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GOVERNOR



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SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Santa Ana Regional Water Quality Control Board

December 18, 2020

Mr. Chris Miller  
City of Newport Beach  
100 Civic Center Drive  
Newport Beach, CA 92660

Email: [Cmiller@newportbeachca.gov](mailto:Cmiller@newportbeachca.gov)

### **CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR REGIONAL GENERAL PERMIT 54 PROJECT (SARWQCB WDID # 302019-21)**

Dear Mr. Miller:

Enclosed please find a Clean Water Act Section 401 Water Quality Certification and Order, authorized by Santa Ana Regional Water Quality Control Board Executive Officer, Hope A. Smythe. This Order is issued to you for the Army Corps of Engineers Regional General Permit 54, for the Lower Newport Bay (Project). Attachments A through C of the Enclosure are also part of the Order.

This Order is issued in response to an application submitted by The City of Newport Beach for the proposed Project discharge to waters of the State to ensure that the water quality standards for all waters of the State impacted by the Project are met. You may proceed with your Project according to the terms and conditions of the enclosed Order.

If you require further assistance, please contact me by phone at (951) 453-9367 or by email at [Marc.Brown@waterboards.ca.gov](mailto:Marc.Brown@waterboards.ca.gov). You may also contact David Woelfel, Chief of Regional Planning Programs Section, by phone at (951) 782-7960 or by email at [David.Woelfel@waterboards.ca.gov](mailto:David.Woelfel@waterboards.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Brown".

Marc Brown  
Environmental Scientist  
Regional Planning Programs Section  
Santa Ana Regional Water Quality Control Board

Enclosures (1): Order for Regional General Permit 54 Project #302019-21

WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

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Chris Miller  
RGP-54 Lower Newport Bay  
SARWQCB WDID #302019-21

- 2 -

December 18, 2020

cc: [Via email only] (w/ enclosure):

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Anchor QEA – Adam Gale – [agale@anchoragea.com](mailto:agale@anchoragea.com)



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ENVIRONMENTAL PROTECTION

## Santa Ana Regional Water Quality Control Board

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### CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

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**Effective Date:** December 18, 2020

**Program Type:** Fill/Excavation

**Project Type:** Boating and Navigation

**Project:** City of Newport Beach Regional General Permit 54 (Project)

**Federal Permit:** United States Army Corps of Engineers (USACE) Letter of Permission, under Section 10 Rivers and Harbors Act

**Applicant:** City of Newport Beach

**Applicant Contact:** Chris Miller, City of Newport Beach Public Works Department  
100 Civic Center Drive  
Newport Beach, CA 92660  
Phone: (949) 644-3043  
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**Applicant's Agent:** Adam Gale, Anchor QEA, LLC  
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**Water Board Staff:** Marc Brown, Environmental Scientist  
3737 North Main Street, Suite 500  
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Phone: (951) 453-9367  
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**Water Board Contact Person:**

If you have any questions, please call Santa Ana Regional Water Quality Control Board (SARWQCB or Santa Ana Water Board) staff listed above or (951) 782-4130 and ask to speak with the Regional Planning Programs Section Chief.

WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

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### I. Order

A Regional General Permit 54 (RGP 54) was previously issued by USACE on January 9, 2013 with an associated October 5, 2012 certification (SARWQCB Project No. 302012-21). A subsequent certification was issued July 29, 2014 (SARWQCB Project No. 302014-03) to address changes to the original project scope and include a new sediment sampling program. The Santa Ana Water Board amended this certification on December 20, 2018 to incorporate more recent sediment characterization data and additional administrative adjustments. The current RGP 54 is up for renewal and requires re-certification. Also, the City of Newport Beach (herein after Permittee) is proposing additional alterations to the original permit coverage.

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of the Permittee for the Project described below. This Order is for the purpose described in the application and supplemental information submitted by the Permittee. The application was received on December 4, 2019.

Prior to receiving a complete application, Santa Ana Water Board staff issued a Denial Without Prejudice, and the Permittee responded to the request for application information as summarized on Table 1.

<b>Table 1: Record of Denial Without Prejudice</b>	
Date of Denial Without Prejudice	Date Requested Information Received
3/2/2020	5/14/2020

Santa Ana Water Board staff requested additional information necessary to supplement the contents of the complete application, and the Permittee responded to the request for supplemental information on the following date provided in Table 2.

<b>Table 2: Record of Supplemental Application Information</b>	
Date of Request for Supplemental Information	Date Requested Information Received
3/2/2020	9/21/2020

### II. Public Notice

The Santa Ana Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from December 9, 2019 to the effective date of the Order.

### III. Project Purpose

The purpose of the proposed Project is to provide a streamlined process with local oversight by the Permittee for permitting small dredging projects occurring between bulkheads and pierhead lines within specific areas identified within Newport Harbor. This permitting process would continue to be regulated under a USACE RGP 54 specific for this Project, which would allow individual project proponents to enroll under a general permit if certain conditions could be met.

The RGP 54 is for minor maintenance dredging underneath and adjacent to private, public, and commercial docks, floats, and piers in portions of Lower Newport Bay. Maintenance dredging is needed to remove accumulated sediment from docks, floats, and piers in Newport Bay. This sediment originates largely from the San Diego Creek Watershed. The RGP 54 would cover minor maintenance dredging and discharge of material previously deemed suitable for unconfined placement at adjacent beach sites, offshore disposal sites, or upland disposal sites approved for dredged material. Additionally, to minimize beach loss, routine beach maintenance projects in the Bay are proposed to be included as part of RGP 54 and would be performed to move sloughed sand, preemptively relocating material from the low tide line to the high tide line.

#### **IV. Project Description**

The RGP 54 Plan Area within the harbor is defined as bulkhead to pierhead line plus 20 feet bayward. Exceptions include those structures that extend beyond this boundary in conformance with harbor development regulations defined by Chapter 17.35 of the Newport Beach Municipal Code. The RGP 54 applies to individual projects within Section 27 of Township 6 South, Range 10 West, of the U.S. Geological Survey Newport Beach, California. Quadrangle map. The specific areas proposed for coverage under RGP 54 are depicted in Figure 1 and Figure 2 of Appendix A.

The RGP 54 is also limited to areas where the sediment has been characterized according to guidelines established by the Southern California Dredged Material Management Team (SC-DMMT). See Attachment A, Figure 2, RGP 54 boundaries. The guidelines specify that sediment data be valid for a period of five years.

The Permittee conducted a sediment sampling and characterization program in September and October 2017 and April 2018. The SC-DMMT evaluated these data in August 2018 and approved the discharge of qualifying dredged material at adjacent beach sites (for beach nourishment) or disposal at the U.S. Environmental Protection Agency's LA-3 Ocean Dredged Material Disposal Site (LA-3) for sediments from all areas, except for the Balboa Yacht Basin and Promontory Bay. Sediments not approved for disposal at LA-3 would be disposed at an approved upland landfill. These sediment characterization results are valid until September 2022.

The Project consists of maintenance dredging under and adjacent to private, public, and commercial docks, floats, and piers. As specified by the SC-DMMT guidelines, maintenance dredging would occur for most areas to a maximum depth of -10 feet mean lower low water (MLLW), plus 2 feet of overdepth allowance (1 foot paid and 1 foot unpaid), with an annual maximum dredge volume of 75,000 cubic yards (CY) within the coverage areas and not to exceed 8,000 CY per individual project. For some areas, the maximum depth allowed would be a maximum of -7 feet MLLW with one-foot overdepth allowance.

Dredged materials would be disposed at adjacent bay beach sites and nearshore ocean beaches for beach nourishment, LA-3, or an approved upland disposal site that is outside the coastal zone.

