turbidity is greater than 100 NTUs, the maximum increase from dredge activities

must not exceed 10% above natural background levels.

6. **Dissolved Oxygen.** The dissolved oxygen concentration shall not at any time be depressed more than 10 percent from that which occurs naturally.
 7. **Benthic Communities.** Pollutants in sediments shall not be present in quantities that, alone or in combination, are toxic to benthic communities.
 8. **Human Health.** Pollutants shall not be present in sediments at levels that will bioaccumulate in aquatic life to levels that are harmful to human health.
 9. **Water Quality Objectives.** Water quality objectives applicable to San Diego Bay established in Chapter 3 of the San Diego Water Board's Water Quality Control Plan for the San Diego Basin (Basin Plan) shall not be exceeded.
 10. **Priority Pollutant Criteria.** Priority pollutant criteria applicable to San Diego Bay promulgated by the USEPA through the a) National Toxics Rule (NTR) (40 CFR 131.36 promulgated on December 22, 1992 and amended on May 4, 1995) and b) California Toxics Rule (CTR) (40 CFR 131.38, (65 Fed. Register 31682-31719), adding Section 131.38 to Title 40 of the Code of Federal Regulations, on May 18, 2000) shall not be exceeded.
- F. **Project Modification.** The Applicant must submit any changes to the Project, including Project operation, which would have a significant or material effect on the findings, conclusions, or conditions of this Certification, to the San Diego Water Board for prior review and written approval. If the San Diego Water Board is not notified of a significant change to the Project, it will be considered a violation of this Certification.
- G. **Certification Distribution Posting.** During Project construction, the Applicant must maintain a copy of this Certification at the Project site. This Certification must be available at all times to site personnel and agencies. A copy of this Certification shall also be provided to any contractor or subcontractor performing construction work, and the copy shall remain in their possession at the Project site.
- H. **Inspection and Entry.** The Applicant must allow the San Diego Water Board or the State Water Resources Control Board, and/or their authorized representative(s) (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents as may be required under law, to:
1. Enter upon the Project or Compensatory Mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Certification;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Certification;

3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification; and
 4. Sample or monitor, at reasonable times, for the purposes of assuring Certification compliance, or as otherwise authorized by the Clean Water Act or Water Code, any substances or parameters at any location.
- I. **Enforcement Notification.** 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.
- J. **Certification Actions.** This Certification may be modified, revoked and reissued, or terminated for cause including but not limited to the following:
1. Violation of any term or condition of this Certification;
 2. Monitoring results indicate that continued Project activities could violate water quality objectives or impair the beneficial uses of San Diego Bay;
 3. Obtaining this Certification by misrepresentation or failure to disclose fully all relevant facts;
 4. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and
 5. Incorporation of any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
- The filing of a request by the Applicant for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Certification condition.
- K. **Duty to Provide Information.** The Applicant shall furnish to the San Diego Water Board, within a reasonable time, any information which the San Diego Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Certification or to determine compliance with this Certification.
- L. **Property Rights.** This Certification does not convey any property rights of any sort, or any exclusive privilege.

M. **Petitions.** Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with the California Code of Regulations, title 23, sections 3867 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Certification. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

III. CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Approvals to Commence Construction.** The Applicant shall not commence Project construction until all necessary federal, State, and local approvals are obtained.
- B. **Personnel Education.** Prior to the start of the Project, and annually thereafter, the Applicant must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response measures, and BMP implementation and maintenance measures.
- C. **Spill Containment Materials.** The Applicant must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.
- D. **General Construction Storm Water Permit.** Prior to start of Project construction, the Applicant must, as applicable, obtain coverage under, and comply with, the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity*, (General Construction Storm Water Permit) and any reissuance. If Project construction activities do not require coverage under the General Construction Storm Water Permit, the Applicant must develop and implement a runoff management plan (or equivalent construction BMP plan) to prevent the discharge of sediment and other pollutants during construction activities.
- E. **Waste Management.** The Applicant must properly manage, store, treat, and dispose of wastes in accordance with applicable federal, state, and local laws and regulations. Waste management shall be implemented to avoid or minimize exposure of wastes to precipitation or storm water runoff. The storage, handling, treatment, or disposal of waste shall not create conditions of pollution, contamination or nuisance as defined in Water Code section 13050. Upon Project completion, all Project generated debris, building materials, excess material, waste, and trash shall be removed from the Project site(s) for disposal at an authorized landfill or other disposal site in compliance with federal, state and local laws and regulations.

- F. **Waste Management.** Except for a discharge permitted under this Certification, the dumping, deposition, or discharge of trash, rubbish, unset cement or asphalt, concrete, grout, damaged concrete or asphalt, concrete or asphalt spoils, wash water, organic or earthen material, steel, sawdust or other construction debris waste from Project activities directly into waters of the United States and or State, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited.
- G. **Construction Equipment.** All equipment must be washed prior to transport to the Project site and must be free of sediment, debris, and foreign matter. All equipment using gas, oil, hydraulic fluid, or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. Stationary equipment (e.g., motors, pumps, generator, etc.) shall be positioned over drip pans or other types of containment.
- H. **Process Water.** Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or State or placed in locations that may be subjected to storm water runoff flows.
- I. **Hazardous Materials.** Except as authorized by this Certification, substances hazardous to aquatic life including, but not limited to, petroleum products, unused cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each Project activity involving hazardous materials.
- J. **Limits of Disturbance.** The Applicant shall clearly define the limits of Project disturbance to waters of the United States and/or State using highly visible markers such as flag markers, construction fencing, or silt barriers prior to commencement of Project construction activities within those areas.
- K. **Dredge Volume Limit – Upland Disposal.** The volume of dredged sediment designated for Upland disposal must not exceed 22,000 cubic yards of sediment.
- L. **Sediment Dredging.** The Applicant shall conduct dredging in accordance with, but not limited to, the following best management practices:
1. Dredging must be conducted to remove dredge material and not stockpile material on the floor of San Diego Bay or level the bottom surface with the clamshell bucket;
 2. The clamshell bucket must not be overfilled in order to prevent and minimize the spillage of dredged material back in to San Diego Bay waters;
 3. The swing radius of unloading equipment must be controlled to prevent spillage of dredged sediments back into the water;

4. The drop height from a clamshell bucket onto the scow must be controlled to prevent splashing or sloshing of dredged material back into San Diego Bay waters;
5. Excess water from dredged sediment classified as nonhazardous may be decanted and discharged back into San Diego Bay within the confines of the silt curtains;
6. Dredged material scows must not be filled to a point that overflow or spillage could occur. Each material scow must be marked in such a way to allow the operator to visually identify the maximum load point;
7. Load-controlled boat movement, line attachment, and/or horsepower requirements of tugs and support boats at the Project site must be specified to avoid resuspension of sediment. Such measures may include speed restrictions, establishment of off-limit areas, and use of shallow draft vessels;
8. Dredged sediments may be mixed with a cement-based reagent or cementitious additive (e.g., pozzolans) to facilitate drying and to bind the sediments;
9. The on-shore dredged sediment truck loading area must be designed as a no-discharge facility to prevent dredge water from flowing back into San Diego Bay. The design must also prevent storm water run-on or run-off from adjacent areas from entering the offloading area;
10. At all times during Project construction, storm water in contact with sediment and decant water at the stockpiling area shall be collected in closed-top tanks to prevent infiltration and overflow during a storm event. This would involve the decant and/or storm water being collected in a sump in the operation area, pumped to aboveground tanks, and disposed of either within the sanitary sewer or off site. The storage areas shall be surrounded by a curb, dike, berm, or some other type of secondary containment system. All paved storage areas shall be free of cracks and gaps, and shall be able to contain leaks and overflows until they can be addressed; and
11. Prior to discharge to the sanitary sewer system, the dredge sediment decant water must meet the City of San Diego's requirements for discharge of wastewater to the sanitary sewer system. The discharge must comply with any limits on pollutant concentrations, discharge times and flow rates required by the City of San Diego. If the decanted water does not meet City of San Diego's requirements for discharge of wastewater to the sanitary sewer, it must be removed by a licensed waste hauler for treatment and disposal at an authorized site.

