California Regional Water Quality Control Board, San Diego Region

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: **Oceanside Harbor Maintenance Dredging**
Certification Number: 12C-030
WDID Number: 9000002447

CIWQS
Reg. Meas. ID: 384319
Place ID: 779830
Party ID: 47607

APPLICANT: Josephine Axt
U.S. Army Corps of Engineers
915 Wilshire Boulevard, Suite 1101
Los Angeles, CA 90017

ACTION:

☐ Order for Low Impact Certification	☐ Order for Denial of Certification
☑ Order for Technically-conditioned Certification	☐ Waiver of Waste Discharge Requirements
☑ Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	☐ Enrollment in Isolated Waters Order No. 2004-004 DWQ

PROJECT DESCRIPTION

The Oceanside Harbor Maintenance Project (Project) is located in the City of Oceanside, San Diego County, at Oceanside Harbor, along the Pacific Ocean shoreline. The Oceanside Harbor complex is located in the northwestern portion of the City of Oceanside. The harbor complex is used to support limited military, national security, and public safety operations from Marine Corps Base Camp Pendleton. Commercial users include charter and commercial fishing operations, whale watching companies, and boat rental facilities. The harbor complex is also used for personal recreation by local residents and military personnel.

The Project consists of annual maintenance dredging of the entrance channel to Oceanside Harbor, the Del Mar Channel, and the Oceanside Channel to re-establish suitable navigation depth at federally authorized dimensions, and disposal of the dredged material along the shoreline in Oceanside, CA. The initial dredging event is scheduled to begin in May 2012 and will occur on an annual basis through 2017. Not more than 500,000 cubic yards of beach suitable dredged material from the entrance and navigation channels of Oceanside Harbor will be deposited annually to replenish beaches along the shoreline just south of the San Luis Rey

River mouth and/or at the shoreline south of Tyson Street. The Project does not include dredging activities in the Del Mar Boat Basin, North Oceanside Harbor, or South Oceanside Harbor.

The Project will be conducted in accordance with U.S. Army Corps' of Engineers "*Maintenance Dredging Oceanside Harbor Construction Solicitation and Specifications, August 2009, W912PL-09-B-0011"* document.

The dredge footprint is 26 acres. The project will permanently fill up to two acres (600 linear ft.) of waters of the United States/State at the North Coast Village shoreline location south of the San Luis Rey River mouth and up to four acres (1,000 linear feet) of waters of the United States/State between the shoreline of Tyson Street and Wisconsin Avenue.

On May 15, 2012, Clean Water Act Section (CWA) 401 Water Quality Certification No. 12C-030 was issued to the U.S. Army Corps of Engineers (USACE) for the above Project. By letter and Addendum to the Final Environmental Assessment (EA) dated May 24, 2012, the USACE requested an expedited modification to Certification No. 12C-030 for the Project to include a third shoreline disposal area underneath and adjacent to the Oceanside Pier. The EA Addendum presents changes and corrections to the Final Environmental Assessment (Final EA) dated May 16, 2012 for the Project to support the requested modification. Under the terms of the revised Project, the third shoreline disposal area surrounding the Oceanside Pier between Civic Center Drive and Mission Avenue will permanently fill up to 0.65 acres (700 linear feet) of waters of the United States/State.

The USACE reported that the expedited modification was needed to accommodate a request by the City of Oceanside that material dredged from Oceanside Harbor be placed in the eroded beach area adjacent to the Lifeguard Station located immediately north of the Oceanside Pier. This third shoreline disposal area was not included in the Final EA for the Project as an approved disposal site, nor was it included in the May 15, 2012 Certification. The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is modifying the May 15, 2012 Certification to allow dredged material placement in the third disposal area located underneath and adjacent to the Oceanside Pier in 2012 and in future years during the term of this Certification on an as-needed basis when warranted by conditions.

TABLE OF CONTENTS

I. STANDARD CONDITIONS

The following standard conditions apply to all Certification actions, except as noted under Condition C for denials.

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

B. 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.

C. The validity of any non-denial Certification action 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.

D. The San Diego Water Board by prior resolution has delegated all matters that may legally be delegated to its Executive Officer to act on its behalf pursuant to Water Code section 13223. Therefore, the Executive Officer is authorized to act on the San Diego Water Board's behalf on any matter within this Certification unless such delegation is unlawful under Water Code section 13223 or this Certification explicitly states otherwise.