Routine bay beach maintenance projects would be conducted on an as-needed basis at designated beaches for the relocation of sloughed sand from the low tide line (-1 foot MLLW) to the high tide line. Designated bay beach maintenance under the RGP 54 would be limited to beaches on Balboa Island, Beacon Bay, publicly owned street-end beaches, and other

locations listed and shown in the Permit Application Supplement. Bay beach maintenance would occur along 25,000 linear feet of shoreline in Newport Harbor. The beach width would be approximately 10 feet wide, requiring excavation of approximately 1 foot throughout the proposed area and reaching a maximum depth of -1 foot MLLW in any the aforementioned locations. This element of the RGP 54 would not exceed annual volume of 9,500 CY over 6 acres. The activity would involve shallow-depth hydraulic dredging during high tide or traditional tractor work during low tide. No impacts to eelgrass would be allowed during bay beach maintenance projects. The Permittee would review, track, and approve these projects as is done with other routine maintenance dredging activities under RGP 54. Documentation of these projects would be included in the RGP 54 annual reports to the permitting agencies.

Proposed dredge activities would conform with the City's Eelgrass Protection and Mitigation Plan for Shallow Waters in Lower Newport Bay: An Ecosystem Based Management Program (City of Newport Beach; October 14, 2015) (Newport Bay Eelgrass Protection and Mitigation Plan) or the latest California Eelgrass Mitigation Policy (CEMP) procedures established by the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NOAA Fisheries).

## V. Project Location

The RGP 54 activities would be performed within predetermined areas of designation within Upper and Lower Newport Bay, in Newport Beach, Orange County (approximate latitude 33° 36' 31.98" N, longitude -117° 54' 20.40" W). Based on sampling completed in 2017 and through negotiations with the SC-DMMT, certain areas of the harbor require additional confirmatory sampling for both the dredge cut and predicted resulting Z-layer before material can be determined suitable for open-ocean disposal, nearshore placement, or beach nourishment. The Z-layer is the remaining surface after the desired dredged depth is achieved. Under the RGP-54, the classification of different areas of Newport Bay, pertaining to dredging depths and other requirements based on sediment characterization efforts, are presented in Figure 2 in Attachment A of this Order.

As illustrated in Figure 2 of Attachment A, areas identified in yellow on the map are not authorized under RGP 54. For all other areas, grain size analysis is required prior to discharge of sediment to verify compatibility with beach, nearshore, or open-ocean disposal. The areas delineated in dark blue do not require additional confirmatory sampling and are suitable to -10 feet MLLW plus 2 feet overdepth allowance for unrestricted disposal at LA-3, for beach nourishment, or for nearshore placement. The areas delineated in green, light blue, red, and orange require additional confirmatory testing to verify contaminants do not exceed certain thresholds; these requirements are as follows:

- Green area: Suitable to -7 feet MLLW plus 1 foot of overdepth allowance for open-ocean disposal, nearshore placement, or beach nourishment. Z-layer testing is required to confirm that the post-dredge surface contains mercury levels less than 1 part per million (ppm) prior to dredging to demonstrate that the newly exposed surface would not contain any targeted contaminants that exceed the established thresholds for the RGP 54.
- Light blue area: Suitable to -10 feet MLLW plus 2 feet of overdepth allowance for open-ocean disposal, nearshore placement, or beach nourishment. Confirmatory chemical testing is required for mercury to verify suitability prior to disposal. Z-layer testing is also required to confirm that the post-dredge surface contains mercury levels less than 1 ppm prior to dredging to demonstrate that the newly exposed surface would not contain any targeted contaminants that exceed the established thresholds for the RGP 54.

- Red area: Suitable to -10 feet MLLW plus 2 feet of overdepth allowance for open-ocean disposal, nearshore placement, or beach nourishment. Confirmatory chemical testing is required for mercury and polychlorinated biphenyls (PCBs) with Santa Ana Water Board and USACE concurrence to verify suitability prior to disposal. Z-layer testing is also required to confirm that the post-dredge surface contains mercury levels less than 1 ppm and PCB levels less than 100 parts per billion (ppb) prior to dredging to demonstrate that the newly exposed surface would not contain any targeted contaminants that exceed the established thresholds for the RGP 54.

- Orange area: Suitable to -10 feet MLLW plus 2 feet of overdepth allowance with unrestricted open-ocean disposal except as described below. Material proposed for beach nourishment or nearshore placement requires confirmatory chemical testing for DDTs to verify suitability prior to placement. Z-layer testing is also required to confirm that the post-dredge surface contains DDT concentrations of less than 18.0 ppb prior to dredging to demonstrate that the newly exposed surface would not contain any targeted contaminants that exceed the established thresholds for the RGP-54.

Under the RGP 54, dredging would be allowed beyond the -10 feet MLLW plus 2 feet of overdepth, if performed under the approval of the Permittee and if determined that DDT concentrations in sediment would be removed to a level where the post-dredge surface sediment has less than 18.0 ppb of DDT concentration. If the post-dredge surface were to contain a DDT concentration of less than 18.0 ppb, then dredge sediments removed from these operations may be disposed at the open ocean LA-3 site.

## VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Santa Ana Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Santa Ana Basin (1995) and subsequent amendments (Basin Plan) and other plans and policies. The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the State, water quality objectives to protect those uses, and the State and federal antidegradation policies.

Receiving Water: Upper and Lower Newport Bay

Existing or Potential Beneficial Uses: Navigation (NAV), Water Contact Recreation (REC1), Non-contact Water Recreation (REC2), Commercial and Sportfishing (COMM), Wildlife Habitat (WILD), Rare, Threatened, or Endangered Species (RARE), Spawning, Reproduction, and Development (SPWN), Marine Habitat (MAR), and Shellfish Harvesting (SHEL)

## VII. Description of Direct Impacts to Waters of the State

Total Project fill/excavation quantities for all impacts are summarized in Table 3.

Table 3: Total Project Dredge Quantity								
Aquatic Resource Type	Temporary Impact <sup>1</sup>		Permanent Impact					
			Physical Loss of Area			Degradation of Ecological Condition Only		
	Individual Project Total CY <sup>2</sup>	Annual Total CY <sup>3</sup>	Acres	CY	LF	Acres	CY	LF <sup>4</sup>
Ocean/bay/estuary	≤8,000	≤75,000	--	--	--	--	--	--

**VIII. Compensatory Mitigation**

No compensatory mitigation is required for permanent impacts because these impacts are minimal and will return the dredged areas to designed depths. In addition, best management practices, water quality monitoring, and mitigation for impacts to eelgrass would be implemented reducing impacts to beneficial uses.

**IX. California Environmental Quality Act (CEQA)**

On November 1, 2019, the City of Newport Beach, Public Works Department, acting as Lead Agency, made a ministerial declaration that the Project was categorically exempt from CEQA requirements under Public Resources Code section 21080(b)(1) and California Code of Regulations Title 14, Chapter 3, section 15304 Class 4(g). Pursuant to the California Environmental Quality Act (CEQA), the Santa Ana Water Board has independently determined that the Project is categorically exempt from provisions of CEQA under Guidelines Sections 15301 “Existing Facilities,” 15302 “Replacement or Reconstruction,” and 15304(g) “Minor Alterations to Land” – “Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies.”

**X. Petitions for Reconsideration**

Any person aggrieved by this action may petition the State Water Resources Control Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within thirty (30) calendar days of the issuance of this Order.

**XI. Fees Received**

An application fee of \$1,638.00 was received on December 4, 2019. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

**XII. Conditions**

The Santa Ana Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watershed of the Project. In

<sup>1</sup> Includes only temporary direct impacts to waters of the State and does not include upland areas of temporary disturbance, which could result in a discharge to waters of the State.

