



Alan C. Lloyd, Ph.D.
Agency Secretary

State Water Resources Control Board

Executive Office

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Arnold Schwarzenegger
Governor

JUN 28 2005

Honorable Brian Brennan
Mayor of City of Ventura
Beach Erosion Authority for Clean Oceans and Nourishment
501 Poli Street
Ventura, CA 93001

Dear Mayor Brennan:

**ORDER FOR WATER QUALITY CERTIFICATION: BEACH EROSION AUTHORITY FOR
CLEAN OCEANS AND NOURISHMENT SOUTH CENTRAL COAST ENHANCEMENT
PROGRAM (U.S. ARMY CORPS OF ENGINEERS FILE NO. 200100033-AJS)**

This Order responds to your revised application requesting Clean Water Act (CWA) section 401 Water Quality Certification of the Beach Erosion Authority for Clean Oceans and Nourishment's (BEACON) South Central Coast Enhancement Program (SCCEP). BEACON is a joint powers authority comprised of Santa Barbara and Ventura Counties and the coastal cities within these counties. The SCCEP would discharge sand as it becomes available from upland construction projects to five designated public beaches – Goleta Beach, Ash Avenue Beach, Oil Piers Beach, Surfer's Point, and Port Hueneme – for the purpose of "beach nourishment", i.e., mitigating the effects of beach erosion.

Staffs of the State Water Resources Control Board (State Water Board) and the Central Coast and Los Angeles Regional Water Quality Control Boards (Regional Water Boards) have worked with the project consultant, Moffatt & Nichols Engineers, over several years to address the project's complex environmental issues. On June 6, 2001, June 4, 2002, and March 3, 2003, we requested additional information from the consultant. The State and Regional Water Boards appreciate the expertise and cooperation of Moffatt & Nichols Engineers in resolving numerous water quality issues through the development of an "Implementation Guidelines and Compliance Protocol" (IGCP) document. The draft IGCP underwent iterations in September and December 2004, and February 2005. State and Regional Water Board staffs approved the February 2005 version. Measures to protect water quality and beneficial uses are incorporated into this project document.

In compliance with the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been adopted by BEACON for SCCEP discharges to the five beaches listed above. Future SCCEP beach nourishment sites will require separate CEQA environmental analysis and consideration for Certification.

JUN 28 2005

ACTION

- ☐ Order for Standard Certification
- ☒ Order for Technically Conditioned Certification ☐ Order for Waiver of Waste Discharge Requirements
- ☐ Order for Denial of Certification

STANDARD CONDITIONS:

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 Article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23).

2. This Certification action is not intended and shall not be construed to apply to 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 subsection 3855(b) of Chapter 28, CCR 23, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23, and owed by the applicant.

ADDITIONAL CONDITIONS:

- 1 **Endangered Species.** Projects proceeding under the SCCEP shall not result in the take of any endangered, threatened, or candidate species or the habitat of such species except as authorized pursuant to the State and federal Endangered Species Acts.
2. **Other State Permits.** All projects shall comply with all applicable National Pollutant Discharge Elimination System permits and Waste Discharge Requirements.
3. **Toxic Substances.** Projects shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.
4. **Hazardous Substances.** Projects shall not discharge waste classified as "hazardous" as defined in Title 22 CCR section 66261 and California Water Code section 13173.
5. **Particle Shape.** Proposed beach enrichment materials shall be evaluated for particle shape distribution by a qualified sediment specialist or geologist. The material for beach placement

shall consist of a minimum of 90 percent rounded particles as determined by a qualified observer (i.e., maximum of 10 percent angular particles). The results of the particle shape distribution evaluation of the beach enrichment materials shall be included in the pre-project implementation notifications, as described in BEACON's February 2005 IGCP, under "Notification" (section 3.1.2, pages 6-8).

6. **Particle Size.** Proposed beach enrichment materials shall be evaluated for particle size distribution by a qualified sediment specialist or geologist. The material for beach placement shall consist of a minimum of 75 percent sand particles (i.e., maximum of 25 percent silt particles). The results of the particle size distribution evaluation of the beach enrichment materials shall be included in Pre-Project Notifications, as described in BEACON's February 2005 IGCP, under "Notification" (section 3.1.2, pages 6-8).
7. **Invasive Species:** BEACON's beach enrichment materials shall be evaluated for the presence or absence of invasive aquatic flora, including the exotic algae *Caulerpa taxifolia* and invertebrate fauna, by a qualified biologist. The results of the invasive species evaluation of the enrichment materials shall be included in Pre-Project Notifications, as described in the February 2005 IGCP.
8. **Notification:** At least thirty (30) days prior to each proposed beach enrichment discharge, BEACON shall provide the State Water Board and the affected Regional Water Board a Pre-Project Notification, as described in February 2005 IGCP.
9. **Pre- and Post-Project Monitoring and Reporting:** BEACON shall conduct pre- and post-project monitoring and reporting, as described in the February 2005 IGCP.

Notifications and Monitoring Reports shall be directed to "Program Manager, Certification and Wetlands Program" at the State Water Board and the appropriate Regional Water Board offices, at the following addresses:

State Water Resources Control Board
Division of Water Quality
1001 "T" Street, 15th Floor
Sacramento, CA 95814

Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Los Angeles Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

10. Violations. BEACON shall report to the State Water Board and affected Regional Water Board in writing all violations of any term or condition of this Certification within seven (7) consecutive days of the time BEACON becomes aware of the violation. The written report shall contain (a) a description of the violation and its cause; (b) the period of the violation event, including dates and times, and if the violation has not been corrected, the anticipated time it is expected to continue; and (c) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the violation. 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 CWA section 401(d), 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 Order.