E. In order to determine compliance with any condition of this Certification, the San Diego Water Board may require USACE to investigate, monitor, and report information relating to the implementation of the Project pursuant to Water Code sections 13267 and/or 13383. The burden, including costs, of the reports must bear a reasonable relationship to the need for, and the benefits to be obtained from, the reports. The USACE may be subject to liability pursuant to the Water Code, and/or all applicable state and/or federal law.

F. Pursuant to Water Code section 13308, if the San Diego Water Board determines there is a threatened or continuing violation of this Certification , the San Diego Water Board may issue an order establishing a time schedule and prescribing a civil penalty which shall become due if compliance is not achieved in accordance with the time schedule.

II. ADDITIONAL CONDITIONS

In addition to the standard conditions above, USACE must satisfy the following:

A. GENERAL CONDITIONS

1. Dredge and fill activities described in this Certification are only authorized for five years from the date of issuance. To continue these activities beyond five years, the USACE must apply for and obtain new Certification requirements. The application must include, but is not limited to, the information and items required in 23 CCR section 3856 as well as the following additional information:
    a. An evaluation and tabulation of the previous five years of dredge and disposal activities. The tabulation should include annual estimates of the volume of dredged material, annual estimates of the volume of dredged material placed at each of the beach disposal sites, figures / images depicting pre and post dredge material disposal shoreline conditions, and a description of the assumptions used for making such estimates.
    b. An evaluation, interpretation, and tabulation of the previous five years of water quality monitoring data including interpretations and conclusions as to whether applicable water quality standards have been attained at each sample station.
    c. Sediment chemistry data and grain size data characterizing sediment quality conditions at the proposed dredge area(s). Sediment to be used for Oceanside beach disposal shall be classified in accordance with California Code of Regulations, Title 23, Division 3, Chapter 15, Article 2.
    d. An analysis of project impacts between the years 2012 - 2017 on California least tern, *Sterna antillarum browni*, foraging activities in Oceanside Harbor and spawning activity by the California grunion *(Leuresthes tenuis)* in and around the dredge footprint and beach disposal sites.

2. The USACE must maintain a copy of this Certification at the Project site at all times for review by operations personnel and agencies during construction or monitoring activities.

3. Prior to the start of the Project, the USACE must educate all relevant personnel on the requirements in this Certification, pollution prevention measures, and spill response.

4. The USACE must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the San Diego Water Board, to support this Certification and all subsequent submittals required as part of this Certification. The conditions within this Certification shall supersede conflicting provisions within such documents submitted prior to the Certification action. Any modifications to this Certification require notification to the San Diego Water Board and reevaluation and approval of individual Waste Discharge Requirements and/or a Certification amendment.

5. The USACE must permit the San Diego Water Board or its authorized representative at all times, upon presentation of credentials:

    a. Entry onto project premises, including all areas where dredging is conducted, dredged material is discharged or disposed, or 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 Certification.

6. The USACE 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 United States and/or State.

7. The USACE must, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of this Certification. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Certification.

8. The USACE must take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Certification, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

9. 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 California or federal 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.

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

11. **Prior to commencement of dredge, fill, and discharge activities**, the USACE must submit written documentation from the relevant resource conservation agencies, (i.e. U.S. Fish and Wildlife Service (FWS), National Marine Fisheries Service (NMFS), and California Department of Fish and Game (DFG)), confirming that the avoidance and minimization measures proposed by the USACE are sufficient to protect the least tern which is a federally listed endangered species, and the California grunion which is a State managed species. Both the grunion and least tern may occur in Oceanside Harbor and shoreline areas of Oceanside, CA.

12. **Prior to commencement of dredge, fill, and discharge activities**, the USACE must submit to the San Diego Water Board a copy of the final Environmental Assessment (EA) and any subsequent amendments to the EA for the Project shall be submitted within 30 days from when they are made final.

A. PROHIBITIONS

1. Discharges of dredged material and dredge material return water in a manner which have not been specifically described in the application and for which a valid Certification is not in force are prohibited.

2. Dredging, storage, or disposal of dredged material and return water in a manner that creates a pollution, contamination or nuisance, as defined by Water Code Section 13050 is prohibited.

3. Dredging, storage, or disposal of dredged material and return water in a manner that causes a violation of any prohibition in the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan) or *Water Quality Control Plan for Ocean Waters of California* (Ocean Plan) is prohibited.