M. Upland Disposal of Dredged Sediments. Dewatered dredged sediments for upland landfill disposal, classified as nonhazardous, must be transported for disposal at a landfill permitted for accepting this material. It is anticipated that the Otay Sanitary Landfill at 1700 Maxwell Road in Chula Vista, California 91911 will be utilized for disposal of dredged sediments classified as nonhazardous. Dredged sediments classified as hazardous must be transported to a hazardous waste landfill permitted for

accepting this material, such as the Buttonwillow Hazardous Waste Landfill at 2500 West Lokem Road in Buttonwillow, California 93206. Alternative disposal of dredge materials at non-permitted disposal facilities is not authorized by this Certification.

- N. **Silt Curtain Deployment for Sediment Dredging.** The Applicant shall deploy and maintain a continuous length of double silt curtains, installed and maintained fully surrounding the active dredging (including any dredge equipment), loading, and/or desilting discharges in conformance with the following requirements:
1. The silt curtains must be comprised of Type III geotextile material;
 2. The silt curtains must restrict the surface visible turbidity plume or surface debris to the area of construction and dredging and must control and contain the migration of re-suspended sediments or debris at the water surface and at depth;
 3. The silt curtain must be maintained as a full turbidity enclosure. The silt curtains must be supported by floating debris booms in open water areas such as along the bayward side of the dredging areas. Along pier edges the silt curtains may be connected to the pier structure;
 4. The bottom of the silt curtains must be weighted with ballast weights or rods affixed to the base of the fabric to resist the natural buoyancy of the silt curtain fabric and lessen its tendency to move in response to currents. The silt curtains shall extend from the bay surface to at least 20 feet into the water column. Where feasible and applicable, the floating silt curtains shall be anchored and deployed from the surface of the water to just above the substrate;
 5. If necessary, silt curtains with tidal flaps must be installed to facilitate curtain deployment in areas of higher flow. Air curtains may be used in conjunction with silt curtains to contain re-suspended sediment, enhance worker safety, and allow barges to transit into and out of the work area without the need to open and close silt curtain gates.
 6. Silt curtains must be monitored for damage, dislocation or gaps and must be immediately repaired where it is no longer continuous or where it has loosened; and
 7. Silt curtain must not be removed until the visible turbidity plume has dissipated and/or surface debris is skimmed and removed.
- O. **On-site Qualified Biologist.** The Applicant shall designate an on-site qualified biologist to monitor Project construction activities within or adjacent to waters of the United States and/or State to ensure compliance with the Certification requirements. The biologist shall be given the authority to stop all work on-site if a violation of this Certification occurs or has the potential to occur. Records and field notes of the biologist's activities shall be kept on-site and made available for review upon request by the San Diego Water Board.

P. Protection of Eelgrass Beds at the Project Site. The Applicant shall comply with the following requirements to protect existing eelgrass beds:

1. Prior to construction, the boundaries of adjacent eelgrass beds must be staked with ridged PVC markers or self-centering buoys visible at all tide heights. The PVC markers or self-centering buoys must be protected, replaced, and maintained as needed to ensure that they remain in place and properly stake at the boundaries of the eelgrass beds.
2. Any silt curtains must be kept a minimum of 30 feet away from staked eelgrass beds in order to prevent damage to eelgrass beds from curtain drag or movement.
3. During project construction and regardless of the timing of the dredging, the eelgrass beds must be protected with silt curtains deployed in a manner to protect eelgrass from excessive dredge or fill generated turbidity or sediment deposition.

Q. Beneficial Use Protection. The Applicant must take all necessary measures to protect the beneficial uses of waters of the San Diego Bay. This Certification requires compliance with all applicable requirements of the Basin Plan. If at any time, an unauthorized discharge to surface waters occurs or monitoring indicates that the Project is violating, or threatens to violate, water quality objectives, the associated Project activities shall cease immediately and the San Diego Water Board shall be notified in accordance with Notification Requirement VII.B of this Certification. Associated Project activities may not resume without approval from the San Diego Water Board.

IV. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

A. Post-Construction Discharges. The Applicant shall not allow post-construction discharges from the Project site to cause or contribute to on-site or off-site erosion or damage to properties or Bay habitats.

V. PROJECT IMPACTS AND COMPENSATORY MITIGATION

A. Project Impact Avoidance and Minimization. The Project must avoid and minimize adverse impacts to waters of the United States and/or State to the maximum extent practicable.

B. Project Impacts and Compensatory Mitigation. Unavoidable Project impacts to the San Diego Bay must not exceed the type and magnitude of impacts described in the table below. At a minimum, compensatory mitigation required to offset unavoidable temporary and permanent Project impacts to waters of the United States and/or State must be achieved as described in the table below:

	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation Ratio (area mitigated :area impacted)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (linear feet mitigated :linear feet impacted)
Permanent Impacts						
San Diego Bay	2.31 ^a	a	b	b	b	b

- a. Permanent impacts attributable to dredging up to approximately 22,000 cubic yards of unvegetated sediment from the bay floor to the design and overdredge depths listed in Table 1 of this Certification representing a short-term degradation of ecological function. Length of impact was not calculated as the maintenance areas are best described as a total area of affected bay floor.
- b. The impacts associated with dredging the bay floor will include temporary and localized increases in suspended sediment (i.e., turbidity) along with a potential for reduced dissolved oxygen levels associated with disturbance of anoxic sediment compounds. Deployment of silt curtains to contain the plume will reduce this impact to a less than significant level. Additionally, the Project will have temporary effects on marine life of varying degrees. Mobile aquatic organisms will most likely vacate the area of disturbance during the short duration of the Project. Impacts to benthic organisms and the soft-bottom habitat through direct removal or indirect disturbance of existing bottom sediments is less than significant as benthic communities are anticipated to recolonize the disturbed sediment areas within 2 to 6 months. Based on all of these considerations, compensatory mitigation for the above-described impacts is not required. However, any eelgrass observed during a pre-dredge survey will be protected in place. In the event that the eelgrass is impacted by the Project, the Applicant will provide compensatory mitigation in accordance with the terms of the *California Eelgrass Mitigation Policy*.

