



California Regional Water Quality Control Board San Diego Region



Linda S. Adams
Secretary for
Environmental Protection

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

Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

November 30, 2009

Certified Mail – Return Receipt Requested
Article Number: 7009 1410 0002 2347 6811

Mr. Bob Montreuil
Continental Maritime Inc.
1995 Bay Front Street
San Diego, CA 92113

In reply refer to:
369147: jebsen

Dear Mr. Montreuil:

Subject: Action on Request for Clean Water Act Section 401 Water Quality Certification for the Pier 6 Maintenance Dredging Water Quality Certification No. 09C-055

Enclosed find Clean Water Act Section 401 Water Quality Certification (Certification) with acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017 DWQ for Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have received State Water Quality Certification for the Pier 6 Maintenance Dredging Project. A description of the project and location can be found in the project information sheet and on location and site maps compiled by the California Regional Water Quality Control Board, San Diego Region (Regional Board), which are included as Attachments 1 through 4.

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

Failure to comply with all conditions of this Certification may subject you to enforcement actions by the California Regional Water Quality Control Board, San Diego Region, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

CC-BY-NC-SA

California Environmental Protection Agency

Recycled Paper

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Ms. Jody Ebsen at (858) 636-3146 or jebsen@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosures:

Clean Water Act Section 401 Water Quality Certification No. 09C-055 for Pier 6 Maintenance Dredging project, with 4 attachments

cc: Refer to Attachment 2 of Certification 09C-055 for Distribution List.

Tech Staff Info & Use	
File No.	09C-055
WDID	9000001949
Reg. Measure ID	369147
Place ID	741949
Party ID	9293
Person ID	57234



California Regional Water Quality Control Board

San Diego Region



Linda S. Adams
Secretary for
Environmental Protection

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

Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

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

PROJECT: Pier 6 Maintenance Dredging Project,
09C055, WDID: 9 00001949

APPLICANT: Bob Montreuil
Continental Maritime Inc.
1995 Bay Front Street
San Diego CA 92113

CIWQS: Reg. Meas. ID: 369147 Place ID: 741949 Party ID: 9293

ACTION:

<input checked="" type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

PROJECT DESCRIPTION:

The proposed project is a dredging project at the Continental Maritime Inc. ship yard repair facility in San Diego Bay. The proposal is a 5 year plan to do annual maintenance dredging to an approximate depth of -35ft MLLW along the north and south sides of Pier 6. Dredging work will only occur between September 16 and March 30 in each applicable year. The total dredging volume is not to exceed a cumulative volume of 10,000 cubic yards of dredged materials over the 5-year life of the project.

STANDARD CONDITIONS:

The following three standard conditions apply to all Certification actions, except as noted under Condition 3 for denials (Action 3).

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to

California Environmental Protection Agency

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

Recycled Paper



section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).

2. This Certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial Certification action (Actions 1 and 2) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

ADDITIONAL CONDITIONS:

In addition to the three standard conditions, Continental Maritime Inc. must satisfy the following:

A. GENERAL CONDITIONS:

1. This certification expires five years from the date of issuance.
2. Continental Maritime Inc., must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (Regional Board), to support this 401 Water Quality Certification (Certification) and all subsequent submittals required as part of this Certification and as described in Attachment 1. The conditions within this Certification must supersede conflicting provisions within such plans submitted prior to the Certification action. Any modifications thereto, would require notification to the Regional Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.
3. During construction, Continental Maritime Inc. must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.
4. Continental Maritime Inc. must permit the Regional Board or its authorized representative at all times, upon presentation of credentials:
 - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b. Access to copy any records required to be kept under the terms and conditions of this Certification.

- c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
 - d. Sampling of any discharge or surface water covered by this Order.
5. Continental Maritime Inc. must notify the Regional Board within **24 hours** of any unauthorized discharge, including hazardous or toxic materials, to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional best management practice (BMPs) or other measures that will be implemented to prevent future discharges.
6. Continental Maritime Inc. must, at all times, maintain appropriate types and sufficient quantities of materials onsite 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 U.S. and/or State.
7. This Certification is not transferable in its entirety or in part to any person except after notice to the Executive Officer of the Regional Board in accordance with the following terms.

Transfer of Property Ownership: Continental Maritime Inc. must notify the Regional 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 Continental Maritime Inc. 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 Executive officer of the Regional Board within **10 days** of the transfer of ownership.