4. The discharge of materials of petroleum origin in sufficient quantities to be visible is prohibited.

5. Discharged dredged material containing biostimulatory substances in concentrations that exceed natural background levels is prohibited.

6. Discharges of dredged material outside of the designated beach disposal areas described in Attachments 2 and 3 of this Certification are prohibited. The designated beach disposal areas are:

    a. Just south of the San Luis Rey River mouth in front of the North Coast Village Complex;
    b. Beach shoreline underneath and adjacent to the Oceanside Pier between Civic Center Drive and Mission Avenue; and
    c. Beach shoreline area between Tyson Street and Wisconsin Avenue in Oceanside, CA (See Attachments 2 and 3).

7. Dredging outside of the designated maintenance dredging footprint, described in Attachment 3 of this Certification, is prohibited.

B. DISCHARGE SPECIFICATIONS

1. No more than 500,000 cubic yards of material per year may be dredged or deposited on the beach disposal areas.

2. The dredged material used for beach replenishment must not form a hardpan after placement. The dredged material placed on the beach must have less than 10 percent grain size difference from the receiving beach and no negative aesthetic impact on the receiving beach.

3. The dredged material used for replenishment must not contain more than 25 percent of fine grained particles. Fine grained particles are defined as particles that are smaller than 0.074 millimeters or pass through a #200 test sieve.

4. The dredged material must be free of trash and debris. Trash and anthropogenic debris deposited on the active beach disposal site must be removed daily and disposed in compliance with local, State, and Federal regulations.

5. Except as authorized by this Certification, 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 dredged material and/or entering waters of the United States and/or State. Best Management Practices (BMPs) must be implemented to prevent such discharges during each project activity involving hazardous materials.

C. DREDGE OPERATIONS

1. Dredged material must be sampled and tested according to the document entitled *"1991 Evaluation of Dredge Materials Proposed for Ocean Disposal"* under the direction and approval of the U.S. Army Corps of Engineers and U.S. EPA.

2. Turbidity must be monitored in nephelometric turbidity units (NTU). If natural turbidity is between 0 to 50 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 the turbidity increase exceeds 10 NTUs the USACE shall report the noncompliance pursuant to Monitoring Provision III.A.8. The USACE must take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

3. As indicated in the USACE's application materials, turbidity must also be monitored in percent transmittance. If turbidity from dredge activities is more than 40 percent over the ambient transmissivity conditions, the USACE must halt operations until such time that turbidity is restored to ambient conditions.

4. All vehicles and heavy machinery used for beach replenishment must be inspected for fluid leaks prior to the start of beach operations and regularly inspected thereafter until beach activities are completed. Vehicles and machinery with leaks must not enter the beach area. Vehicles and equipment shall be cleaned, repaired (other than emergency repairs), and

stored above the high tide line.

5. Dredge and fill activities must not be conducted if existing conditions indicate such activity would cause a violation of water quality standards at the surf zone. Planned activities must be postponed until the threat of causing a violation of water quality standards has been abated.

6. If *Caulerpa taxifolia* is found prior to or during implementation of dredge and fill activities, the USACE must not begin or continue dredge and/or fill activities until authorized by the San Diego Water Board. If the invasive seaweed is discovered, it must not be disturbed and the San Diego Water Board must be notified within 24 hours of the discovery.

D. CALIFORNIA GRUNION MITIGATION MEASURES

1. California grunion is a State managed species and the intertidal zone at the disposal sites are potential spawning habitat. To the greatest extent possible, the USACE must avoid shoreline fill activities during the grunion spawning season (March 15 – August 31). If shoreline disposal activities must occur during grunion spawning season, the USACE must conduct a preconstruction survey of potential grunion spawning habitat at each proposed beach disposal site.

    a. The preconstruction survey must be conducted by a biological monitor no more than one month prior to the expected start date of the shoreline dredged material disposal activities and must include photo documentation.
    b. The biological monitor shall determine whether the shoreline discharge areas are unsuitable for use as spawning habitat for grunion. Unsuitable habitat includes cobble beaches, beaches that are inundated during high tides to the extent that no beach above the high tide water mark is available for grunion spawning, beaches that do not have enough sand substrate for the grunion to bury eggs, and beaches with no historic grunion runs.