C. **Eelgrass.** A pre-dredging eelgrass survey must be completed in accordance with the requirements of the *California Eelgrass Mitigation Policy (CEMP)*¹ by a qualified biologist, prior to initiation of dredging activities at the site. This survey must include both aerial and density characterization of the beds. If eelgrass is found during the pre-dredging survey, a post-dredging survey must be performed by a qualified biologist within 30 days following project completion to quantify any unanticipated losses to eelgrass habitat. Impacts must then be determined from a comparison of pre- and post-dredging survey results. Impacts to eelgrass, if any, must be mitigated through conformance with the CEMP, which defines the mitigation ratio and other requirements to achieve mitigation for significant eelgrass impacts. If required following the post-dredging survey, the CEMP defined mitigation plan must be developed; submitted and approved by the San Diego Water Board, USACE, and National Marine Fisheries Service; and implemented to offset losses to eelgrass.

¹ National Oceanic and Atmospheric Administration, National Marine Fisheries, West Coast Region. California Eelgrass Mitigation Policy and Implementing Guidelines, October 2014. An electronic copy can be found at the following web page: http://www.westcoast.fisheries.noaa.gov/publications/habitat/california_eelgrass_mitigation/Final%20CEMP%20October%202014/cemp_oct_2014_final.pdf

- D. Compensatory Mitigation Site Design.** If compensatory mitigation for eelgrass impacts is required, the compensatory mitigation site(s) shall be designed to be self-sustaining once performance standards have been achieved. This includes minimization of active engineering features (e.g., pumps) and appropriate siting to ensure that natural hydrology and landscape context support long-term sustainability.
- E. Temporary Project Impact Areas.** The Applicant must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge of pollutants to waters of the United States and/or State. Restoration must include grading of disturbed areas to pre-project contours and re-vegetation with native species. The Applicant must implement all necessary BMPs to control erosion and runoff from areas associated with the Project.
- F. Long-Term Management and Maintenance.** If compensatory mitigation for eelgrass impacts is required, the compensatory mitigation site(s) must be managed, protected, and maintained, in perpetuity, in conformance with the long-term management plan and the final ecological success performance standards identified in the approved CEMP defined mitigation plan. The aquatic habitats that comprise the mitigation site(s) must be protected in perpetuity from activities that may threaten water quality or beneficial uses within the mitigation area(s) in a manner consistent with the following requirements:
- a. Any maintenance activities on the mitigation site(s) that do not contribute to the success of the mitigation site(s) and enhancement of beneficial uses and ecological functions and services are prohibited;
 - b. Maintenance activities must be limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species, and remedial measures deemed necessary for the success of the compensatory mitigation project; and
 - c. If at any time a catastrophic natural event causes damage(s) to the mitigation site(s) or other deficiencies in the compensatory mitigation project, the Applicant must take prompt and appropriate action to repair the damage(s) including replanting the affected area(s) and address any other deficiencies. The San Diego Water Board may require additional monitoring by the Applicant to assess how the compensatory mitigation site(s) or project is responding to a catastrophic natural event.
- G. Timing of Mitigation Site Construction.** If compensatory mitigation for eelgrass impacts is required, the construction of proposed mitigation must be completed no later than 9 months following the earliest time of either the direct impact to eelgrass beds or as directed in accordance with CEMP. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10% of the cumulative compensatory mitigation for each month of delay.

H. **Mitigation Site(s) Preservation Mechanism.** If compensatory mitigation for eelgrass impacts is required, the Applicant must provide the San Diego Water Board with a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) **within 90 days from the dredging completion date** that will protect all mitigation areas and their buffers in perpetuity. The Applicant must submit proof of a completed final preservation mechanism that will protect all mitigation areas and their buffers in perpetuity **before the Project certification can be terminated.** The conservation easement, deed restriction, or other legal limitation on the mitigation properties must be adequate to demonstrate that the sites will be maintained without future development or encroachment on the sites which could otherwise reduce the functions and values of the sites for the variety of beneficial uses of waters of the United States and/ or State that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the sites. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

VI. MONITORING AND REPORTING REQUIREMENTS

- A. **Representative Monitoring.** Samples and measurements taken for the purpose of monitoring under this Certification shall be representative of the monitored activity.
- B. **USEPA Test Procedures.** Monitoring must be conducted according to USEPA test procedures approved under Title 40, Code of Federal Regulations (CFR), Part 136, Guidelines Establishing Test Procedures for Analysis of Pollutants Under the Clean Water Act as amended, unless other test procedures have been specified in this Certification.
- C. **Monitoring Instruments.** All monitoring instruments and devices, which are used by the Applicant to fulfill the prescribed monitoring program, must be properly maintained and calibrated as necessary to ensure their continued accuracy.
- D. **Certified Laboratory.** All laboratory analyses must be performed in a laboratory certified to perform such analyses under the State Water Resources Control Board's Environmental Laboratory Accreditation Program or a laboratory approved by the San Diego Water Board.
- E. **Monitoring Reports.** Monitoring results shall be reported to the San Diego Water Board at the intervals specified in section VI of this Certification.
- F. **Monitoring and Reporting Revisions.** The San Diego Water Board may make revisions to the monitoring program at any time during the term of this Certification and may reduce or increase the number of parameters to be monitored, locations monitored, the frequency of monitoring, or the number and size of samples collected.

- G. Retain Records.** The Applicant must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Certification, and records of all data used to complete the application for this Certification. Records must be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this Project or when requested by the San Diego Water Board.
- H. Records of Monitoring Information.** Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) analyses were performed;
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and
 6. The results of such analyses.
- I. Receiving Water Visual Observation Monitoring.** The Applicant must conduct visual observation monitoring of the Project activities in the San Diego Bay prior to, during, and after each period of Project implementation. The visual observation monitoring documentation must be included in the Receiving Water and Visual Observation Monitoring Report(s).
1. **Parameters.** The following parameters, at a minimum, shall be recorded and visually monitored immediately outside of the construction area and in the vicinity of the nearshore sand placement:
 - a. Tidal stage;
 - b. Speed and direction of currents;
 - c. Appearance of floating particulates, rubbish, refuse, garbage, trash or any other solid waste, suspended materials, grease, or oil;
 - d. Discoloration of the water surface, extent of turbidity plume, and any observable sediment movement; and
 - e. Presence of nuisance odors attributable to the dredge activity.

2. **Field Documentation.** All visual observations shall be recorded throughout Project construction activities (e.g., field log, data sheets, etc.). Field logs shall also include observations of sensitive biological resources and weather conditions, such as wind speed/direction and cloud cover.

Photo documentation should be used in support of visual observations of water quality conditions and be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf. In addition, photo documentation should include Global Positioning System (GPS) coordinates for each of the photo points referenced; and,

3. **Response Actions.** If the condition of the silt curtain is observed to be damaged, has become dislocated, or has gaps where a visible turbidity plume is forming outside of the silt curtain at the Project Site, a response action shall be taken immediately to correct the situation. Response actions may include, but are not limited to, work stoppage until silt curtain repair is completed, implementation of operational modifications, and/or implementation of additional BMPs (e.g., a second silt curtain). Response actions, if needed, shall be documented in the monitoring field log.