- a. In response to a suspected violation of any condition of this Certification Order, the State 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 State Board Water deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- b. In response to any violation of the conditions of this Certification Order, the State Water Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.

11. Effective Period of Certification: This Certification Order will take effect on the date the U.S Army Corps of Engineers, Los Angeles District (USCOE) issues the project's CWA section 404 permit and will remain in effect for five years or until the expiration of the USCOE permit, whichever occurs first.

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that discharges from the project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredged and Fill Discharges that have Received State Water Quality Certification," (GWDR) which requires compliance with all conditions of this Water Quality Certification. The GWDR can be accessed at <http://www.swrcb.ca.gov/cwa401/index.html>.

JUN 28 2005

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 compliance with the applicants' project description and the enclosed Project Information Sheet (Enclosure), and (b) compliance with all applicable requirements of the appropriate Regional Water Board's Water Quality Control Plan and the California Ocean Plan.

If you have any questions, please direct them to Mr. Oscar Balaguer, Chief, Certification and Wetlands Unit, at 916-341-5485 or at obalaguer@waterboards.ca.gov. You may also contact Mr. James Maughan, Chief, Wastewater Section, at 916-341-5522 or at jmaughan@waterboards.ca.gov.

Sincerely,

ORIGINAL SIGNED BY

Celeste Cantú
Executive Director

Enclosure

cc: Mr. Tim Vendlinski
Wetlands Regulatory Office (WTR-8)
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

Mr. Antal J. Szijj
Regulatory Branch
Ventura Field Office
Los Angeles District
Department of the Army
U.S. Army Corps of Engineers
2151 Alessandro Drive, Suite 255
Ventura, CA 93001

cc: (Continued next page)

JUN 23 2005

Honorable Brian Brennan

- 6 -

cc: (Continuation page)

Mr. Bryant Chesney
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Southwest Region
U.S. Department of Commerce
501 West Ocean Boulevard, Suite 4200
Long Beach, CA 90802-4213.

Ms. Shana Gray
South Central Coast Area
California Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001

Ms. Marilyn Fluharty
California Department of Fish and Game
4949 Viewridge Avenue
San Diego, CA 93123

Mr. Chris Webb
Moffatt & Nichols Engineers
250 West Wardlow Road
Long Beach, CA 90807

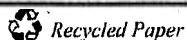
Mr. Roger W. Briggs, Executive Officer
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Mr. Jonathan Bishop, Executive Officer
Los Angeles Regional Water Quality Control Board
320 W. 4TH Street, Suite 200
Los Angeles, CA 90013

bc: Chris Adair, Central Coast RWQCB
Corinne Huckaby, Central Coast RWQCB
Melinda Becker, Los Angeles RWQCB
Valerie Carrillo, Los Angeles RWQCB

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California Environmental Protection Agency



PROJECT INFORMATION SHEET
BEACH EROSION AUTHORITY FOR CLEAN OCEANS AND NOURISHMENT
SOUTH CENTRAL COAST ENHANCEMENT PROGRAM

1.	<p>Applicant:</p> <p>Honorable Brian Brennan Mayor of City of Ventura 501 Poli Street Ventura, CA 93001</p> <p>Project Contact Person:</p> <p>Mr. Chris Webb, Project Manager Moffatt & Nichols Engineers 250 West Wardlow Road Long Beach, CA 90807</p>
2.	<p>Project Purpose and Description</p> <p>Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) South Central Coast Enhancement Program (SCCEP) (US Army Corps of Engineers (USCOE) File No. 200100033-AJS).</p> <p>Purpose: To restore eroding public beaches of Goleta Beach, Ash Avenue Beach, Oil Piers Beach, Surfer's Point, and Port Hueneme.</p> <p>Description: South Central Coast Enhancement Program (SCCEP). BEACON is a joint powers authority of the Counties of Santa Barbara and Ventura, and coastal cities within these two counties. The SCCEP proposes placement of opportunistic sand, or surplus sand at low or no cost from upland construction projects, in five designated public beaches.</p>
3.	<p>Receiving Water(s) Name</p> <p>The public beaches of Goleta Beach, Ash Avenue Beach, Oil Piers Beach, Surfer's Point, and Port Hueneme.</p>
4.	<p>Water Body Types/Area of Fill/Excavation (Acres)</p> <p>Through the "Notification" process, project-specific identification for this section will be provided by BEACON as described in the February 2005 <i>Implementation Guidelines and Compliance Protocol</i> (IGCP): <i>BEACON South Central Coast Beach Enhancement Program</i>.</p>
5.	<p>Federal Permit(s)</p> <ul style="list-style-type: none"> USCOE Los Angeles District Individual Permit - File Number 200100033 AJS. National Oceanic and Atmospheric Administration Fisheries, Southwest Region, Long Beach; Biological Opinion; F/SWR4:WBC - File #150416SWR02HC171. U. S. Fish and Wildlife Service, Ventura Offices Biological Opinion; File - PAS#62.66.98.
6.	<p>Non-Compensatory Mitigation</p> <p>BEACON will implement the mitigation measures identified in the February 2005 IGCP.</p>
7.	<p>Compensatory Mitigation</p> <p>As appropriate, BEACON will provide compensatory mitigation as described in the February 2005 IGCP (Section 4.3, page 53).</p>
8.	<p>Additional Information</p> <p>CEQA Lead Agency - BEACON. Mitigated Negative Declaration, SCH Number 2001031129, Notice of Determination received by SCH 4/29/2005.</p>