2. If shoreline disposal activities must occur between March 15 – August 31 and suitable grunion habitat is located at the beach disposal areas, the USACE must avoid and minimize potential impacts to grunion by complying with the following conditions:

    a. Shoreline dredged material disposal activities that entail sand disturbance seaward of the semilunar high tide line may be conducted on the day before the first date of a predicted run series. This day constitutes a narrow window of time during which egg nests and developing larvae are unlikely to be present in the sand; larvae from the previous run series likely would have been flushed by the previous night's high tide, and new eggs likely won't be deposited for at least 24 hours. As an example, mechanized equipment could be used on July 17, 2012, which is the day before the first date of the predicted run series that starts July 18 (the predicted four-day run series is July 18, 19, 20, and 21 according to the DFG website, http://www.dfg.ca.gov/marine/grunionschedule.asp).

b. To conduct dredged material disposal activities beyond the dates in item 2.a. above, a biological monitor, must survey for the presence of adult grunion during the predicted grunion runs prior to the disposal activities. Monitoring must be done on all four nights of the predicted run series, except that if grunion are observed spawning within the work area or a 10-yard buffer area between the grunion spawn site and the work area on a given night, the presence of egg nests may be assumed and surveys on subsequent nights are not required. For example, if grunion are observed in the work area or the 10-yard buffer and the work area, on night 1, then monitoring on nights 2, 3, and 4 would not be required. If grunion are not observed within the work area or the 10-yard buffer on night 1, then night 2 would be surveyed and so forth.
c. Monitoring must occur from the time of the high tide to two hours following the tide, or until the grunion stop running, whichever is later. For each night of monitoring, recorded information must include the time period monitored, grunion run time and duration, approximate grunion density within the work area and 10-yard buffer, and approximate grunion density in a broader area (i.e., within approximately 50 yards up-coast or 50 yards down-coast of the work area).
d. If grunion spawning is observed within the work area or the 10-yard buffer on any night of a four-day run series, then spawning areas must be clearly marked and avoided by heavy equipment and machinery until after the egg incubation period (i.e., until the day before the first date of the next predicted run, as described).
e. If grunion spawning is not observed within the work area or 10-yard buffer on all four nights of a predicted run series, then the absence of egg nests and incubation activity near the work area may be assumed and, if needed, project activity that entails sand disturbance may be conducted seaward of the semilunar high tide line up to and including the day before the date of the next predicted run.
f. Where the shoreline discharge area is currently unsuitable for use as spawning habitat for grunion, beach disposal may occur in the designated areas without a biological monitor.

E. CALIFORNIA LEAST TERN MITIGATION MEASURES

1. The Draft Environmental Assessment concludes that dredging during the least tern nesting season is not expected to affect the California Least Tern because of the limited extent of foraging documented during previous foraging studies, and due to the close proximity of the Santa Margarita estuary and river for foraging. By letter dated May 4, 2012 the USACE informed the San Diego Water Board that a reference study was being prepared to document the results of earlier least tern foraging studies within the Los Angeles District that support the no effects conclusion. The USACE must submit the final version of this reference study to the San Diego Water Board no later than **June 15, 2012**.

2. No activities authorized under this Certification shall be conducted within 500 feet of a California least tern breeding colony from April 1 through September 30 unless surveys by a qualified biological monitor have confirmed cessation of nesting.

III. MONITORING AND REPORTING PROGRAM

A. MONITORING PROVISIONS

1. Samples and measurements taken as required herein must be representative of the volume and nature of the discharge. Monitoring points shall not be changed without notification to and the approval of the San Diego Water Board.

2. Monitoring must be conducted according to United States Environmental Protection Agency 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.

3. All laboratory analyses must be performed in a laboratory certified to perform such analyses by the California Department of Health Services or a laboratory approved by the San Diego Water Board.

4. If the USACE monitors any pollutant more frequently than required by this Certification, using test procedures approved under 40 CFR, Part 136, or as specified in this Certification, the results of this monitoring must be included in the calculation and reporting of the data submitted in the discharger's reports. The increase in frequency of monitoring must also be reported.

5. The USACE 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 discharge or when requested by the San Diego Water Board.

6. Records of monitoring information must include:

    a. The date, exact place, and time of sampling, measurements, or observations;
    b. The individual(s) who performed the sampling, measurements, or observations;
    c. The date (s) analyses were performed;
    d. The individual(s) who performed the analyses;
    e. The analytical techniques or method used; and,
    f. The results of such analyses.

7. All monitoring instruments and devices which are used by the discharger to fulfill the prescribed monitoring program must be properly maintained and calibrated as necessary to ensure their continued accuracy.

