



California Regional Water Quality Control Board, San Diego Region

October 24, 2013

In reply refer to:
716431: amonji

David Ott
City Manager
City of Solana Beach
201 N. Broadway
Solana Beach, CA 92075

Subject: Amendment No. 2 to Water Quality Certification No. 08C-023 for the City of Solana Beach Opportunistic Beach Restoration Program

Mr. Ott:

Enclosed is Amendment No. 2 to Clean Water Act section 401 Water Quality Certification No. 08C-023 (Certification Amendment No. 2) for the City of Solana Beach Opportunistic Beach Restoration Program (SCOUP). Certification Amendment No. 2 shows changes in redline/strikeout format to indicate added and removed language. Water Quality Certification No. 08C-023 and Amendment No. 1 are enclosed for your reference.

On March 4, 2009, Water Quality Certification No. 08C-023 was issued to the City of Solana Beach (City) and on April 4, 2009 the Certification was amended to clarify the sediment size that can be placed on the beach. By letter dated May 20, 2013, the City requested the Certification expiration date be extended an additional five years because of delays associated with budgetary constraints which deferred initiating project activities.

The current term of the Certification is from March 4, 2009 through March 4, 2014. Based on the City's request, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is amending the Certification to extend the term an additional five years through March 4, 2019.

Any petition for reconsideration of Certification Amendment No. 2 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 the Certification and Addenda.

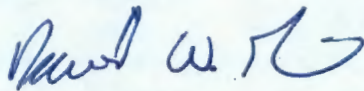
Failure to comply with all conditions of the Certification and Addenda may subject the City to enforcement actions by the San Diego Water Board, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in

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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.

In the subject line of any response, please include the reference number 229504:amonji. For questions or comments, please contact Alan Monji by phone at (619) 521-3968, or by email at amonji@waterboards.ca.gov.

Respectfully,



David W. Gibson,
Executive Officer
Regional Water Quality Control Board

DG:js:db:kdd:atm:ap

Enclosures:

Amendment No. 2 to Clean Water Act Section 401 Water Quality Certification No. 08C-023,
September 09, 2013

Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification No. 08C-023,
April 22, 2009

Clean Water Act Section 401 Water Quality Certification No. 08C-023, City of Solana Beach
Opportunistic Beach Restoration Program Project

cc: (via email)

Leslea Meyerhoff
City of Solana Beach
Lmeyerhoff@cosb.org

Brian Leslie
Moffatt & Nichol
bleslie@moffattnichol.com

Robert R. Smith
U.S. Army Corps of Engineers
Regulatory Division
Robert.R.Smith@usace.army.mil

Loni Adams
California Department of Fish and Wildlife
Loni.Adams@wildlife.ca.gov

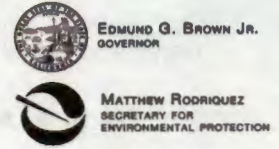
City of Solana Beach
Opportunistic Beach Restoration Program
Certification No. 08C-023, Amendment No. 2

October 24, 2013

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

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

Tech Staff Info & Use	
File No.	08C-023
WIDID	9 000001771
Reg. Measure ID	344241
Place ID	716431
Party ID	466213



California Regional Water Quality Control Board, San Diego Region

Amendment No. 2 to Clean Water Act Section 401
Water Quality Certification No. 08C-023

PROJECT: City of Solana Beach Opportunistic Beach Restoration Program
Water Quality Certification No. 08C-023

APPLICANT: City of Solana Beach
201 N. Broadway
Solana Beach, CA 92075

Table with 2 columns: ID Type and Value. Includes File No., WDID, Reg. Measure ID, Place ID, and Party ID.

The following changes have been made to Clean Water Act section 401 Water Quality Certification No. 08C-023, City of Solana Beach Opportunistic Beach Restoration Program. Changes below are shown in redline/strikeout format to indicate added and removed language.

1. Page 1, STANDARD CONDITIONS are replaced with the following:

Pursuant to section 3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions apply to all water quality 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 Water Code and Article 6 (commencing with section 3867 of 23 CCR).
2. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR subsection 3855(b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Certification action is conditioned upon total payment of any fee required under chapter 28 (commencing with section 3830) of 23 CCR and owed by the applicant.