J. **Receiving Water Quality Monitoring.** The Applicant shall conduct receiving water monitoring during construction activities at the Project Site to verify that applicable water quality standards for pH, dissolved oxygen and turbidity are not violated outside of the construction areas. The monitoring plan shall contain the following elements:

1. **Monitoring Stations.** During each monitoring event, water quality parameters including turbidity, dissolved oxygen, and pH shall be measured at five stations at the Project Site. Monitored water quality measurements shall be compared to “ambient” water quality reference measurements outside of the respective construction in San Diego Bay. Four stations shall be compliance stations and one station shall be a reference station. Monitoring station positions shall be located using a Global Positioning System (GPS) accurate to within ± 3 meters. Station descriptions are as follows:
 - a. **Compliance Stations.** Four monitoring stations at the Project Site shall be located evenly along an arc located 200 feet from the edge of each of the construction area to capture all tidal and current conditions at the time of dredging at each area. The locations shall be adjusted in the field to better target a visible turbidity plume, if a visible plume is observed; and
 - b. **Reference Station.** One reference station shall be located at least 1,000 feet from the construction activity in the direction of the head of San Diego Bay and beyond the influence of construction activities.

Natural turbidity, dissolved oxygen, and pH shall be determined through measurements at the reference stations. A reference station shall be monitored during every event, because the turbidity water quality objective is based on an acceptably small increase in the vicinity of the construction activity relative to ambient reference levels. The location of the reference station shall remain the same for all monitoring events;

2. **Water Quality Measurements.** Monitored water quality measurements for turbidity, dissolved oxygen, and pH at the Compliance Stations shall be compared to Reference Station measurements outside the construction area. Water quality measurements shall be collected from a depth of 10 feet below the water surface at each of the stations. Monitoring depths shall be determined using a depth finder with an accuracy of ± 0.5 feet. Water quality shall be monitored using instrumentation capable of measuring dissolved oxygen (DO), pH, and turbidity (in nephelometric turbidity units (NTU's));
3. **Monitoring Frequency.** During dredging, manual water quality samples shall be collected once daily after dredging operations have been underway for a minimum of one hour. The reference station outside the influence of dredging shall also be sampled at similar depths and frequency for comparison to the samples collected from the dredge area. Sampling may be reduced to weekly sampling if no water quality exceedances of the Receiving Water Limitations described in section II.E of this Certification are observed or measured after 3 consecutive days of monitoring.

If after 3 consecutive days without an exceedance the monitoring frequency is reduced to weekly, all water quality parameters may be measured during one monitoring event per week. The monitoring frequency must return to daily if an exceedance of the Receiving Water Limitations described in section II.E of this Certification is observed or measured. The monitoring frequency can again be reduced to weekly sampling if 3 consecutive days of monitoring show there are no exceedances of Receiving Water Limitations.
4. **Sample Integrity.** The integrity of each water sample collected shall be maintained from the time of collection to the point of data reporting. Proper record keeping and chain of custody (COC) procedures shall be implemented to allow samples to be traced from collection to final disposition. After collection of water samples, documentation on various logs and forms shall be required to adequately identify and catalog sample information; and
5. **Compliance Criteria.** Receiving Water Limitations are provided in section II.E of this Certification. The point of compliance with these receiving water limitations shall be located at the compliance monitoring stations described above. The Project construction area is defined as the area(s) occupied by the dredging barge(s), the scow(s), silt curtains, and other associated work activities.

- K. Response Actions to Monitoring Results.** In the event that visual observations or water quality monitoring described in Section VI.I and VI.J of this Certification indicate an exceedance of an applicable Receiving Water Limitation described in Section II.E of this Certification, the Applicant shall implement the additional or enhanced operational or engineering BMPs described below:
1. Evaluate the concurrent measurements at background and compliance monitoring stations and supporting visual evidence to determine whether the exceedance is caused by construction activities or by other ambient conditions in the San Diego Bay (e.g., wind waves, boat wakes, barge/ship traffic, and storm inflow).
 2. Immediately re-take measurements at reference and compliance stations.
 3. If the exceedance is confirmed, immediately notify the dredge contractor to immediately modify operations or implement additional BMPs to mitigate the exceedance. Operational modifications may include, but are not limited to the following modifications implemented individually or in combination:
 - a. Adjust the sequence and/or speed of dredging and disposal operations;
 - b. Reposition dredge operations in such a way as to ensure future exceedances do not occur;
 - c. Fix, maintain, and/or upgrade floating silt curtains; and
 - d. Modify, either on a temporary or permanent basis, dredge equipment (such as the dredging bucket size or type).
 4. Re-evaluate field measurements at all relevant stations 30 minutes later, after additional BMPs or operational modifications are implemented.
 5. If the receiving water limitation exceedance continues to persist, even with additional BMPs, determine and implement more aggressive BMPs or operational modifications that resolve the exceedance or stop work to further assess the source of the exceedance, identify effective mitigation measures, and allow the water column to recover.
- L. Geographic Information System Data.** The Applicant must submit Geographic Information System (GIS) shape files of the Project impact sites within 30 days of the start of project construction and GIS shape files of the Project mitigation sites within 30 days of mitigation installation. All impact and mitigation site shape files must be polygons. Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points. GIS metadata must also be submitted.

M. Receiving Water and Visual Observation Monitoring Report. The Applicant shall prepare monthly monitoring reports that contain the results of receiving water quality and visual observation monitoring activities for each week of that month. The reports must be submitted no later than 30 days following each calendar month of in-water construction and must include:

1. The following identification numbers included at the end of the header or subject line: Certification No. R9-2018-0024:844159:lhonma;
2. The names, qualifications, and affiliations of the persons contributing to the report;
3. A summary table of the monitoring results with a comparison to receiving water limitation compliance criteria;
4. An evaluation, interpretation, and tabulation of the visual observations required under section VI.I and water quality data required under section VI.J including interpretations and conclusions as to whether applicable receiving water limitations were attained at each monitoring station;
5. A description of each incident of non-compliance and its cause, the period of the noncompliance including exact dates and times, and actions taken to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
6. For any weekly monitoring period in which no dredging or disposal activities were conducted, the reporting must include a statement certifying that dredging activities or in-water work occurred during the monitoring period.

N. Annual Project Progress Reports. The Applicant must submit annual Project Progress Reports until this certification has expired or been terminated. The Project Progress Reports must describe the status of BMP implementation, compensatory mitigation (as required by CEMP), and compliance with all requirements of this Certification to the San Diego Water Board prior to **March 1** of each year following the issuance of this Certification, until the Project has reached completion. If compensatory mitigation for eelgrass impacts is necessary, the Annual Project Progress Reports must contain compensatory mitigation monitoring information sufficient to demonstrate how the compensatory mitigation project is progressing towards accomplishing its objectives and meeting its performance standards. Annual Project Progress Reports must be submitted even if Project construction has not begun. The monitoring period for each Annual Project Progress Report shall be January 1st through December 31st of each year. Annual Project Progress Reports must include, at a minimum, the following:

1. **Project Status and Compliance Reporting.** The Annual Project Progress Report must include the following Project status and compliance information:
 - a. The names, qualifications, and affiliations of the persons contributing to the report;