<sup>2</sup> Cubic Yards (CY); Total CY of dredge material removed within a single project area

<sup>3</sup> Cubic Yards (CY); Total annual CY of dredge material removed within a single calendar year under this Order

<sup>4</sup> Linear Feet (LF)

accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

**A. Authorization**

This Order is issued contingent upon the execution of the following conditions:

1. **Notification:** Prospective enrollees intending to obtain coverage under RGP 54 shall notify the Santa Ana Water Board at least thirty (30) days prior to commencing work. Prospective enrollees may use the same notification as that used to notify the USACE, provided the notification contains the information listed below. The Santa Ana Water Board may disqualify an individual project from coverage under this Order. In the event of disqualification, the prospective enrollee will be notified in writing within thirty (30) days of receipt of notification. If the prospective enrollee is not contacted by the Santa Ana Water Board within thirty (30) days after the notification is received by the Santa Ana Water Board, the prospective enrollee may proceed with the project. The minimum content of a notification includes:
  - a. A statement that the notification is submitted pursuant to "SARWQCB WDID No. 302019-21" for activities subject to RGP 54, and that the prospective enrollee agrees to abide by all conditions contained herein.
  - b. The name, address, and telephone number of:
    - i. The prospective enrollee
    - ii. The prospective enrollee's agent (if an agent is submitting the notification)
  - c. Complete identification of all federal licenses/permits being sought for or applying to the proposed activity, including:
    - i. Federal agency(ies)
    - ii. Type
    - iii. File number(s) assigned by the federal agency(ies), if available
  - d. Complete identification of any State-issued licenses/permits being sought for or applying to the proposed activity, including those issued by the California Department of Fish and Wildlife and the California Coastal Commission.
  - e. A complete project description, including:
    - i. The purpose and final goal of the entire activity
    - ii. The address (including city and county), cross-streets, or other appropriate location description, and the longitude and latitude of the project site
    - iii. Name(s) of any receiving water body(ies) that may receive a discharge.
    - iv. The total estimated quantity of dredge and fill. Fill discharges shall be reported in CY and acres. Fill discharges for channels, shorelines (including bulkheads and seawalls), and other linear habitat shall also be reported in linear feet. Dredge discharges shall be reported in CY. *Note: No individual project shall exceed 8,000 CY of removed dredge material.*
    - v. Disposition of dredge materials, including longitude and latitude of the disposal site(s)

- vi. Results of any sediment characterization completed, showing results are in accordance with section XII B.3(a) of this Order, including testing conducted by others (e.g., the Permittee), and as required by the RGP 54.
  - vii. Results of any applicable Z-layer chemical characterization that has been completed, which shows that the results are in accordance with section XII B.3(a) of this Order, including testing conducted by others (e.g., the Permittee), and as required by the RGP 54.
- f. Payment by check in the amount specified for "General Orders" in the iteration of section 2200 (a)(3)(H), Title 23 of the California Code of Regulations in effect when the Notification is submitted, made payable to the State Water Resources Control Board.
- g. The notification shall be signed by the prospective enrollee or the prospective enrollee's agent. The notification shall include a statement that the submitted information is complete and accurate.
2. **Point of contact:** The Permittee shall serve as the primary point-of-contact for projects enrolling under RGP 54 and shall review all notifications for completeness and accuracy. Once the Permittee has determined that a project meets the conditions of this permit, the Permittee shall forward the notification to the Santa Ana Water Board.
3. **Z-Layer Contaminant Exceedance Notification:** The Permittee shall notify any perspective RGP 54 enrollee when a proposed project is disqualified from the RGP 54, if pre-dredge Z-layer core testing indicates analytical results for targeted contaminant level(s) exceed threshold limits established by the SC-DMMT for the RGP 54.
- a. At a minimum, a Z-layer sample shall be collected within individual project areas in an area that adequately characterizes sediment concentrations of contaminants. Should the project area exceed that of 0.25 acre, an additional representative Z-layer sample shall be collected every 0.25 acre thereafter. However, in the Orange areas only, two discrete samples that adequately characterize the sediment would be required for each individual project area.
  - b. Should laboratory analyses of the project Z-layer indicate that contaminant level(s) exceed the threshold limits designated by SC-DMMT, the Permittee shall ensure the enrollee is informed that an individual certification and/or waste discharge requirements for the proposed project will be required. The notification shall include the regulatory determination for the prospective project's ineligibility under the RGP 54 and provide guidance for obtaining an individual Clean Water Act Section 401 Water Quality Certification for the prospective project. The only exception to ineligibility is for the areas designated in Orange, which may contain DDT contamination, if further excavation could achieve a Z-layer that meets the regulatory limit of DDT and the dredge were to be approved by the Permittee.
4. **Dredge Volumes:** Cumulative dredging volumes shall not exceed 75,000 CY per year. Individual project dredging volumes shall not exceed 8,000 CY.
5. **Invasive Alga, *Caulerpa taxifolia*:** Enrollees shall conduct at least one survey for the invasive alga *Caulerpa taxifolia* thirty (30) to ninety (90) days prior to initiating a project.

The enrollee may rely on the *Caulerpa* presence/absence determination from the Permittee's biennial survey data to satisfy the *Caulerpa* survey requirement. If *Caulerpa taxifolia* were to be discovered, the enrollee shall notify Santa Ana Water Board staff, the California Department of Fish and Wildlife (CDFW), and NOAA Fisheries within twenty-four (24) hours of discovery. The enrollee may begin dredging only after implementing management measures specified by the CDFW and/or NOAA Fisheries. The enrollee shall notify the Santa Ana Water Board staff the measures being implemented and when dredging began.

- 6. Eelgrass:** Each enrollee shall adhere to the City's Eelgrass Protection and Mitigation Plan for Shallow Waters in Lower Newport Bay: An Ecosystem Based Management Program (City of Newport Beach; October 14, 2015) (Newport Bay Eelgrass Protection and Mitigation Plan) or the latest CEMP procedures established by NOAA Fisheries. An eelgrass survey shall be conducted within thirty (30) to ninety (90) days prior to the commencement of each project. The enrollee may rely on the Permittee's eelgrass data collected every two years to satisfy the pre-construction eelgrass survey requirement. If eelgrass were to be present, mitigation shall be performed in accordance with the CEMP policy, the 2015 Eelgrass Protection and Mitigation Plan for Shallow Waters in Lower Newport Bay, and/or future NOAA Fisheries-approved eelgrass plans that supersede or update this policy or plan. The Permittee shall ensure that projects requiring eelgrass mitigation have received approval from NOAA Fisheries prior to forwarding the notification to the Santa Ana Water Board.
- 7. Best Management Practices (BMPs):** At a minimum, the following BMPs shall be utilized:
  - a. For projects dredging over 1,000 CY, a continuous, floating silt curtain shall be deployed around active dredging areas.
  - b. Operational BMPs, such as reduction in dredging rate, modification of clamshell operation, use of favorable tidal conditions to minimize spread of turbidity plumes, and temporary suspension of dredging, shall be employed, as necessary.
  - c. All materials generated from construction activities associated with a project shall be managed appropriately. Activities shall include identifying all potential pollution sources associated with the project and incorporating all necessary pollution prevention BMPs for each potential pollution source identified.
  - d. If dredging operations were to exceed two (2) consecutive days, a Minimum Monitoring Program shall be implemented as described below.
- 8. Receiving Water Limitations:** Enrollees shall comply with the following applicable narrative and/or numeric objectives:
  - a. **Narrative Objectives for Physical Characteristics.** Wastes associated with the dredging operation shall not violate Basin Plan narrative objectives for color, floatables, and oil and grease, including the following:
    - i. Waste discharges shall not result in coloration of the receiving waters which causes a nuisance or adversely affects beneficial uses.