8. The USACE 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 discharger becomes aware of the circumstances. A written submission shall also be provided within **five days** of the time the discharger 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.

IV. RECEIVING WATER MONITORING

Within 30 days from completion of each dredge, fill and discharge activities, the USACE must submit an Annual Monitoring Report that contains the results of the monitoring activities required below. The report must include an evaluation, interpretation, and tabulation of the water quality data including interpretations and conclusions as to whether applicable water quality standards were attained at each sample station. Unless indicated otherwise, when no materials are being disposed directly on the beach, no beach monitoring is required.

1. The USACE must keep records of, and report on, the following:

    a. Calculations of the daily volume (in cubic yards) of dredge material, the location from which the material was removed, and the location where the material was disposed of.
    b. The total volume (in cubic yards) of dredged material removed during the project and the total volume (in cubic yards) of material deposited at each final disposal location.
    c. Aerial images and/or figures depicting the disposal site pre and post project for every dredge and disposal event.
    d. Results of biological surveys conducted.
    e. The results of water quality monitoring conducted.

2. The USACE must perform water quality sampling and analysis at the dredge site in Oceanside Harbor and at the active shoreline beach disposal areas in Oceanside, CA.

    a. Sampling must occur at four sampling stations at the dredge site as specified below.
        i. Station A is within 100 feet of the dredging operations.
        ii. Station B is 100 feet down current of the dredging operations.
        iii. Station C is 300 feet down current of the dredging operations

iv. Station D is the Control site in a nearby area not affected by the dredge and disposal operations.

b. Sampling must occur at four sampling stations at each active beach disposal site.
   i. Station E is 100 feet north of the disposal site.
   ii. Station F is 100 feet south of the disposal site.
   iii. Station G is 300 feet south of the disposal site.
   iv. Station H is the Control site 300 feet north of the disposal site.

c. During dredging, weekly sampling shall occur at the four locations outlined in 2.a above. Sampling and analyses will, at a minimum, include: temperature, salinity, pH, turbidity, light transmittance, total suspended solids (TSS), total recoverable petroleum hydrocarbons (TRPH) and dissolved oxygen. Data must be collected at one-meter intervals from the water's surface to the seafloor. Turbidity must be reported in percent transmittance and NTUs. Samples collected for TSS and TRPH must be mid depth grab samples. The results of the water quality assessment must be submitted with the Annual Monitoring Report.

d. During disposal, weekly sampling must occur at the four locations outlined in 2.b above for each site. Sampling and analyses must, at a minimum, include: temperature, salinity, pH, turbidity, light transmittance, TSS, TRPH, Total Coliform, Fecal Coliform, Enterococcus (TFE), and dissolved oxygen. Data must be collected at one-meter intervals from the water's surface to the seafloor. Turbidity must be reported in percent transmittance and NTUs. Samples collected for TSS and TRPH must be mid depth grab samples. Samples collected for TFE, at a minimum, must be collected at Stations E and F. The results of the water quality assessment must be submitted with each Annual Monitoring Report.

e. Bacteria sampling must occur at the active beach disposal site for TFE as described in above. Bacterial Water-Contact Standards are contained in the Ocean Plan and are hereby incorporated in this Certification as if fully set forth herein. If the mean weekly water samples are found to contain bacteria in levels that exceed Bacterial Water-Contact Standards, the USACE must report the exceedance pursuant to Monitoring Provision III.A.8. If persistent exceedances occur, the San Diego Water Board may direct that USACE to modify or halt discharging onto the beach until water quality improves. When no materials are being deposited directly on the beach, no disposal bacteria monitoring is required.

   If the USACE determines there is no evidence that dredging has caused or contributed to bacteria problems the USACE must provide site specific data, assumptions, and documentation to support such assertions through an amendment request .

3. During sample collection conducted pursuant to this monitoring and reporting program, visual observations must also be made and recorded and submitted as part of the required reports. The following observations must be made and recorded:

a. Speed and direction of the currents:
b. tidal stage;
c. Appearance of rubbish or refuse (including cans, bottles, paper, plastic, etc.), garbage, trash or any other solid waste;
d. Appearance of oil or other materials of petroleum origin;
e. Discoloration and extent of any visible turbidity plume;
f. Presence of nuisance odors attributable to the dredge activity or dredged material discharge to the beach disposal area; and
g. Photo documentation must be conducted in accordance with the State Water Resources Control Board Standard Operating Procedure 4.2.1.4[1]. The USACE must conduct photo documentation of the Project site, and shoreline disposal areas prior to, during, and after Project construction. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

V. REPORTING

1. **At least 10 days prior to the commencement of each annual dredge and disposal event**, the USACE must notify the San Diego Water Board, in writing, of the scheduled start and stop dates for dredge and dredged material disposal activities.