- b. The status, progress, and anticipated schedule for completion of Project construction activities including the installation and operational status of best management practices project features for erosion and storm water quality treatment;
 - c. A description of Project construction delays encountered or anticipated that may affect the schedule for construction completion;
 - d. A description of each incident of noncompliance during the annual monitoring period and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance;
 - e. The total volume of dredged material (in cubic yards) for the monitoring period; and
 - f. The pre- and post- construction eelgrass surveys, as applicable, required under section V.C of this Certification, including a description of any additional actions that will be taken by the Applicant to mitigate for impact to eelgrass habitat beyond what is expected.
2. **Compensatory Mitigation Monitoring Reporting.** If compensatory mitigation for eelgrass impacts is required, mitigation monitoring information must be submitted as part of the Annual Project Progress Report for a period of not less than five years, sufficient to demonstrate that the compensatory mitigation project has accomplished its objectives and met ecological success performance standards contained in the Mitigation Plan. Monitoring shall be conducted in accordance with the standards of the CEMP. Following Project implementation, the San Diego Water Board may reduce or waive compensatory mitigation monitoring requirements upon a determination that performance standards have been achieved. Conversely, the San Diego Water Board may extend the monitoring period beyond five years upon a determination that the performance standards have not been met or the compensatory mitigation project is not on track to meet them. The Annual Project Progress Report must include the following compensatory mitigation monitoring information:
- a. Names, qualifications, and affiliations of the persons contributing to the report;
 - b. An evaluation, interpretation, and tabulation of the parameters being monitored, including the results of the Mitigation Plan monitoring program, and all quantitative and qualitative data collected in the field;
 - c. Monitoring data interpretations and conclusions as to how the compensatory mitigation project(s) is progressing towards meeting performance standards and whether the performance standards have been met;

- d. A description of the progress toward implementing a plan to manage the compensatory mitigation project after performance standards have been achieved to ensure the long term sustainability of the resource in perpetuity, including a discussion of long term financing mechanisms, the party responsible for long term management, and a timetable for future steps;
 - e. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
 - f. As-built drawings of the compensatory mitigation project site(s), no bigger than 11"X17"; and
 - g. A survey report documenting boundaries of the compensatory mitigation site(s).
- O. Final Project Construction Completion Report.** The Applicant must submit a Final Project Construction Completion Report to the San Diego Water Board **within 30 days of completion of the Project construction.** The final report must include the following information, at a minimum:
- 1. Date of construction initiation;
 - 2. Date of construction completion; and
 - 3. The total volume of dredged material (in cubic yards) for the Project.
- P. Reporting Authority.** The submittal of information required under this Certification, or in response to a suspected violation of any condition of this Certification, is required pursuant to Water Code section 13267 and 13383. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit information pursuant to Water Code sections 13268 or 13385.
- Q. Electronic Document Submittal.** The Applicant must submit all reports and information required under this Certification in electronic format via e-mail to SanDiego@waterboards.ca.gov. Documents over 50 megabytes will not be accepted via e-mail and must be placed on a disc and delivered to:

California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification No. R9-2018-0024:844159:lhonma
2375 Northside Drive, Suite 100
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF), converted to text searchable format using Optical Character Recognition (OCR), and not be password protected. All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. R9-2018-0024:844159:lhonma.

R. Document Signatory Requirements. All applications, reports, or information submitted to the San Diego Water Board must be signed as follows:

1. For a corporation, by a responsible corporate officer of at least the level of vice president.
2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
4. A duly authorized representative may sign applications, reports, or information if:
 - a. The authorization is made in writing by a person described 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.

If such authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the Project, a new authorization satisfying the above requirements must be submitted to the San Diego Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative.

S. Document Certification Requirements. All applications, reports, or information submitted to the San Diego Water Board must be 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."

VII. NOTIFICATION REQUIREMENTS

- A. **Commencement of Construction Notification.** The Applicant must notify the San Diego Water Board in writing at least 5 days prior to the commencement of dredge and disposal activities. Please include the scheduled start and stop dates for dredge and disposal activities.
- B. **Twenty-Four Hour Non-Compliance Reporting.** The Applicant shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the San Diego Water Board 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 San Diego Water Board, 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.
- C. **Caulerpa Taxifolia.** The Applicant must conduct a surveillance-level survey for *Caulerpa taxifolia*, in accordance with the requirements in the National Marine Fisheries Service's *Caulerpa* Control Protocol (version 4), dated February 25, 2008, not more than 90 days before the initiation of construction to determine presence/absence of this species within the immediate vicinity of the project. If *Caulerpa taxifolia* is identified during a survey, or at any other time before, during, or within 120 days following completion of authorized activities, both National Marine Fisheries Service and California Department of Fish and Wildlife must be contacted within 24 hours of first noting the occurrence. In the event *Caulerpa taxifolia* is detected, all disturbing activity must cease until such time as the infestation has been isolated and treated, or the risk of spread from the disturbing activity is eliminated in accordance with the *Caulerpa* Control Protocol.
- D. **Hazardous Substance Discharge.** Except as provided in Water Code section 13271(b), any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the County of San Diego, in accordance with California Health and Safety Code section 5411.5 and the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.17), and immediately notify the State Water Board or the San Diego Water Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of section 13271 of the Water Code unless the Applicant is in violation of a Basin Plan prohibition.

- E. Oil or Petroleum Product Discharge.** Except as provided in Water Code section 13272(b), any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.1). This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Clean Water Act section 311, or the discharge is in violation of a Basin Plan prohibition.
- F. Anticipated Noncompliance.** The Applicant shall give advance notice to the San Diego Water Board of any planned changes in the Project or the Compensatory Mitigation project which may result in noncompliance with Certification conditions or requirements.
- G. Transfers.** This Certification is not transferable in its entirety or in part to any person or organization except after notice to the San Diego Water Board in accordance with the following terms:
- 1. Transfer of Property Ownership:** The Applicant must notify the San Diego Water Board of any change in ownership of the Project area. Notification of change in ownership must include, but not be limited to, a statement that the Applicant has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the San Diego Water Board **within 10 days of the transfer of ownership.**
 - 2. Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**

3. **Transfer of Post-Construction BMP Maintenance Responsibility:** The Applicant assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred the Applicant must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. The Applicant must provide such notification to the San Diego Water Board within **10 days** of the transfer of BMP maintenance responsibility.

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the Applicant will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Applicant of responsibility for compliance with this Certification in the event that a transferee fails to comply.

VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

- A. The San Diego Unified Port District is the Lead Agency under the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.) section 21067, and CEQA Guidelines (California Code of Regulations, title 14, section 15000 et seq.) section 15367 and has determined that the Project is categorically exempt.²
- B. The San Diego Water Board is a Responsible Agency under CEQA (Public Resources Code section 21069; CEQA Guidelines section 15381). The San Diego Water Board has independently determined that the project is categorically exempt because the Project consists of maintenance of an existing facility, does not expand the existing use of facilities and structures, and consists of maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies.³
- C. As a Responsible Agency under CEQA, the San Diego Water Board will file a Notice of Exemption in accordance with CEQA Guidelines section 15062.

IX. SAN DIEGO WATER BOARD CONTACT PERSON

Lisa Honma, Environmental Scientist
Telephone: 619-521-3367
Email: Lisa.Honma@waterboards.ca.gov

² 14 CCR section 15301 and 15304

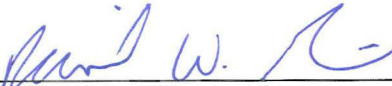
³ 14 CCR section 15301 and 15304

X. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the Maintenance Dredging at Pier 12, the Dry Dock Sump, and Berths IV/V Project (Certification No. R9-2018-0024) 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 individual 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 to, and all proposed mitigation being completed in strict compliance with, the applicants' Project description and/or the description in this Certification, and (b) compliance with all applicable requirements of the Basin Plan.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. R9-2018-0024 issued on July 26, 2018.