- ii. Waste discharges shall not contain floating materials, including solids, liquids, foam or scum, which cause a nuisance or adversely affect beneficial uses.
- iii. Waste discharges shall not result in deposition of oil, grease, wax, or other materials in concentrations which result in a visible film or in coating objects in the water, or which cause a nuisance or adversely affect beneficial uses.

**b. Numeric Limits for Physical/Chemical Characteristics.** Should single project dredge operations exceed two (2) consecutive days, enrollees shall comply with the numeric receiving water limitations specified in Table 4. Samples shall be collected at a distance of no more than 300 feet from the dredge footprint. Enrollees may use the Permittee's latest eelgrass survey to determine whether eelgrass is present within 300 feet of a project site. The transmissivity limits in Table 4 apply only if the enrollee chooses to monitor transmissivity, in addition to turbidity. When the enrollee monitors both transmissivity and turbidity, compliance shall be achieved if either transmissivity or turbidity is below the respective limit shown in Table 4.

**Table 4: Numeric Receiving Water Limitations<sup>5</sup>**

Parameter	Receiving Water Limitation	
	Eelgrass Present Within 300 feet	No Eelgrass Present Within 300 feet
Transmissivity	38%	16%
Turbidity	16 NTU	47 NTU
pH	7 > pH < 8.6 < 0.2 change from ambient	
Dissolved Oxygen	> 5 mg/L	

**9. Minimum Monitoring Program:** If the monitoring results are within the receiving water limitations specified in Condition 7, subsequent monitoring during individual projects will not be required if the total dredging duration will be less than two (2) consecutive days. If dredging were to extend beyond two (2) consecutive days, monitoring shall be required every other day, beginning with the third day (i.e., monitoring shall be required on days 3, 5, 7, etc.). Enrollees shall implement a monitoring program to ensure compliance with the receiving water limitations specified in Condition 7, above. Minimum requirements of the monitoring plan are listed in Table 5.

<sup>5</sup> The turbidity and transmittance limits are based on data collected in Lower Newport Bay (Anchor QEA. Lower Newport Bay Water Quality Monitoring, Suspended Sediment Special Study. May 18, 2012.).

**Table 5: Minimum Monitoring Program**

Locations	Monitored Constituents	Frequency
Less than or equal to 300 feet from dredge footprint	Turbidity, Dissolved Oxygen, pH	Every other day beginning with the third consecutive day of dredging

- 10. A copy of this Order shall remain at the project site for the duration of the work and be available for inspection upon request.

**B. Reporting and Notification Requirements**

The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment B, including specifications for photo and map documentation during the Project construction. Written reports and notifications shall be delivered with Project applications or submitted using the *Reporting and Notification Cover Sheet* located in Attachment B and signed by the Permittee or an authorized representative.

**1. Project Reporting:**

- a. **Annual Reporting.** The Permittee shall submit an Annual Report each year on January 1st. Annual reporting shall continue until a *Notice of Project Complete Letter* is issued to the Permittee.

**2. Project Status Notifications:**

- a. **Commencement of Construction.** The enrollee shall submit a *Commencement of Construction Report* at least seven (7) days prior to start of initial ground disturbance activities.
- b. **Request for Notice of Completion of Discharges Letter.** The enrollee shall submit a *Request for Notice of Completion of Discharges Letter* following completion of active Project construction activities, including any required restoration and Permittee-responsible mitigation. This request shall be submitted to Santa Ana Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Santa Ana Water Board staff will issue to the Permittee a *Notice of Completion of Discharges Letter*, which will end the active discharge period and, if appropriate, associated annual fees.
- c. **Request for Notice of Project Complete Letter.** The enrollee shall submit a *Request for Notice of Project Complete Letter* when construction and any required post-construction monitoring is complete<sup>6</sup> and no further Project activities will occur. This request shall be submitted to Santa Ana Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Santa Ana Water Board staff will issue to the Permittee a *Notice of Project Complete*

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<sup>6</sup> Completion of post-construction monitoring will be determined by Santa Ana Water Board staff and will be contingent on successful attainment of restoration and mitigation performance criteria.

*Letter*, which will end the post discharge monitoring period and associated annual fees.

- 3. Conditional Notifications and Reports:** The following notifications and reports are required, as appropriate. The Permittee shall forward pertinent information to the Santa Ana Water Board for each dredging project undertaken under this Order. This will include, at a minimum, sediment characterization, monitoring data (if any), dredging volume, area, depth, and disposal location(s).
- a. Sediment and Z-Layer Characterization Screening.** The Permittee shall provide a notification of sediment characterization to the Santa Ana Water Board for each project performed under this Order. Within individual project notifications, the Permittee shall provide third-party confirmatory information showing:
- i. pre-dredge core sample(s) were collected at the proposed post-dredge z-layer depth within the Project footprint. All analytical results of core samples collected shall indicate contaminant values for targeted analytes are below SC-DMMT contaminant thresholds established for the RGP 54;
  - ii. proposed dredge materials were physically characterized and confirmed to be in conformance with sediment disposal requirements within a named depository site established by the SC-DMMT for the RGP 54;
  - iii. proposed dredge materials were chemically characterized by a certified laboratory, with results showing the Project's post dredge Z-layer materials tested were below tolerance thresholds for targeted contaminants for the RGP 54; and
  - iv. each dredge site having adequate characterization with at least one pre-dredge sample at the proposed post-dredge Z-layer and not less than one sample per 0.25 acre for larger dredging projects.
- b. Biological Assessment Survey of Ocean Nearshore Area Designated for Sediment Disposal.** Prior to depositing any dredge materials onto a pre-determined nearshore ocean depository location(s), a Biological Assessment shall be performed at the proposed location(s) and submitted to for acceptance by appropriate oversight agencies (e.g., California Coastal Commission). No sediment deposition shall occur prior to the approval of the survey by the appropriate oversight agency.
- c. Materials Disposal at Upland Location.** Should it be determined that characterized dredge materials are not suitable for beach replenishment, nearshore disposal, or disposal at LA-3, materials shall be disposed at a named depository accepted by the Santa Ana Water Board. Written notification to the Santa Ana Water Board shall be submitted at least seven (7) days prior to initiating dredge operations of any such identified materials.
- d. Redistribution of Dredge Materials within Individual Project Area.** Should proposed dredge activities include the redistribution of dredge materials to the shoreline side of a project area, an illustration of post-project materials redistribution

into the Project's Tidal Zone shall be included within the individual Project's Scope of Activities.

- e. Accidental Discharges of Hazardous Materials.**<sup>7</sup> Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Water Code, section 13271):
- i. As soon as (A) the Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures, then the Permittee shall:
    - first call – 911 (to notify local response agency)
    - then call – Office of Emergency Services (OES) State Warning Center at (800) 852-7550 or (916) 845-8911
    - lastly follow the required OES procedures as set forth in the *California Hazardous Materials Spill / Release Notification Guidance*
  - ii. Following notification to OES, the Permittee shall notify Santa Ana Water Board, as soon as practicable (ideally within twenty-four [24] hours). Notification may be via telephone, email, delivered written notice, or other verifiable means.
  - iii. Within five (5) working days of notification to the Santa Ana Water Board, the Permittee shall submit an *Accidental Discharge of Hazardous Material Report*.
- f. Violation of Compliance with Water Quality Standards.** The Permittee shall notify the Santa Ana Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, email, delivered written notice, or other verifiable means.
- i. Examples of noncompliance events include lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the State, and water contact with uncured concrete.
  - ii. This notification shall be followed within three (3) working days by submission of a *Violation of Compliance with Water Quality Standards Report* to the Santa Ana Water Board.
- g. In-Water Work.**
- i. Cumulative dredging volumes shall not exceed 75,000 CY per year. Individual project dredging volumes shall not exceed 8,000 CY.