2. **Within 30 days following completion of dredge and dredged material disposal activities**, the USACE must submit an Annual Monitoring Report that contains the results of all monitoring activities required in this Certification.

3. All reports and information submitted to the San Diego Water Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.

4. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

    a. For a corporation, by a responsible corporate officer of at least the level of vice president.
    b. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
    c. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

[1] Available at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf

5. 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 San Diego Water Board.

6. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

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

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

    Executive Officer
    California Regional Water Quality Control Board
    San Diego Region
    Attn: 401 Certification; Project No. 12C-030
    9174 Sky Park Court, Suite 100
    San Diego, California 92123

VI. CEQA and NEPA FINDINGS

1. On March 2, 2012 the USACE released a Draft EA "*Oceanside Harbor Maintenance Dredging, San Diego County, California. Draft Environmental Assessment, March 2012"* prepared to comply with the National Environmental Policy Act (NEPA) and finds the project will not have significant adverse effects upon the existing environment. The San Diego Water Board has reviewed the lead agency's Draft EA and finds that the project will not have a significant effect on the environment with conditioned mitigation measures.

2. The San Diego Water Board finds that the project is categorically exempt under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), pursuant to CEQA Guidelines Section 15304 (g). The exemption applies to activities involving "maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies."

VII. PUBLIC NOTIFICATION OF PROJECT APPLICATION

On **April 10, 2012** receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No comments were received for this project.

VIII. SAN DIEGO WATER BOARD CONTACT PERSON

Alan Monji
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-637-7140
amonji@waterboards.ca.gov

IX. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the Oceanside Maintenance Dredging Project (Certification No. 12C-030) 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 and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the San Diego Water Board's Water Quality Control Plan (Basin Plan).

This Certification modifies and replaces the version of Certification No. 12C-030 issued on May 15, 2012. Except as modified by this Certification, all of the previous findings, requirements, conditions and provisions of Certification No. 12C-030 issued on May 15, 2012 are incorporated into this Certification.

I, David W.Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. 12C-030 issued on May 15, 2012 and modified on May 25, 2012.

5-25-2012

DAVID W. GIBSON
Executive Officer
Regional Water Quality Control Board

Date

Attachments:
1. Project Information
2. Location Map
3. Site Maps
4. Distribution List
5. Table of Deliverables

Tech Staff Info & Use	
File No.	12C-030
WDID.	9 000002447
Reg. Measure ID	384319
Place ID	779830
Party ID	47607

ATTACHMENT 1
PROJECT INFORMATION

Applicant:	U.S. Army Corps of Engineers Attention: Josephine Axt 915 Wilshire Boulevard, Suite 1101 Los Angeles, CA 90017 213-452-3783 Josephine.R.Axt@usace.army.mil
Applicant Representative:	U.S. Army Corps of Engineers Attention: Larry Smith 915 Wilshire Boulevard, Suite 1101 Los Angeles, CA 90017 213) 452-3846 Lawrence.J.Smith@usace.army.mil
Project Name:	Oceanside Harbor Maintenance Dredging
Project Location:	Oceanside, CA Latitude: 33° 12' 20"N, Longitude: 117°24'5"W
Type of Project:	Maintenance dredging of the navigation channel to Oceanside Harbor and beach replenishment.
Need for Project:	To maintain the channel at its authorized dimensions.
Project Description:	The Oceanside Harbor Maintenance Project (Project) is located in the City of Oceanside, San Diego County, at Oceanside Harbor, along the Pacific Ocean shoreline. The Oceanside Harbor complex is located in the northwestern portion of the City of Oceanside. The harbor complex is used to support limited military, national security, and public safety operations from Marine Corps Base Camp Pendleton. Commercial users include charter and commercial fishing operations, whale watching companies, and boat rental facilities. The harbor complex is also used for personal recreation by local residents and military personnel. The Project consists of annual maintenance dredging of the entrance channel to Oceanside Harbor, the Del Mar Channel, and the Oceanside Channel to re-establish suitable navigation depth at federally authorized dimensions, and disposal of the dredged material along the shoreline in