DAVID W. GIBSON
Executive Officer
San Diego Water Board

26 July 2018
Date

ATTACHMENT 1 DEFINITIONS

Activity - when used in reference to a permit means any action, undertaking, or project including, but not limited to, construction, operation, maintenance, repair, modification, and restoration which may result in any discharge to waters of the state.

Buffer - means an upland, wetland, and/or riparian area that protects and/or enhances aquatic resource functions associated with wetlands, rivers, streams, lakes, marine, and estuarine systems from disturbances associated with adjacent land uses.

California Rapid Assessment Method (CRAM) - is a wetland assessment method intended to provide a rapid, scientifically-defensible and repeatable assessment methodology to monitor status and trends in the conditions of wetlands for applications throughout the state. It can also be used to assess the performance of compensatory mitigation projects and restoration projects. CRAM provides an assessment of overall ecological condition in terms of four attributes: landscape context and buffer, hydrology, physical structure and biotic structure. CRAM also includes an assessment of key stressors that may be affecting wetland condition and a "field to PC" data management tool (eCRAM) to ensure consistency and quality of data produced with the method.

Compensatory Mitigation Project - means compensatory mitigation implemented by the Applicant as a requirement of this Certification (i.e., applicant -responsible mitigation), or by a mitigation bank or an in-lieu fee program.

Discharge of dredged material – means any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States and/or State.

Discharge of fill material – means the addition of fill material into waters of the United States and/or State.

Dredged material – means material that is excavated or dredged from waters of the United States and/or State.

Ecological Success Performance Standards – means observable or measurable physical (including hydrological), chemical, and/or biological attributes that are used to determine if a compensatory mitigation project meets its objectives.

Enhancement – means the manipulation of the physical, chemical, or biological characteristics of an aquatic resource to improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment – means the manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist. Creation results in a gain in aquatic resource area.

Fill material – means any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a water body.

Isolated wetland – means a wetland with no surface water connection to other aquatic resources.

Mitigation Bank – means a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing mitigation for impacts authorized by this Certification.

Preservation - means the removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/ historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/ historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Start of Project Construction - For the purpose of this Certification, "start of Project construction" means to engage in a program of on-site construction, including site clearing, grading, dredging, landfilling, changing equipment, substituting equipment, or even moving the location of equipment specifically designed for a stationary source in preparation for the fabrication, erection or installation of the building components of the stationary source within waters of the United States and/or State.

Uplands - means non-wetland areas that lack any field-based indicators of wetlands or other aquatic conditions. Uplands are generally well-drained and occur above (i.e., up-slope) from nearby aquatic areas. Wetlands can, however, be entirely surrounded by uplands. For example, some natural seeps and constructed stock ponds lack aboveground hydrological connection to other aquatic areas. In the watershed context, uplands comprise the landscape matrix in which aquatic areas form. They are the primary sources of sediment, surface runoff, and associated chemicals that are deposited in aquatic areas or transported through them.

Water quality objectives and other appropriate requirements of state law – means the water quality objectives and beneficial uses as specified in the appropriate water quality control plan(s); the applicable provisions of sections 301, 302, 303, 306, and 307 of the Clean Water Act; and any other appropriate requirement of state law.

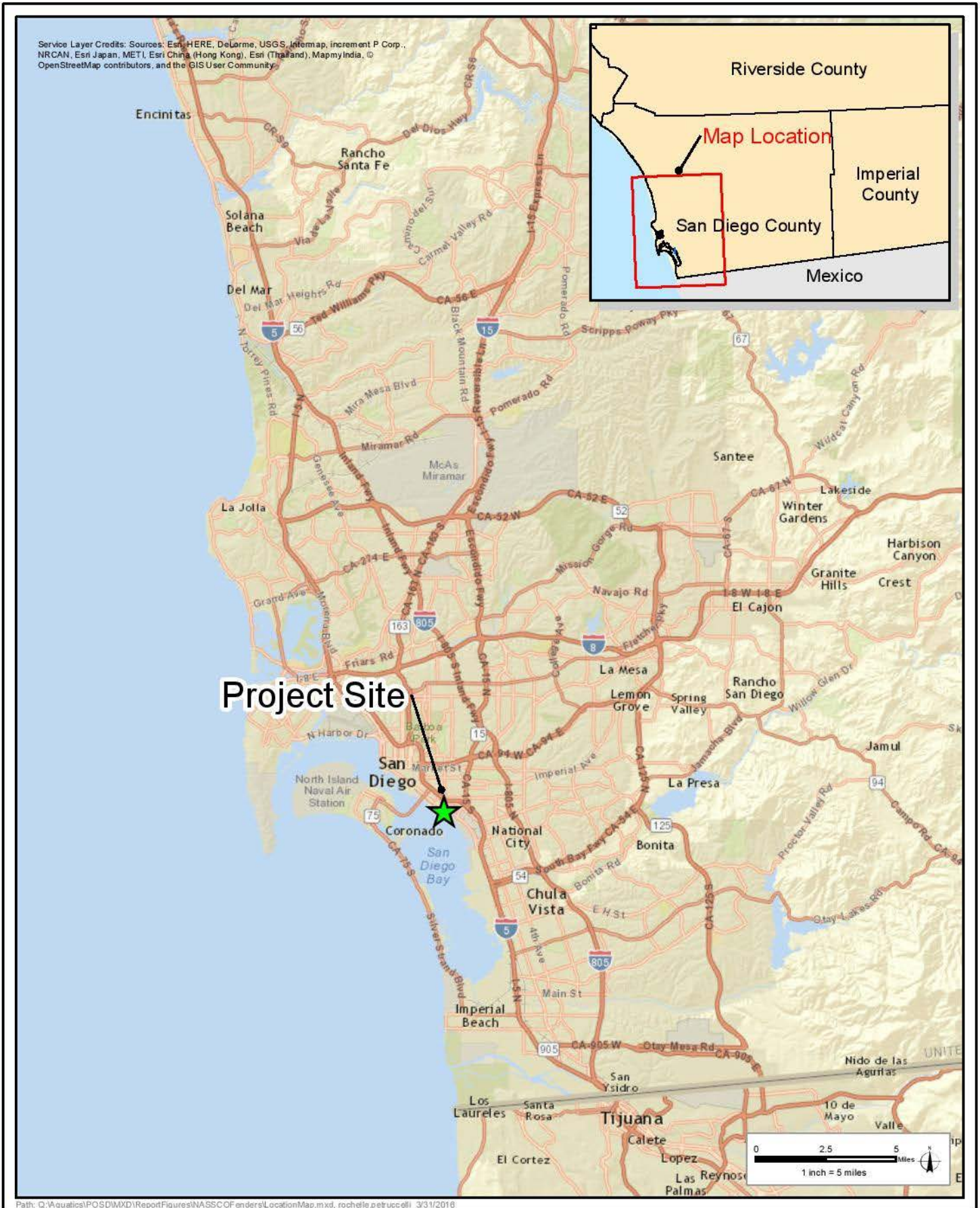
Waters of the State - means any surface water or groundwater, including saline waters, within the boundaries of the State. [Water Code section 13050, subd. (e)].

