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State Water Resources Control Board

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TO: Madhu P. Ahuja, P. E.
Project Manager
Santa Barbara Channel Hazards Removal Program
Mineral Resources Management Division
California State Lands Commission
200 Oceangate, 12th Floor
Long Beach, CA 90802

FROM: Celeste Cantú
Executive Director
EXECUTIVE OFFICE

DATE: February 26, 2003

**SUBJECT: ORDER FOR PARTIAL STANDARD WATER QUALITY CERTIFICATION:
CALIFORNIA STATE LANDS COMMISSION, SANTA BARBARA
CHANNEL COASTAL HAZARDS REMOVAL PROGRAM (CORPS FILE
NUMBER: 200201452-JEM)**

This partial certification covers 17 of the 21 hazards removal sites (Sites 1, 2, 4, 5, 6, 10, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, and 24) of the above referenced program. The certification of the remaining four hazards removal sites (Sites 7, 8, 9, and 18) is denied without prejudice.

ACTION:

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

WATER QUALITY CERTIFICATION:

California Environmental Protection Agency



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A. Certification: I hereby certify the 17 hazards removal sites specified in Table A below.

TABLE A – Certified Santa Barbara Channel Hazards Removal Sites

Site Number	Name (Location)	Site Number	Name (Location)
1	Tajiguas Creek	16	Ortega at Summerland
2	El Capitan State Beach	17	Santa Claus Lane
4	Eagle Canyon	19	Casitas Pier/East Side
5	Ellwood Cove	20	Mussel Rock/Pitas Point
6	Santa Barbara Shore Drive A	21	Santa Ventura Beach
10	Isla Vista Park (Goleta-Dos Pueblos Canyon)	22	Ortega Hill (East Fernald Point)
13	Baltimore Hotel Beach Front (South Birham)	23	Rincon Point
14	Miramar Beach	24	Pauley Well (Offshore)
15	Fernald Point		

This action certifies that any discharges from the 17 hazards removal sites enumerated above will comply with the applicable provisions of sections 301 (Effluent Limitation), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plan), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the federal Clean Water Act (CWA), and with other applicable requirements of State law.

B. Denial: I hereby deny without prejudice certification of the remaining four hazards removal sites. These sites are: Site 7 (Santa Barbara Shores B), Site 8 (Devereaux Slough), Site 9 (Devereaux Point), and Site 18 (Carpenteria State Beach).

The U. S. Army Corps of Engineers' provisional CWA section 404 Individual Permit (Number 200201452-JEM) issued on January 6, 2003 did not authorize any activities at the above stated four hazards removal sites. In addition, the U. S. Fish and Wildlife Service (USFWS) is currently reviewing the potential impacts of these four sites on federal endangered and threatened species. We will defer action on these four sites pending your submittal of the USFWS findings and recommendations.

Note that denial of certification for these four sites is without prejudice. California Code of Regulations (CCR) Title 23, Section 3833 (b)(4), entitles you to submit a revised application correcting the procedural problems requiring the denial without prejudice. No additional fee is required if the revised application is filed within 12 months of this denial.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in

strict compliance with the applicant's project description and the attached Program Information Sheet, and (b) on compliance with all applicable requirements of the Central Coast and Los Angeles Regional Water Quality Control Boards' Water Quality Control Plans (Basin Plans).

This permit expires in three years starting from its date of issuance or upon completion of the Santa Barbara Channel Hazards Removal Program or whichever comes first.

STANDARD CONDITIONS:

The following four standard conditions apply to all certification actions.

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and Article 6 (commencing with section 3867) of Chapter 28, Title 23 of 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.
4. Enforcement:
 - a. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, processes, or sanctions as provided for under State law. For purposes of CWA section 401(d) the applicability of any State law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
 - b. In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any burden, including the costs of the reports, which shall be a reasonable relationship of the need for the reports and the benefits to be obtained from the reports.

- c. In response to any violation of the conditions of this certification, SWRCB may add to or modify the conditions of this certification, as appropriate, to ensure compliance.

If you have any questions regarding this matter, please contact Ruben A. Guieb, Environmental Scientist, at (916) 341-5464 or email: guier@dwq.swrcb.ca.gov. You may also contact Oscar Balaguer, Chief, Water Quality Certification Unit, at (916) 341-5485 or email: balao@dwq.swrcb.ca.gov.

Attachment

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cc: (Continued next page)

cc: (Continuation page)

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