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<sup>7</sup> "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health and Safety Code, section 25501.)

- ii. The Permittee shall notify the Santa Ana Water Board at least seven days (7) prior to initiating work in water. Notification may be via telephone, email, delivered written notice, or other verifiable means.
- iii. Within three (3) working days following completion of work in water or stream diversions, an *In-Water Work/Diversions Water Quality Monitoring Report* shall be submitted to Santa Ana Water Board staff.
- h. **Modifications to Project.** Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Santa Ana Water Board staff by submitting a *Modifications to Project Report*, if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, State, or federal regulatory authority. The Permittee shall inform Santa Ana Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. Notification may be made in accordance with conditions in the Certification Deviation section of this Order.
- i. **Transfer of Property Ownership.** This Order is not transferable in its entirety or in part to any person or organization except after notice to the Santa Ana Water Board in accordance with the following terms:
  - i. The Permittee shall notify the Santa Ana Water Board by submitting a *Transfer of Property Ownership Report* of any change in ownership or interest in ownership of the Project area. The Permittee and purchaser shall sign and date the notification and provide such notification to the Santa Ana Water Board at least ten (10) days prior to the transfer of ownership. The purchaser shall also submit a written request to the Santa Ana Water Board to be named as the permittee in a revised order.
  - ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.
- j. **Transfer of Long-Term BMP Maintenance.** If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee shall submit to the Santa Ana Water Board a copy of such documentation and shall provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee shall provide such notification to the Santa Ana Water Board with a *Transfer of Long-Term BMP Maintenance Report* at least ten (10) days prior to the transfer of BMP maintenance responsibility.

### C. Water Quality Monitoring

1. **General:** If surface water is present, continuous visual surface water monitoring shall be conducted to detect accidental discharge of construction related pollutants (e.g., oil, grease, turbidity plume, or uncured concrete).
2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Santa Ana Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

**3. In-Water Work or Diversions:** Water quality monitoring, for any work planned in water, shall be conducted in accordance with the approved plan as described in Section XII.A.9. and Tables 4 and 5. During planned work in water, any discharge(s) to waters of the State shall conform to the following water quality standards:

- a. Waste discharges shall not result in deposition of oil, grease, wax, or other material in concentrations that result in a visible film or in coating objects in the water, or that cause a nuisance or adversely affect beneficial uses.
- b. **Oxygen.** The dissolved oxygen (DO) content of enclosed bays and estuaries shall not be depressed to levels that adversely affect beneficial uses as a result of controllable water quality factors, which is determined to be for this Project the DO saturation of greater than 5 mg/L.
- c. **pH.** The pH of bay and estuary waters shall not be raised above 8.6 or depressed below 7.0 as a result of controllable water quality factors; ambient pH levels shall not be changed by more than 0.2 unit, as listed in Table 4.
- d. **Turbidity.** Increases in turbidity that result from controllable water quality factors shall comply limits listed in Table 4.

Sampling shall be conducted in accordance with Table 6 sampling parameters.<sup>8</sup>

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Oil and Grease	N/A	Visual	Continuous
Dissolved Oxygen	mg/L & % saturation	Grab	As described in section XII.A.9.
pH	Standard Units	Grab	
Turbidity	NTU	Grab	

**D. Standards**

1. This Certification will remain valid for five (5) years from the effective date of this Order.
2. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and California Code of Regulations, title 23, Chapter 28, Article 6 commencing with sections 3867-3869, inclusive. Additionally, the Santa Ana Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Santa Ana Water Board determines that the Project fails to comply with any of the

<sup>8</sup> Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, a description of the method to be used shall be submitted to the Santa Ana Water Board staff for approval. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. Environmental Protection Agency-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

conditions of this Order or when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Water Code, sections 13000 et seq.) or federal Clean Water Act section 303 (Title 33 U.S Code section 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of State law.

3. This Order 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, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
4. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
5. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, processes, or sanctions as provided for under State and federal law. For purposes of Clean Water Act, 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 Order.

#### **E. General Compliance**

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. If the conditions of this Order are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Santa Ana Water Board may require that the Permittee submit a *Report of Waste Discharge* and obtain *Waste Discharge Requirements*.
3. Permitted actions shall not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters, as adopted in the Basin Plan and subsequent Basin Plan Amendments or in any applicable State Water Resources Control Board water quality control plan or policy. The source of any such discharge shall be eliminated as soon as practicable.
4. In response to a suspected violation of any condition of this Order, the Santa Ana Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Santa Ana Water Board deems appropriate, provided that the burden, including costs, of the reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of State law.

5. The Permittee shall, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
6. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of State law.

#### **F. Administrative**

1. Signatory requirements for all document submittals required by this Order are presented in Attachment C of this Order.
2. This Order does not authorize any act that results in the taking of a threatened, endangered, or candidate species, or any act that is now prohibited or becomes prohibited in the future under either the California Endangered Species Act (Fish and Game Code, sections 2050-2097) or the federal Endangered Species Act (Title 16 U.S. Code sections 1531-1544). If a "take" will result from any act authorized under this Order held by the Permittee, the Permittee shall obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Santa Ana Water Board staff or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
  - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept;
  - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order;
  - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order;
  - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order shall be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

#### **G. Construction**

1. **Dewatering:** Construction dewatering discharges, including temporary diversions

necessary to carry out individual projects, are subject to regulation by Santa Ana Water Board Order No. R8 2020-0006, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimis) Threat to Water Quality.

2. **Construction General Permit Requirement:** The Permittee and enrollees shall maintain compliance with conditions described in and required by NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002) and any subsequent approvals.
3. **Good Site Management “Housekeeping”:**
  - a. BMPs for effective perimeter control shall be in place at all times to control the discharge of pollutants from the Project site during construction. Construction waste shall be contained and protected against wind and exposure to storm water at all times, unless being actively handled. Chemical, fuel, and lubricant containers shall be kept closed and protected from damage or upset at all times, unless being actively used. Dirt and landscaping material stockpiles shall have effective erosion control BMPs in place to prevent their transport in storm water or directly into the channel and shall not be located in any waters of the United States. Discharges of wastewater from the Project site are prohibited.
  - b. Substances resulting from Project-related activities and that could be harmful to aquatic life shall not be discharged to soils or waters of the State. These substances include but are not limited to petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, Portland cement concrete or asphalt concrete, and washings and cuttings thereof. All waste concrete shall be removed from the Project site.
  - c. Motorized equipment shall not be maintained or parked in or near any stream crossing, channel, or lake margin in such manner that petroleum products or other pollutants from the equipment might enter these areas under any flow conditions. Vehicles shall not be driven, or equipment shall not be operated on-site in waters of the State onsite, except as necessary to complete the proposed Project.
4. **Hazardous Materials:** During construction activities, the Permittee shall comply with local, State, and federal laws and regulations regarding the handling and storage of hazardous substances.
5. **Storm Water:** The Permittee and enrollees shall comply with the local regulations associated with the Santa Ana Water Board's Municipal Stormwater Permit issued to Orange County and co-permittees under NPDES No. CAS618030 and Waste Discharge Requirements Order No. R8-2010-0030, and subsequent iterations thereof.

### XIII. Certification Deviation

- A. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water resources. For purposes of this Certification, a *Certification Deviation* is a Project locational or impact modification that does not require an immediate amendment of the Order because the Santa Ana Water Board has determined that any

potential water resource impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.