General Dynamics NASSCO
Maintenance Dredging at Pier 12, the
Dry Dock Sump, and Berths IV/V Project
Certification No. R9-2018-0024

**ATTACHMENT 2
PROJECT LOCATION MAPS**

Figure 1 – Location Map

Figure 1



General Dynamics NASSCO
Maintenance Dredging at Pier 12, the
Dry Dock Sump, and Berths IV/V Project
Certification No. R9-2018-0024

**ATTACHMENT 3
PROJECT SITE PLANS**

Figure 2 – Proposed Dredge Areas

Figure 3 – Current Bathymetry

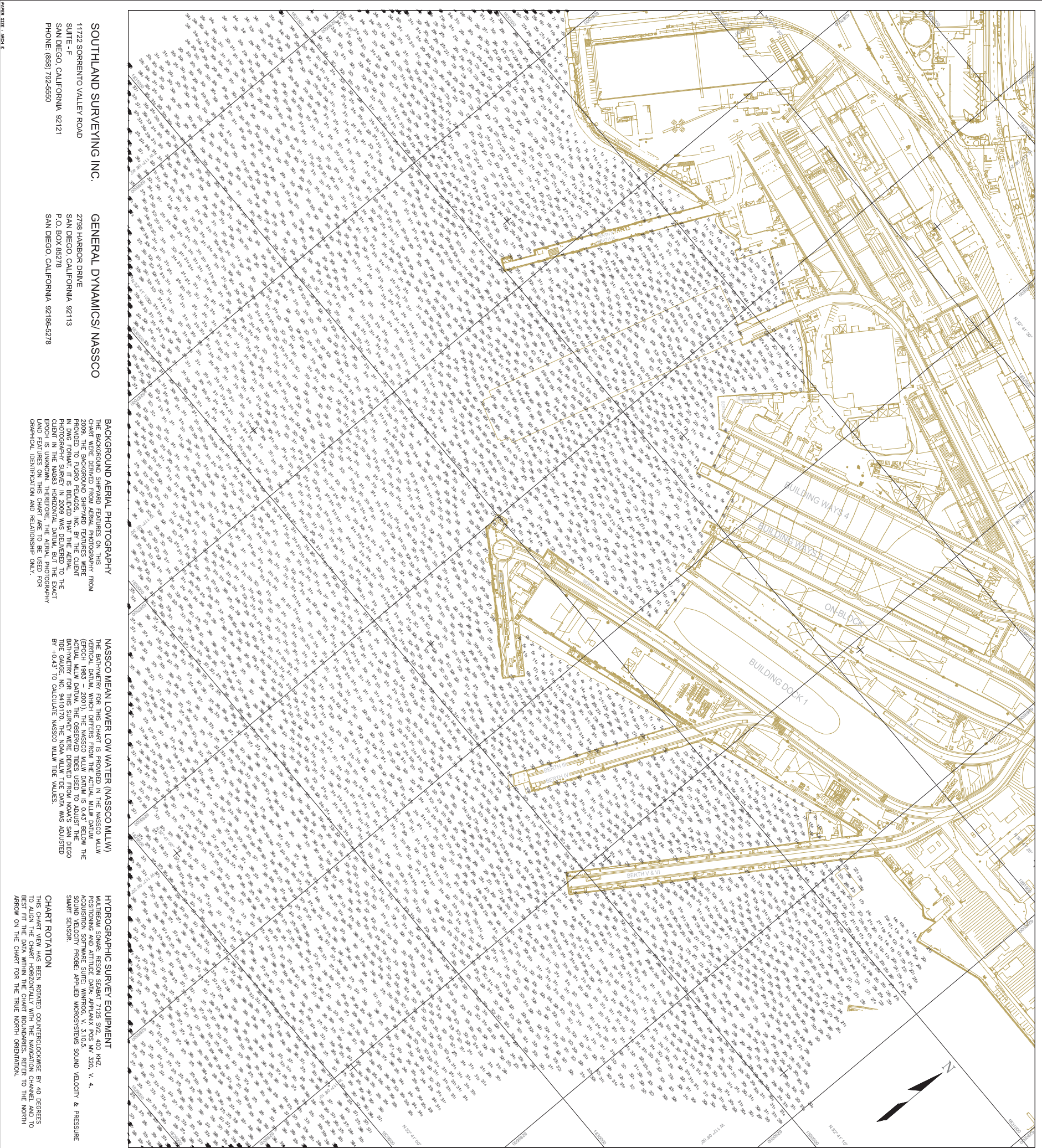
Figure 4 – Proposed Sediment Management Areas

Figure 2. Proposed Dredge Areas



Path: Q:\Ammoco\NASSCO\Maintenance\Drawings\2017\MXD\Review\NASSCO_DredgeSiteReview_11x17.mxd, c:\pva\shresth_11-5-2018

Figure 3. Current Bathymetry.



SOUTHLAND SURVEYING INC.
 11722 SORRENTO VALLEY ROAD
 SUITE - F
 SAN DIEGO, CALIFORNIA 92121
 PHONE: (659) 792-5550

GENERAL DYNAMICS/ NASSCO
 2798 HARBOR DRIVE
 SAN DIEGO, CALIFORNIA 92113
 P.O. BOX 85278
 SAN DIEGO, CALIFORNIA 92186-5278

BACKGROUND AERIAL PHOTOGRAPHY
 THE BACKGROUND SHIPYARD FEATURES ON THIS CHART WERE DERIVED FROM AERIAL PHOTOGRAPHY FROM 2009. THE BACKGROUND SHIPYARD FEATURES WERE DERIVED FROM AERIAL PHOTOGRAPHY FROM 2009. THE BACKGROUND SHIPYARD FEATURES WERE DERIVED FROM AERIAL PHOTOGRAPHY FROM 2009. THE BACKGROUND SHIPYARD FEATURES WERE DERIVED FROM AERIAL PHOTOGRAPHY FROM 2009.

NASSCO MEAN LOWER LOW WATER (NASSCO MLW)
 THE BATHYMETRY FOR THIS CHART IS PROVIDED IN THE NASSCO MLW VERTICAL DATUM, WHICH DIFFERS FROM THE ACTUAL MLW DATUM (LEHIGH 1983 DATUM). THE NASSCO MLW DATUM IS 0.43 FEET BELOW THE ACTUAL MLW DATUM. THE NASSCO MLW DATUM IS 0.43 FEET BELOW THE ACTUAL MLW DATUM. THE NASSCO MLW DATUM IS 0.43 FEET BELOW THE ACTUAL MLW DATUM.

HYDROGRAPHIC SURVEY EQUIPMENT
 MULTIBEAM SONAR: RESON SEABAT 7125 SV2, 240 KHZ
 POSITIONING AND ATTITUDE DATA: APPLIX 605 W, 320, V, 4
 POSITIONING SOFTWARE: SUIE WINKER, V, 3.10.05 SOUND VELOCITY & PRESSURE
 BATHYMETRY FOR THIS SURVEY WERE DERIVED FROM NOAA'S SAN DIEGO TIDE GAUGE NO. 341070. THE NOAA MLW TIDE DATA WAS ADJUSTED BY +0.43 TO CALCULATE NASSCO MLW TIDE VALUES.