2. Page 4, ADDITIONAL CONDITION B.4 has been modified as follows:

The City of Solana Beach must comply with the requirements of State Water Resources Control Board Water Quality Order No. ~~99-08-DWQ~~ 2009-0009-DWQ, ~~the NPDES General Permit for Storm Water Discharges Associated with Construction Activity. National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities.~~

3. Page 5, ADDITIONAL CONDITION C has been modified as follows:

The proposed project must be implemented as described in the application. This certification is valid until March 4, 2019 ~~five years~~. The proposed project must place not more than 150,000 cubic yards of sediment per year, ~~for 5 years~~. A Sampling and Analysis Plan must be submitted for acceptance before each placement. Based on the results of the Sampling and Analysis plan, it will be decided case by case if the sediment must be placed below mean high tide line, or if the sediment can be placed as a beach berm. The sediment that will be placed on the beach must have less than 10% sand difference from the receiving beach and no negative aesthetic impact on the receiving beach.

4. Page 5, ADDITIONAL CONDITION C.3.a has been modified as follows:

a. California Grunion (Leuresthes tenuis)

~~The project proposes to place sediment on the beach from March 1 to August 31; therefore the City of Solana Beach must determine beach habitat suitability for grunion spawning. The applicant must comply with the Special Condition NO.6 of the Regional General Permit 67 Beach Nourishment in Southern California (Corps File No. 200401896-JLB).~~

i. 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 City of Solana Beach 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 City of Solana Beach 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.

- ii. If shoreline disposal activities must occur between March 15 – August 31 and suitable grunion habitat is located at the beach disposal areas, the City of Solana Beach 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. Consult the California Department of Fish and Wildlife (CDFW) website for predicted run series events and plan accordingly (<http://www.dfg.ca.gov/marine/grunionschedule.asp>).
 - b) To conduct dredged material disposal activities between the dates in item ii 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 if grunions 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 on night one, then monitoring on nights two, three, and four would not be required. If grunion are not observed within the work area or the 10-yard buffer on night one, then night two would be surveyed.
 - 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).

- 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.
- iii. Where 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.

5. Page 9, ADDITIONAL CONDITION H.7 has been modified as follows:

Executive Officer
California Regional Water Quality Control Board, San Diego Region
Attn: 401 Certification; Project No. 08C-023
~~9174 Sky Park Court~~ 2375 Northside Drive, Suite 100
San Diego, CA ~~92123~~ 92108

6. Page 10, REGIONAL WATER QUALITY BOARD CONTACT PERSON has been modified as follows:

~~Lilian Busse~~ Alan Monji
California Regional Water Quality Control Board, San Diego Region
~~9174 Sky Park Court~~ 2375 Northside Drive, Suite 100
San Diego, CA ~~92123~~ 92108
~~858-467-2974~~ (619) 521-3968
lbusseAlan.Monji@waterboards.ca.gov

7. ATTACHMENT 2, Distribution List has been modified as follows:

Brian Leslie
Moffatt & Nichol
1660 Hotel Circle, Suite 200
San Diego, CA 92108
bleslie@moffattnichol.com

Robert R. Smith
U.S. Army Corps of Engineers
Regulatory Branch
~~16885 W. Bernardo Dr., Suite 300-A~~
~~San Diego, CA 92127~~
5900 La Place Court, Suite 100
Carlsbad, CA 92008
PH: (760) 602-4837
Robert.R.Smith@usace.army.mil

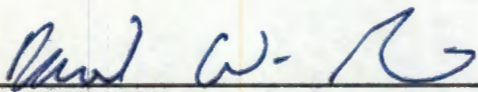
~~U.S. Army Corps of Engineers
Regulatory Branch
P.O. Box 532711
Los Angeles, CA 90053-2325
(213) 452-4196 (fax)~~

Loni Adams
California Department of Fish and Wildlife
3883 Ruffin Rd
San Diego, CA 92123
Tel: (858) 627.3985
Loni.Adams@wildlife.ca.gov

State Water Resources Control Board
Division of Water Quality
401 Water Quality Certification and Wetlands
Unit P.O. Box 100 Sacramento, CA 95812-0100
Stateboard401@waterboards.ca.gov

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

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Amendment No.2 to Certification No. 08C-023 issued on October 24, 2013



David W. Gibson
Executive Officer
Regional Water Quality Control Board

10-18-2013

Date