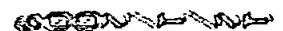
8. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
9. In response to a suspected violation of any condition of this Certification, the Regional 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 Regional Board deems appropriate, provided that the burden,

including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

10. In response to any violation of the conditions of this Certification, the Regional Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.

B. PROJECT CONDITIONS:

1. Prior to the start of the project, and annually thereafter, Continental Maritime Inc. must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
2. Continental Maritime Inc. must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, Statewide General Waste Discharge Requirements for discharges of dredged or fill material that have received State Water Quality Certification. These General Waste Discharge Requirement are accessible at:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/general_orders/go_wdr401regulated_projects.pdf.
3. Continental Maritime Inc. must notify the Regional Board in writing at least **5 days** prior to the actual commencement of dredge, fill, and discharge activities.
4. To address water quality issued during each dredging event performed under this certification Continental Maritime Inc. shall prepare and follow an adequate Stormwater Pollution Prevention and Best Management Plan (SWPPP). The SWPPP should identify appropriate best management practices to be used for containment and capture of debris generated during breakwater removal activities, storage of materials, and other aspects of the project that could potentially result in discharges to San Diego Bay or the Pacific Ocean.
5. A continuous, floating silt curtain shall be installed around the existing eelgrass beds and in the work area prior to the start of all in-water activities to prevent the transport of any debris or turbidity outside the dredging area. The silt curtain shall completely encompass the area of dredging. Dredging activities shall be confined to the areas depicted in Figure 2 of *Resubmittal of Application for 5 year Maintenance Dredging at Continental Maritime Pier 6*, WSSI September 2009 (Attachment 4).
6. During dredging activities qualitative (visual) turbidity monitoring by a designated observer from a high vantage point must be conducted to ensure water quality objectives for turbidity are not observed outside the silt curtain.



If turbidity limits are exceeded, dredging activities shall be stopped and additional BMPs implemented for turbidity containment. Following implementation of additional BMPs, turbidity monitoring shall resume to ensure the effectiveness of the additional BMPs.

7. Dredged materials will be loaded on to a contained area of Pier 6 or the adjacent parking lot where it will be dewatered. All return water will be prevented from discharging into San Diego Bay. Discharges of return water into San Diego Bay are not authorized by this Certification.
8. All dredged material will be disposed of at Otay Landfill, Chula Vista CA. Alternative disposal sites are **not** authorized by this Certification. Waste manifests for all disposed dredged materials shall be included in annual reports
9. All dredging work authorized under this Certification shall only occur between **September 16 and March 30** for each year during the life of the project.
10. For each dredging event pre-dredging and post-dredging eelgrass surveys shall be performed.
11. The treatment, storage, and disposal of wastewater during the life of the project must be done in accordance with waste discharge requirements established by the Regional Board pursuant to CWC § 13260.
12. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw 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.

C. BAY PHOTO DOCUMENTATION PROCEDURE:

1. Continental Maritime Inc. must conduct photo documentation of the project site, including all areas of prior, during and after each dredging event. This information must be submitted to the Regional Board in annual reports

D. REPORTING:

1. Pre- and post-dredging eelgrass surveys shall be conducted by a qualified biologist in accordance with the Southern California Eelgrass Mitigation Policy (SCEMP) and provided to the Regional Board. A pre-dredging eelgrass survey shall be conducted prior to the start of each dredging event by a qualified biologist in accordance with the SCEMP and provided to the Regional Board. A post-dredging eelgrass survey shall be conducted within 30 days of completion of each dredging event by a qualified biologist in

accordance with the SCEMP and provided to the Regional Board not later than with the annual project report. The report must indicate whether or not impacts to eelgrass occurred.

2. If eelgrass impacts occur, Continental Maritime Inc. shall provide eelgrass mitigation in accordance with the SCEMP for significant eelgrass impacts identified by the post-dredging survey at a 1.2:1 replacement ratio. A map of the impacted areas shall include the footprint of the floats and boats, potential shading impacts, and any areas with damage from construction work or equipment. A mitigation plan and mitigation monitoring plan shall follow SCEMP protocols and be reported to the Regional Board within 60 days of completing the annual dredging event, if necessary.
3. *Caulerpa taxifolia* surveys shall be conducted prior to the start of each dredging event, in accordance with the latest version of the *Caulerpa* Control Protocol, to ensure that the proposed project does not result in the inadvertent spread of the invasive species. *Caulerpa* surveys shall be included in annual reports. If *Caulerpa* is identified, Continental Maritime Inc. shall follow the *Caulerpa* Control Protocol and notify the Regional Board
4. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.
5. All reports and information submitted to the Regional Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.
6. Continental Maritime Inc. must submit an annual report to the Regional Board within **30 days** of completion of each dredging event and not later than April 30 each year over the life of the project. The report should include as-built drawings no bigger than 11" x 17" and photos of the dredging events. The annual report shall report the volume amount of each dredging event, and have a running cumulative volume amount for the life of the project. The annual report shall include eelgrass surveys, *Caulerpa* surveys, waste manifests from hauling and disposal of dredged materials shall also be included in the annual report. In years where no dredging occurs this will be reported in annual report.
7. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:
 - a. For a corporation, by a responsible corporate officer of at least the level of vice president.