CHART ROTATION
 THIS CHART VIEW HAS BEEN ROTATED COUNTERCLOCKWISE BY 40 DEGREES TO ALIGN THE CHART HORIZONTALLY WITH THE WASHINGTON CHANNEL AND TO BEST FIT THE DATA WITHIN THE CHART BOUNDARIES. REFER TO THE NORTH ARROW ON THE CHART FOR THE TRUE NORTH ORIENTATION.

LEGEND
 10m Bathymetric soundings in decimal feet
 For example, 10 equals 10.0 U.S. survey feet



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SURVEY POSITIONING

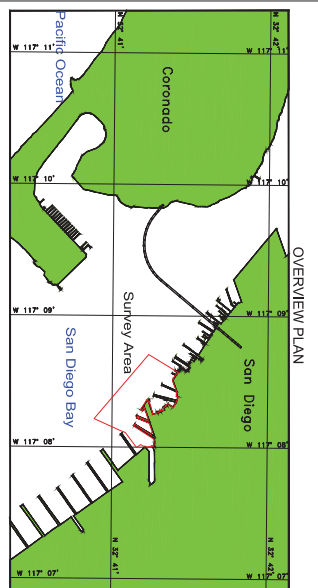
GEODETIC DATA
 Datum : NAD83 2011 (epoch 2010.0)
 Projection : California State Plane Zone 6
 Units Easting : U.S. Survey Feet
 Units Northing : 6596666.67 U.S. Survey Feet
 False Easting : 357.53 U.S. Survey Feet
 Standard Parallel : 32° 47'
 Standard Parallel : 32° 47'

BATHYMETRIC DATA
 Vertical Datum : NASSCO Mean Lower Low Water (NASSCO MLW) in US Survey Feet
 Horizontal Datum : NOAA San Diego (Broadway Pier), California
 Tides : Tidal data adjusted +0.43 feet to NASSCO MLW



THIS IS A CAD PRODUCED DRAWING AND MUST NOT BE CHANGED MANUALLY

Rev No	Date	By	Checked	Approved	Description
0	SEP-18-2015	CE	AM	CE	GENERAL ISSUE



GENERAL DYNAMICS/ NASSCO SHIPYARD
 2015 BATHYMETRY
 SAN DIEGO, CALIFORNIA

GENERAL DYNAMICS
 2798 Harbor Drive, #2713
 San Diego, CA 92113
 Phone: (619) 544-9300

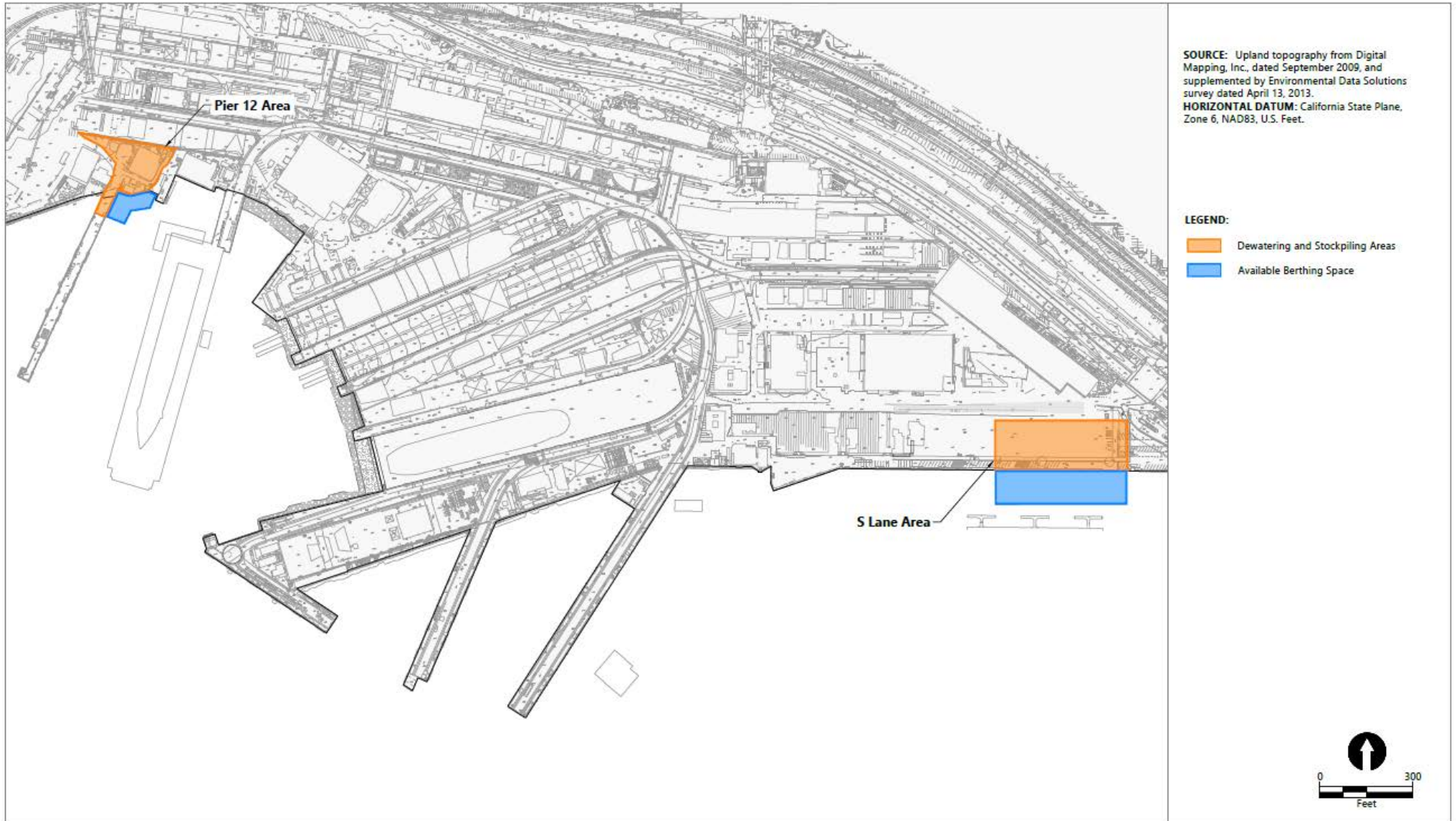
Southland Surveying Inc.
 11722 Sorrento Valley Road
 Suite - F, California 92121
 Phone: (659) 792-5550

Fugro Palagos Inc.
 5672 Harbor Road
 San Diego, California 92133
 Phone: (659) 262-8822

Figuro Proj. No. : 23100001037 Client Ref. No. : S-1817
 Survey Dates : Aug 12 & 28, 2015 Figuro Ref. No. : 1037
 Survey Vessel : M/V Lascador Chart Date : Sep 18, 2015
 Bathymetry by: Fugro Palagos, Inc.

GENERAL DYNAMICS NASSCO SHIPYARD
 BATHYMETRY SURVEY 2015

Figure 4. Proposed Sediment Management Areas.



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Filepath: K:\Projects\0496-General Dynamics NASSCO\2018 Maint Dredging\0496 RP-001 SLANE.dwg fig 1



Figure 3
Proposed Sediment Management Areas
General Dynamics NASSCO 2018 Maintenance Dredging