- B.** A Project modification shall not be granted a *Certification Deviation*, if it warrants or necessitates changes that are not addressed by the Order conditions such that the Project no longer qualifies for categorical exemptions. In this case, a supplemental environmental review and different Order will be required.

#### **XIV. Water Quality Certification**

I hereby issue the Order (SARWQCB WDID # 302019-21) for the *City of Newport Beach Regional General Permit 54* Project. This Order certifies that any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act 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), as long as all of the conditions listed in the Order are met.

This discharge is also regulated pursuant to State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Water Code, sections 13000 et seq.).

Except insofar as may be modified by any preceding conditions, all Order actions are contingent on compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies and the Santa Ana Water Board's Basin Plan and Policies.

\_\_\_\_\_  
Hope A. Smythe  
Executive Officer  
Santa Ana Water Quality Control Board

for December 18, 2020  
Date

- Attachment A** Project Map(s)
- Attachment B** Report and Notification Requirements
- Attachment C** Signatory Requirements

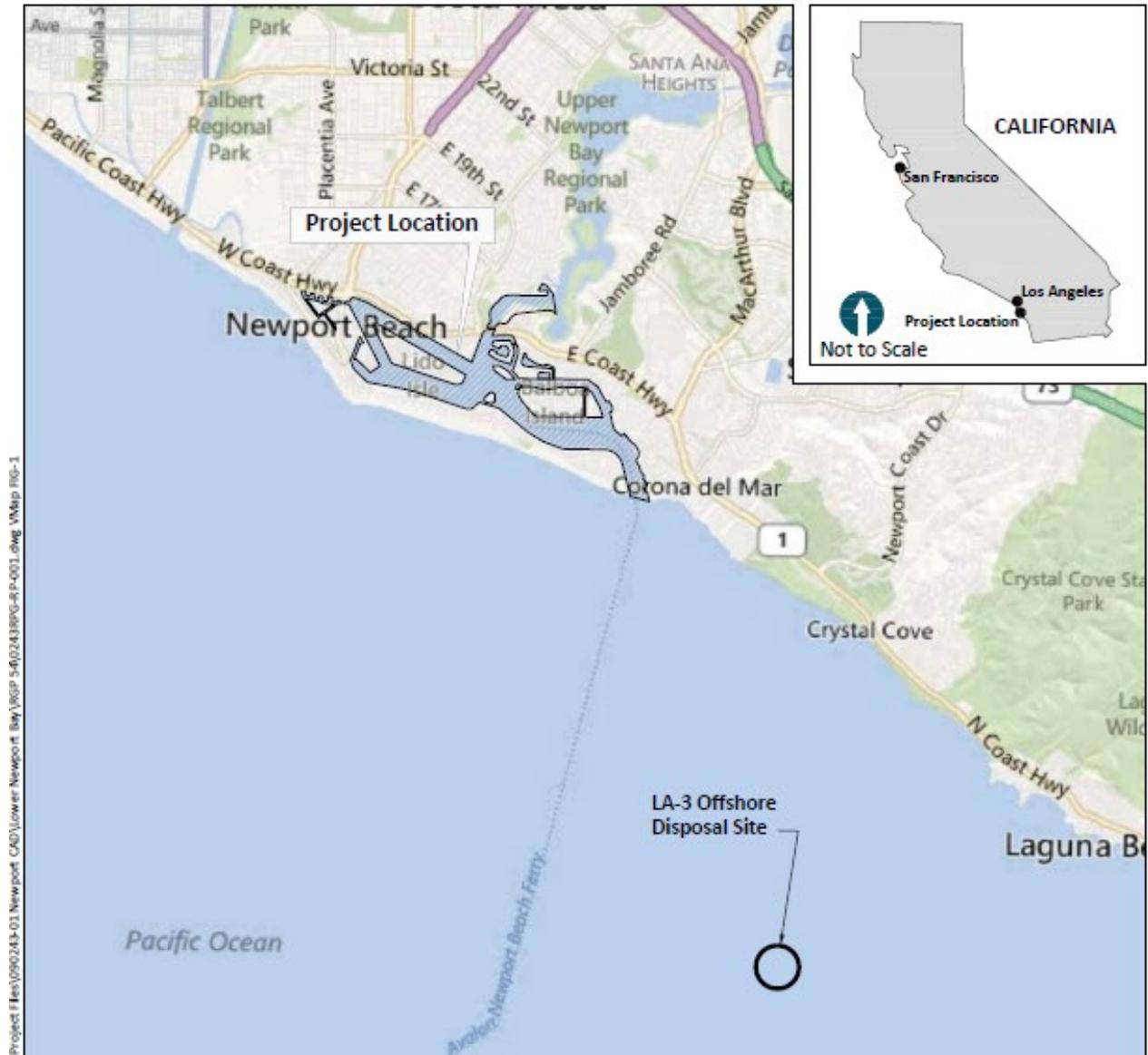


Figure 1: VICINITY MAP

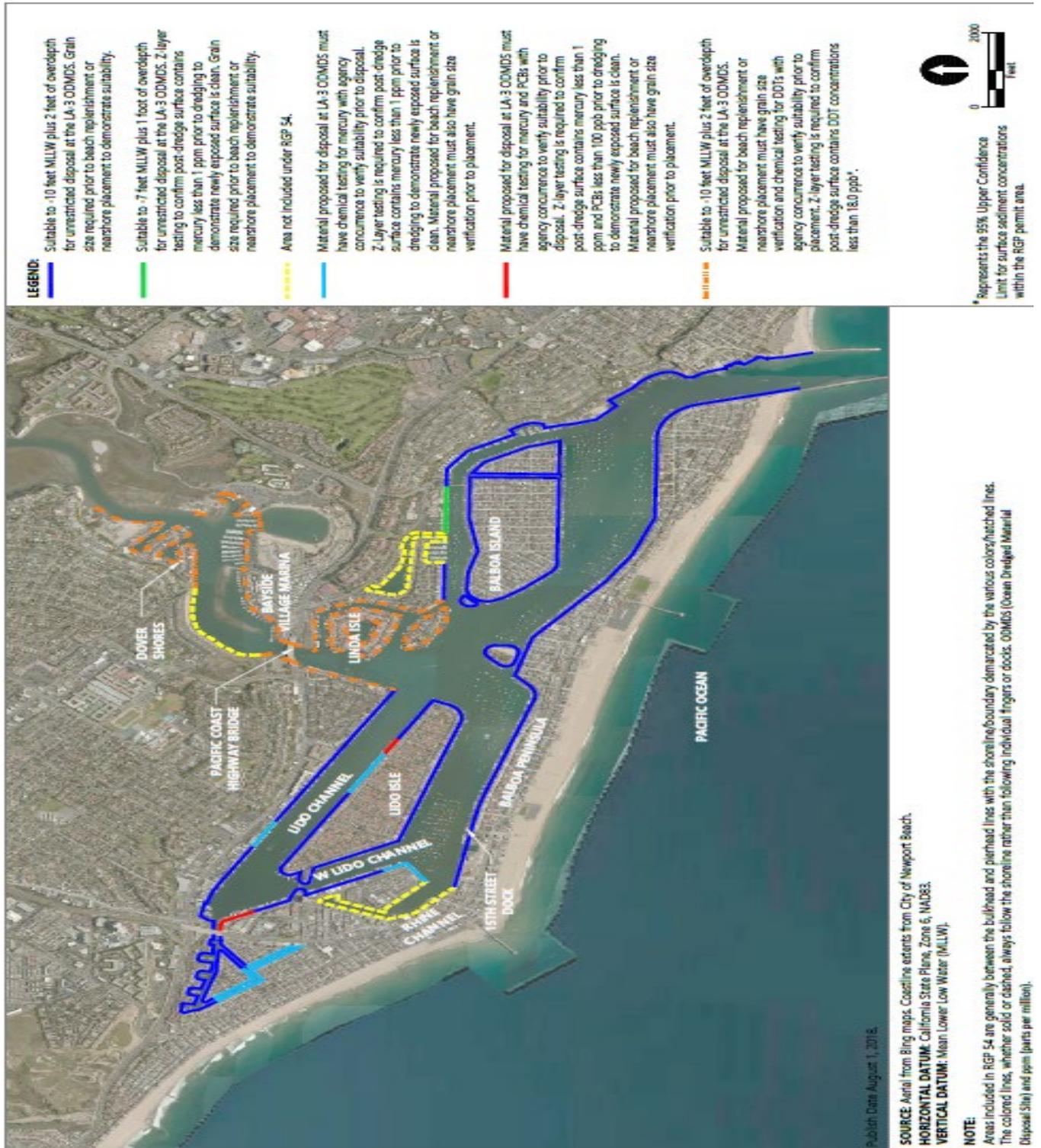


Figure 2: PROJECT MAP

## Copies of this Form

In order to identify your Project, it is necessary to include a copy of the Project-specific Cover Sheet below with your report (see page 3). Please retain for your records.

## Report Submittal Instructions

1. Check the box on the *Report and Notification Cover Sheet* next to the report or notification you are submitting.
  - **Part A (Annual Report):** Submitted annually from the anniversary of the Project effective date until a *Notice of Project Complete Letter* is issued.
  - **Part B (Project Status Notifications):** Used to notify the Santa Ana Water Board of the status of the Project schedule that may affect Project billing.
  - **Part C (Conditional Notifications and Reports):** Required on a case-by-case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.
2. Sign the *Report and Notification Cover Sheet* and attach all information requested for the Report Type.
3. **Electronic Report Submittal Instructions:**
  - Submit signed *Report and Notification Cover Sheet* and required information via email to: [RB8-401Reporting@waterboards.ca.gov](mailto:RB8-401Reporting@waterboards.ca.gov)
  - Include in the subject line of the email:  
Subject: ATTN: Marc Brown; Reg. Measure ID: 398855 Report.

## Definition of Reporting Terms

1. **Active Discharge Period:** The active discharge period begins with the effective date of this Order and ends on the date that the Permittee receives a *Notice of Completion of Discharges Letter* or, if no post-construction monitoring is required, a *Notice of Project Complete Letter*. The Active Discharge Period includes all elements of the Project, including site construction and restoration, and any Permittee responsible compensatory mitigation construction.
2. **Request for Notice of Completion of Discharges Letter:** This request by the Permittee to the Santa Ana Water Board staff pertains to projects that have post construction monitoring requirements (e.g., if site restoration were required to be monitored for five (5) years following construction). Santa Ana Water Board staff will review the request and send a *Completion of Discharges Letter* to the Permittee upon approval. This letter will initiate the post-discharge monitoring period and a change in fees from the annual active discharge fee to the annual post-discharge monitoring fee.
3. **Request for Notice of Project Complete Letter:** This request by the Permittee to the Santa Ana Water Board staff pertains to projects that either have completed post-construction monitoring and achieved performance standards, or have no post-construction monitoring requirements and no further Project activities are planned. Santa Ana Water Board staff will review the request and send a *Project Complete Letter* to the Permittee upon approval. Termination of annual invoicing of fees will correspond with the date of this letter.

4. **Post-Discharge Monitoring Period:** The post-discharge monitoring period begins on the date of the *Notice of Completion of Discharges Letter* and ends on the date of the *Notice of Project Complete Letter* issued by the Santa Ana Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.
5. **Effective Date:** December 18, 2020.

### Map/Photo Documentation Information

When submitting maps or photos, please use the following formats.

1. **Map Format Information:**

Preferred map formats of at least 1:24000 (1" = 2000') detail (listed in order of preference):

- **GIS shapefiles:** The shapefiles shall depict the boundaries of all Project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and, if possible, provide map with a North American Datum of 1983 (NAD83) in the California Teale Albers projection in feet.