- b. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - c. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
8. A duly authorized representative of a person designated in Items 4.a. through 4.c. above may sign documents if:
- a. The authorization is made in writing by a person described in Items 4.a. through 4.c. above.
 - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c. The written authorization is submitted to the Regional Board Executive Officer.
9. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

10. Continental Maritime Inc. must submit reports required under this Certification, or other information required by the Regional Board, to:

Executive Officer
 California Regional Water Quality Control Board
 San Diego Region
 Attn: 401 Certification; Project No. 09C-055
 9174 Sky Park Court, Suite 100
 San Diego, California 92123

11. Required Reports: The following list summarizes the reports required per the conditions of this Certification to be submitted to the Regional Board.

Report Topic	Certification Condition	Due Date(s)
Change of Ownership & Responsibility Notification	A.7	Within 10 Days of the sale of property
Notification of Dredge Activities	B.3	At least 5 days prior to commencement of dredge, fill and discharge

Eelgrass Surveys	D.1	Prior to dredging event and within 30 days of annual dredging event completion
Eelgrass Mitigation Plan	D.2	If necessary, within 60 days of annual dredging event completion
Annual Project Reports	D.6	Within 30 days of each annual dredging event and not later than April 30 each year

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On July 22, 2009 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

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

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from Pier 6 Maintenance Dredging (Project No. 09C-055) 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 Regional Board may issue waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Regional Board's Water Quality Control Plan (Basin Plan).



DAVID W. GIBSON
Executive Officer
Regional Water Quality Control Board

11-30-09
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map
 4. Site Map

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: Bob Montreuil
Continental Maritime Inc.
1995 Bay Front Street
San Diego CA 92113
Telephone: 619-234-8851
Email: bmontreuil@ContinentalMaritime.com

**Applicant
Representatives:** Mary Ostrander
WSSI
2726 Shelter Island Drive
San Diego, CA 92106
Telephone: 800-236-0013
Facsimile: 800-225-9730
Email: mostrander@wssica.com

Project Name: Pier 6 Maintenance Dredging

Project Location: Latitude: 32.693483 Longitude: -117.693483

Type of Project: Maintenance Dredging

Need for Project: Maintenance dredging is necessary to allow large ships to use the facility.

Project Description: The proposed project is a dredging project at the Continental Maritime Inc. ship yard repair facility in San Diego Bay. The proposal is a 5 year plan to do annual maintenance dredging to an approximate depth of -35ft MLLW along the north and south sides of Pier 6. Dredging work will only occur between September 16 and March 30 in each applicable year. The total dredging volume is not to exceed a cumulative volume of 10,000 cubic yards of dredged materials over the 5-year life of the project.

**Federal
Agency/Permit:** U.S. Army Corps of Engineers §404, NWP 35, Robert Smith

**California
Environmental Quality
Act (CEQA)
Compliance:** California Environmental Quality Act (CEQA) Determination Regarding Continental Maritime Pier 6 Maintenance Dredging, October 19, 2009, San Diego Unified Port District, Categorical Exemption (Class 1).