	Oceanside, CA. The initial dredging event is scheduled to begin in May 2012 and will occur on an annual basis through 2017. Not more than 500,000 cubic yards of beach suitable dredged material from the entrance and navigation channels of Oceanside Harbor will be deposited annually to replenish beaches along the shoreline just south of the San Luis Rey River mouth, shoreline between Civic Center Drive and Mission Avenue including the area underneath the Oceanside Pier, and/or at the shoreline south of Tyson Street. The dredge footprint is 26 acres. The project will permanently fill up to two acres (600 linear ft.) of waters of the United States/State at the North Coast Village shoreline location south of the San Luis Rey River mouth, up to 0.65 acres (700 linear feet) of waters of the United States/State underneath and adjacent to the Oceanside Pier between Civic Center Drive and Mission Avenue, and up to four acres (1,000 linear feet) of waters of the United States/State between the shoreline of Tyson Street and Wisconsin Avenue. The project does not include the Del Mar Boat Basin, North Oceanside Harbor, or South Oceanside Harbor.
Federal Agency/Permit:	Coastal Commission Consistency Determination, Mark Delaplaine
California Environmental Quality Act (CEQA) Compliance:	The San Diego Water Board finds that the project is categorically exempt under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), pursuant to CEQA Guidelines Section 15304 (g).
Receiving Water:	Pacific Ocean Shoreline , 903, San Luis Rey Hydrologic Unit
Affected Waters of the United States and/or State:	Temporary: Ocean: None Permanent: Ocean: 26 acres
Related Projects Implemented/to be Implemented by the	Oceanside Harbor Maintenance Dredging, 2011

Applicant(s):

Compensatory Mitigation:	No mitigation is proposed. The dredge material will be used to restore portions of shoreline just south of the San Luis Rey River mouth in front of North Coast Village Complex, underneath and adjacent to the Oceanside Pier between Civic Center Drive and Mission Avenue, and at the shoreline between Tyson Street and Wisconsin Avenue.
Best Management Practices (BMPs):	The project involves dredging in Oceanside Harbor and disposal of sediment on the selected shoreline segments in Oceanside CA. The primary pollutant of concern is turbidity from dredge and disposal activities. Other potential pollutants of concern are from the construction equipment and machinery used for the dredging and beach replenishment. Best Management Practices will include: weekly monitoring for turbidity; daily collection of trash and debris associated with the beach disposal; offsite fueling stations; proper vehicle and boat maintenance, spill prevention and control; and general waste management.
Public Notice:	On **April 10, 2012** receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No comments were received for this project.
Fees:	Total Due: $0 Total Paid: $0
CIWQS:	Regulatory Measure ID: 384319 Place ID: 779830 Party ID: 47606