  - **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps shall show the boundaries of all Project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used, include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
  - **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps shall show the boundaries of all Project areas and extent/type of aquatic resources impacted. If this format is used, include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
  - Aquatic resource maps marked on paper **USGS 7.5-minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps shall show the boundaries of all Project areas and extent/type of aquatic resources impacted. If this format is used, include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
2. **Photo-Documentation:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

**REPORT AND NOTIFICATION COVER SHEET**

<b>Project:</b>	City of Newport Beach Regional General Permit 54		
<b>Permittee:</b>	The City of Newport Beach		
<b>SARWQCB WDID:</b>	302019-21		
<b>Reg. Meas. ID:</b>	398855	<b>Place ID:</b>	803311
<b>Order Effective Date:</b>	December 18, 2020		

<b>Report Type Submitted</b>	
<b>Part A – Project Reporting</b>	
<b>Report Type 1</b>	<input type="checkbox"/> <b>Annual Report</b>
<b>Part B - Project Status Notifications</b>	
<b>Report Type 2</b>	<input type="checkbox"/> <b>Commencement of Construction</b>
<b>Report Type 3</b>	<input type="checkbox"/> <b>Request for Notice of Completion of Discharges Letter</b>
<b>Report Type 4</b>	<input type="checkbox"/> <b>Request for Notice of Project Complete Letter</b>
<b>Part C - Conditional Notifications and Reports</b>	
<b>Report Type 5</b>	<input type="checkbox"/> <b>Accidental Discharge of Hazardous Material Report</b>
<b>Report Type 6</b>	<input type="checkbox"/> <b>Violation of Compliance with Water Quality Standards Report</b>
<b>Report Type 7</b>	<input type="checkbox"/> <b>In-Water Work and Diversions Water Quality Monitoring Report</b>
<b>Report Type 8</b>	<input type="checkbox"/> <b>Modifications to Project Report</b>
<b>Report Type 9</b>	<input type="checkbox"/> <b>Transfer of Property Ownership Report</b>
<b>Report Type 10</b>	<input type="checkbox"/> <b>Transfer of Long-Term Best Management Practices (BMPs) Maintenance Report</b>

"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."

Print Name <sup>1</sup>

Affiliation and Job Title

Signature

Date

**<sup>1</sup>STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)**

I hereby authorize \_\_\_\_\_ to act in my behalf as my representative in the submittal of this report, and to furnish upon request supplemental information in support of this submittal.

\_\_\_\_\_  
Permittee's Signature

\_\_\_\_\_  
Date

**\*This Report and Notification Cover Sheet must be signed by the Permittee or a duly authorized representative and included with all written submittals.**

**Part A – Project Reporting**

<b>Report Type 1</b>	<b>Annual Report</b>
<b>Report Purpose</b>	Notify the Santa Ana Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
<b>When to Submit</b>	Annual reports shall be submitted each year by the effective date. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
<b>Report Contents</b>	<p>The contents of the annual report shall include the topics indicated below for each Project period. Report contents are outlined in Annual Report Topics below.</p> <p><b><u>During the Active Discharge Period</u></b></p> <ul style="list-style-type: none"> <li>• <b>Topic 1: Construction Summary</b></li> <li>• <b>Topic 2: Mitigation for Temporary Impacts Status</b></li> <li>• <b>Topic 3: Compensatory Mitigation for Permanent Impacts Status</b></li> </ul> <p><b><u>During the Post-Discharge Monitoring Period</u></b></p> <ul style="list-style-type: none"> <li>• <b>Topic 2: Mitigation for Temporary Impacts Status</b></li> <li>• <b>Topic 3: Compensatory Mitigation for Permanent Impacts Status</b></li> </ul>
<b>Annual Report Topics (1-3)</b>	
<b>Annual Report Topic 1</b>	<b>Construction Summary</b>
<b>When to Submit</b>	With the annual report during the Active Discharge Period.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Project progress and schedule, including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water BMPs. If construction has not started, provide estimated start date and reasons for delay.</li> <li>2. Map showing general Project progress.</li> <li>3. If applicable: <ol style="list-style-type: none"> <li>a. Summary of Conditional Notification and Report Types 6 and 7 (Part C below).</li> <li>b. Summary of Certification Deviations.</li> </ol> </li> </ol>
<b>Annual Report Topic 2</b>	<b>Mitigation for Temporary Impacts Status</b>
<b>When to Submit</b>	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the State and all upland areas of temporary disturbance which could result in a discharge to waters of the State.</li> </ol>