Receiving Water: San Diego Bay

Affected Waters of the United States: Temporary: Ocean

Dredge Volume: 10,000 cubic yards

Related Projects Implemented/to be Implemented by the Applicant(s): None

Compensatory Mitigation: Temporary impacts will occur and are not expected to cause a significant impact, therefore no compensatory mitigation is proposed. Monitoring of nearby eelgrass beds will be performed, no impacts are anticipated. However, any impacts that occur will be mitigated as described in *Southern California Eelgrass Mitigation Policy*, National Marine Fisheries Service

Public Notice: On July 22, 2009 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

Fees:

Total Due:	\$1,660.00
Total Paid:	\$ 500.00 (check No. 9984)
	\$ 140.00 (check No. 10106)
	\$1,020.00 (check No. 10196)

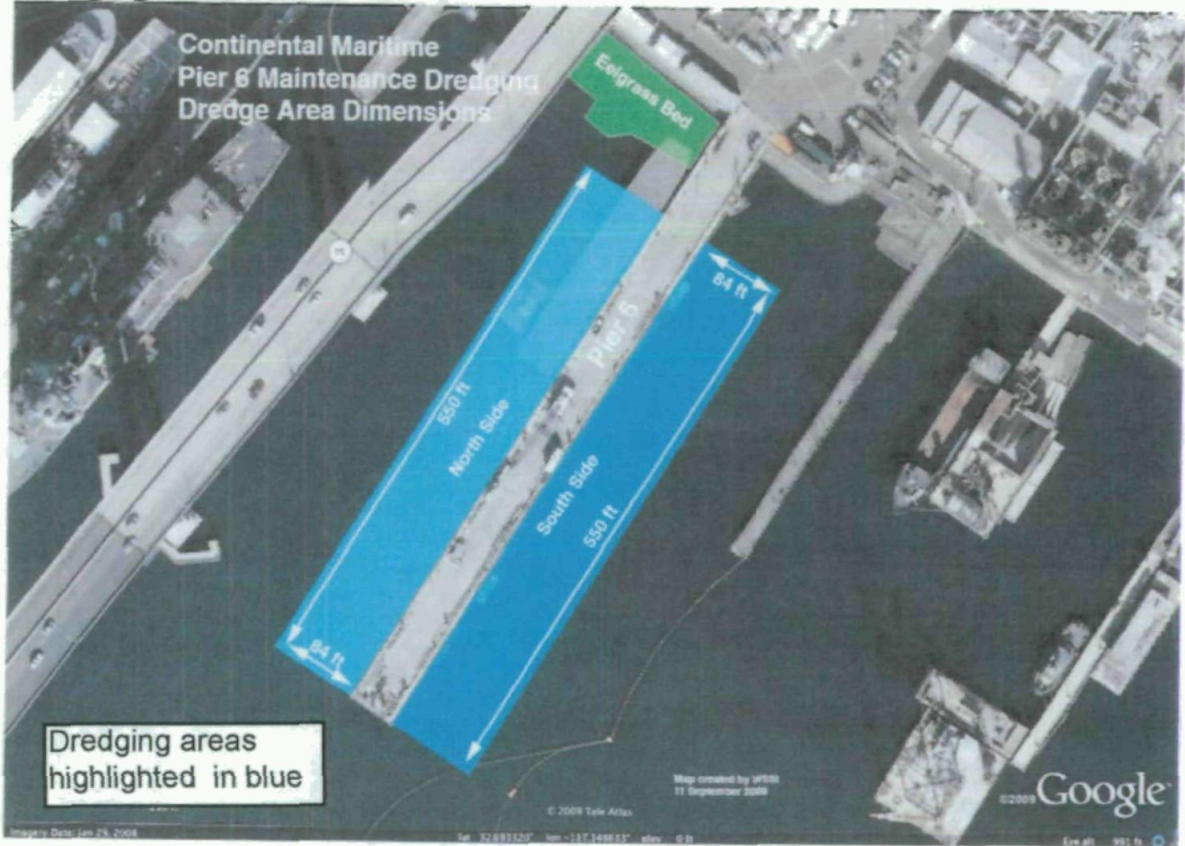
CIWQS: Regulatory Measure ID: 369147
Place ID: 741949
Party ID: 9293

Figure 1. Location of Continental Maritime Pier 6 Dredging Project, Central San Diego Bay, CA.



Attachment 3
Location Map

Figure 2. Location of eelgrass bed at Continental Maritime Pier 6 Dredging.



Attachment 4
Site Map

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL™



7009 1410 0002 2347 6811
7009 1410 0002 2347 6811

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To: Bob Montreuil, Continental Maritime Inc
 Street, Apt. No., or PO Box No.: 1995 BAY FRONT STREET
 City, State, ZIP+4: SAN DIEGO CA 92113

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bob Montreuil
 Continental Maritime Inc.
 1995 BAY FRONT STREET
 SAN DIEGO CA 92113

2. Article Number
(Transfer from service label)

7009 1410 0002 2347 6811

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 if YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

00001111