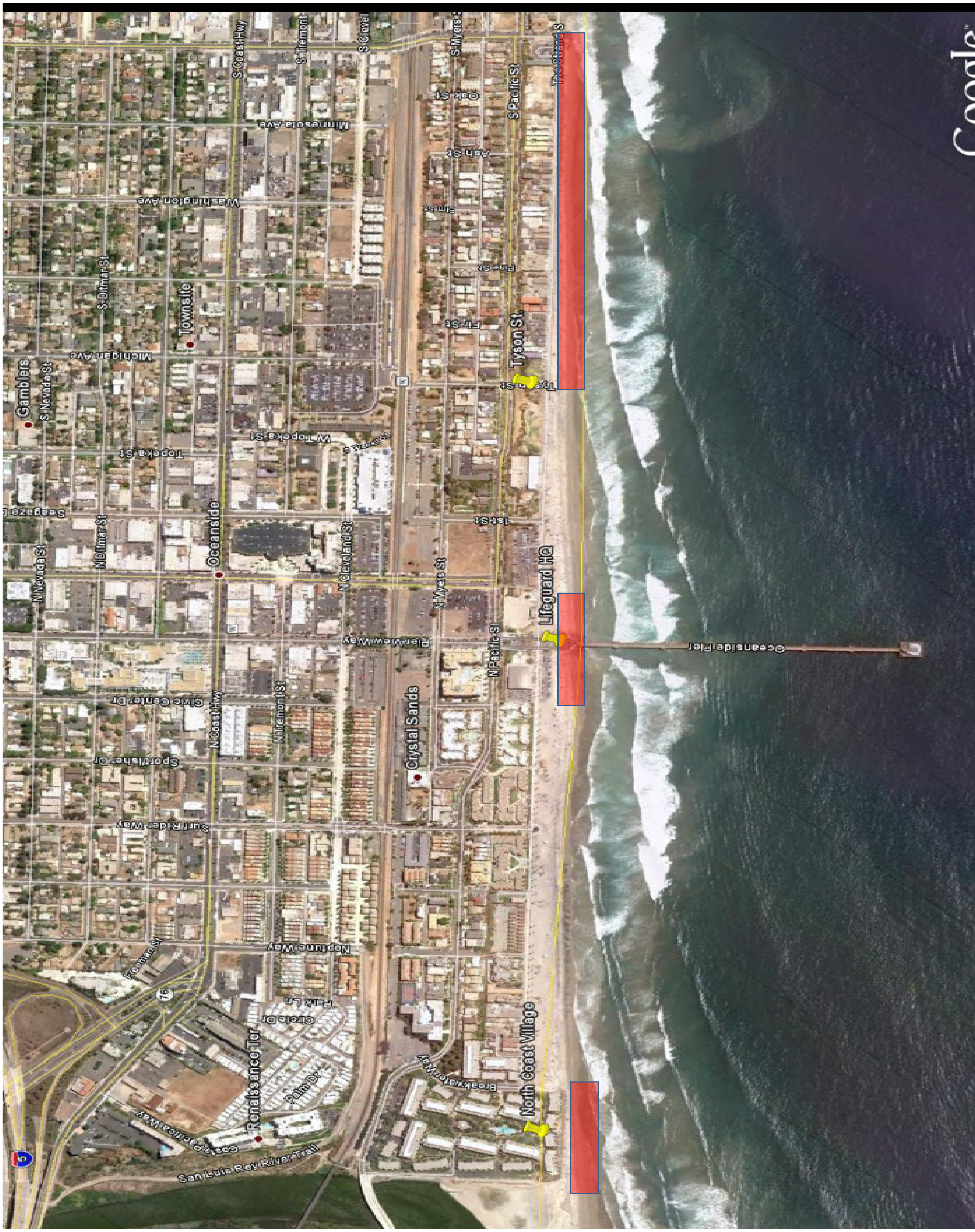
ATTACHMENT 2

SITE MAPS


Del Mar Channel
Entrance Channel
Oceanside Channel
Del Mar Basin

ATTACHMENT 3

PROJECT MAPS


Gamblers
Townsite
Oceanside
Tyson St.
Lifeguard HQ
Oceanside Pier
Crystal Sands
North Coast Village
Renaissance Tor

ATTACHMENT 4
E-MAIL DISTRIBUTION LIST

Josephine Axt
U.S. Army Corps of Engineers
Josephine.R.Axt@usace.army.mil

Larry Smith
U.S. Army Corps of Engineers
Lawrence.J.Smith@usace.army.mil

Eric Chavez
National Marine Fisheries Service
Eric.Chavez@noaa.gov

Jon Avery
U.S. Fish and Wildlife Service
Jon_Avery@fws.gov

Loni Adams
California Department of Fish and Game
LAdams@dfg.ca.gov

Vanessa Young
State Water Resources Control Board
VYoung@waterboards.ca.gov

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

U.S. EPA, OWOW, Region 9
75 Hawthorne St.
San Francisco, CA 94105
R9-WTR8-Mailbox@epa.gov

Attachment 5
Checklist of Required Reports and Notifications

Required Reports and Submittals: 401 Certification No. 12C-030

Due Date	Required Report	Required Condition(s) To Be Met	Report Received
Prior to Initiation of Dredge and Disposal Activities	Submit Written Documentation of Resource Conservation Agency Concurrence with Project	II.A.11	
Prior to Initiation of Dredge and Disposal Activities	Submit Final Environmental Assessment Document	II.A.12	
Before June 15, 2012	Submit Final Report of the Least Tern Study for U.S. Army Corps of Engineers – Los Angeles District	II.F.1	
Within 30 Days of After Completion of Dredge and Fill Activities	Annual Project Monitoring Report	IV	

Required Notifications: 401 Certification No. 12C-030

Notification Requirement	Required Notification Period	Required Condition(s) To Be Met	Date Notified
10 Days Prior to the Commencement of Dredge and Fill Activities	Written Notification of Dredge and Fill Activities	V.1	
Oral Notification Within 24 Hours and Written Notification Within Five Days	Noncompliance Notification	III.A.8	