	<p>2. If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.</p>
<b>Annual Report Topic 3</b>	<b>Compensatory Mitigation for Permanent Impacts Status</b>
<b>When to Submit</b>	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
<b>Report Contents</b>	<p><b>*If not applicable report N/A.</b></p> <p><b>Part A. Permittee Responsible</b></p> <ol style="list-style-type: none"> <li>1. Planned date of initiation of compensatory mitigation site installation.</li> <li>2. If installation is in progress, a map of what has been completed to date.</li> <li>3. If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan.</li> </ol> <p><b>Part B. Mitigation Bank or In-Lieu Fee (ILF)</b></p> <ol style="list-style-type: none"> <li>1. Status or proof of purchase of credit types and quantities.</li> <li>2. Include the name of bank/ILF Program and contact information.</li> <li>3. If ILF, location of project and type if known.</li> </ol>

**Part B – Project Status Notifications**

<b>Report Type 2</b>	<b>Commencement of Construction</b>
<b>Report Purpose</b>	Notify Santa Ana Water Board staff prior to the start of construction.
<b>When to Submit</b>	Must be received at least seven (7) days prior to start of initial ground disturbance activities.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Date of commencement of construction.</li> <li>2. Anticipated date when discharges to waters of the State will occur.</li> <li>3. Project schedule milestones, including a schedule for onsite compensatory mitigation, if applicable.</li> </ol>

<b>Report Type 3</b>	<b>Request for Notice of Completion of Discharges Letter</b>
<b>Report Purpose</b>	Notify Santa Ana Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and permittee responsible compensatory mitigation, is complete.
<b>When to Submit</b>	Must be received by Santa Ana Water Board staff within thirty (30) days following completion of all Project construction activities.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Status of storm water Notice of Termination(s), if applicable.</li> <li>2. Status of post-construction storm water BMP installation.</li> <li>3. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized.</li> <li>4. Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the State, if applicable.</li> <li>5. An updated monitoring schedule for mitigation for temporary impacts to waters of the State and Permittee responsible compensatory mitigation during the post-discharge monitoring period, if applicable.</li> </ol>

<b>Report Type 4</b>	<b>Request for Notice of Project Complete Letter</b>
<b>Report Purpose</b>	Notify Santa Ana Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
<b>When to Submit</b>	Must be received by Santa Ana Water Board staff within thirty (30) days following completion of all Project activities.
<b>Report Contents</b>	<p><b>Part A: Mitigation for Temporary Impacts</b></p> <ol style="list-style-type: none"> <li>1. A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance that could result in a discharge to waters of the State.</li> <li>2. A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the State. Pre- and post-photo documentation of all restoration sites.</li> </ol> <p><b>Part B: Permittee Responsible Compensatory Mitigation</b></p>

	<ol style="list-style-type: none"><li>1. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.</li><li>2. Status on the implementation of the long-term maintenance and management plan and funding of endowment.</li><li>3. Pre- and post-photo documentation of all compensatory mitigation sites.</li><li>4. Final maps of all compensatory mitigation areas (including buffers).</li></ol> <p><b>Part C: Post-Construction Storm Water BMPs</b></p> <ol style="list-style-type: none"><li>1. Date of storm water Notice of Termination(s), if applicable.</li><li>2. Report status and functionality of all post-construction BMPs.</li></ol>
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**Part C – Conditional Notifications and Reports**

<b>Report Type 5</b>	<b>Accidental Discharge of Hazardous Material Report</b>
<b>Report Purpose</b>	Notifies Santa Ana Water Board staff that an accidental discharge of hazardous material has occurred.
<b>When to Submit</b>	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Santa Ana Water Board staff.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. The report shall include the <i>OES Incident/Assessment Form</i>, a full description and map of the accidental discharge incident (i.e., location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the <i>OES Written Follow-Up Report</i> may be substituted.</li> <li>2. If applicable, any required sampling data, a full description of the sampling methods, including frequency/dates and times of sampling, equipment, locations of sampling sites.</li> <li>3. Locations and construction specifications of any barriers, including silt curtains or diverting structures and any associated trenching or anchoring.</li> </ol>

<b>Report Type 6</b>	<b>Violation of Compliance with Water Quality Standards Report</b>
<b>Report Purpose</b>	Notifies Santa Ana Water Board staff that a violation of compliance with water quality standards has occurred.
<b>When to Submit</b>	The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Santa Ana Water Board staff.
<b>Report Contents</b>	The report shall include: the cause; the location shown on a map; and the period of the noncompliance, including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results, if required by Santa Ana Water Board staff.

<b>Report Type 7</b>	<b>In-Water Work and Diversions Water Quality Monitoring Report</b>
<b>Report Purpose</b>	Notifies Santa Ana Water Board staff of the completion of in-water work.
<b>When to Submit</b>	Within three (3) working days following the completion of in-water work. Continue reporting in accordance with the approved water quality monitoring plan.
<b>Report Contents</b>	As required by the approved water quality monitoring plan.

<b>Report Type 8</b>	<b>Modifications to Project Report</b>
<b>Report Purpose</b>	Notifies Santa Ana Water Board staff if the Project, as described in the application materials, is altered in any way or by the imposition of subsequent permit conditions by any local, State, or federal regulatory authority.
<b>When to Submit</b>	If Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, State, or federal regulatory authority.
<b>Report Contents</b>	A description and location of any alterations to Project implementation. Identification of any Project modifications that will interfere with the Permittee's compliance with the Order.

<b>Report Type 9</b>	<b>Transfer of Property Ownership Report</b>
<b>Report Purpose</b>	Notifies Santa Ana Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
<b>When to Submit</b>	At least ten (10) working days prior to the transfer of ownership.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts: <ol style="list-style-type: none"> <li>a. the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and</li> <li>b. responsibility for compliance with any long-term BMP<sup>1</sup> maintenance plan requirements in this Order.</li> </ol> </li> <li>2. A statement that the Permittee has informed the purchaser to submit a written request to the Santa Ana Water Board to be named as the permittee in a revised order.</li> </ol>

<b>Report Type 10</b>	<b>Transfer of Long-Term BMP Maintenance Report</b>
<b>Report Purpose</b>	Notifies Santa Ana Water Board staff of transfer of long-term BMP maintenance responsibility.
<b>When to Submit</b>	At least 10 working days prior to the transfer of BMPs maintenance responsibility.
<b>Report Contents</b>	A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

<sup>1</sup> Best Management Practices (BMPs) is a term used to describe a type of environmental or water pollution control.

## SIGNATORY REQUIREMENTS

*All Documents Submitted In Compliance With This Order  
Shall Meet The Following Signatory Requirements:*

1. All applications, reports, or information submitted to the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) shall 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.
2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
  - a) The authorization is made in writing by a person described in items 1.a through 1.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 Santa Ana Water Board staff contact prior to submitting any documents listed in item 1 above.
3. Any person signing a document under this section shall make the following certification:

“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.”