

## DOCKETED

<b>Docket Number:</b>	12-AFC-03
<b>Project Title:</b>	Redondo Beach Energy Project
<b>TN #:</b>	201454
<b>Document Title:</b>	Approved Jurisdictional Determination regarding presence/absence of geographic jurisdiction
<b>Description:</b>	N/A
<b>Filer:</b>	Sarah Madams
<b>Organization:</b>	Los Angeles District Corps of Engineers
<b>Submitter Role:</b>	Public Agency
<b>Submission Date:</b>	12/19/2013 3:54:43 PM
<b>Docketed Date:</b>	12/19/2013



DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT CORPS OF ENGINEERS  
P.O. BOX 532711  
LOS ANGELES, CALIFORNIA 90053-2325

August 20, 2013

REPLY TO  
ATTENTION OF

Regulatory Division

AES Southland Development  
C/o Rene Langis, CH2MHill  
2485 Natomas Park Drive Suite 600  
Sacramento, CA 95833

SUBJECT: Approved Jurisdictional Determination regarding presence/absence of geographic jurisdiction

Dear Mr. Langis:

Reference is made to your request (File No. SPL-2013-00094-BEM) dated February 1, 2013, for an approved Department of the Army jurisdictional determination (JD) for the Redondo Beach Energy Project site located at 1100 Harbor Drive, within the city of Redondo Beach, Los Angeles County, California.

As you may know, the Corps' evaluation process for determining whether or not a Department of the Army permit is needed involves two tests. If both tests are met, then a permit is required. The first test determines whether or not the proposed project is located in a water of the United States (i.e., it is within the Corps' geographic jurisdiction). The second test determines whether or not the proposed project is a regulated activity under Section 10 of the River and Harbor Act or Section 404 of the Clean Water Act. As part of the evaluation process, pertaining to the first test only, we have made the jurisdictional determination below.

Based on available information, we have determined there are no waters of the United States on the project site, in the locations depicted on the enclosed drawing. The basis for our determination can be found in the enclosed JD form (Enclosure 1).

This letter contains an approved jurisdictional determination for the Redondo Beach Energy Project site. If you object to this decision, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) flow chart (Enclosure 2) and Request for Appeal (RFA) form (Enclosure 3). If you request to appeal this decision you must submit a completed RFA form to the Corps South Pacific Division Office at the following address:

Tom Cavanaugh  
Administrative Appeal Review Officer,  
U.S. Army Corps of Engineers  
South Pacific Division, CESPDPDS-O, 2042B  
1455 Market Street, San Francisco, California 94103-1399

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. Part 331.5, and that it has been received by the Division Office within 60 days of the date on the NAP. Should you decide to submit an RFA form, it must be received at the above address by October 19, 2013. It is not necessary to submit an RFA form to the Division office if you do not object to the decision in this letter.

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. If you wish to submit new information regarding the approved jurisdictional determination for this site, please submit this information to Brianne McGuffie at the letterhead address by October 19, 2013. The Corps will consider any new information so submitted and respond within 60 days by either revising the prior determination, if appropriate, or reissuing the prior determination. A revised or reissued jurisdictional determination can be appealed as described above.

This determination has been conducted to identify the extent of the Corps' Clean Water Act jurisdiction on the particular project site identified in your request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

If you have any questions, please contact Brianne McGuffie of my staff at 213-452-3419 or via e-mail at [Brianne.E.McGuffie@usace.army.mil](mailto:Brianne.E.McGuffie@usace.army.mil).

Please be advised that you can now comment on your experience with Regulatory Division by accessing the Corps web-based customer survey form at:  
<http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

Daniel P. Swenson, D. Env.  
Chief, L.A. & San Bernardino Section  
North Coast Branch  
Regulatory Division

Enclosures:

Enclosure 1: Approved JD Form

Enclosure 2: NFA Flow Chart

Enclosure 3: RFA Form

**ENCLOSURE 1**

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): August 19, 2013**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: SAJ-2013-00094(JD-BEM)**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: California County/parish/borough: Los Angeles City: Redondo Beach  
Center coordinates of site (lat/long in degree decimal format): Lat. 33.850584° **N**, Long. -118.393207 ° **W**.  
Universal Transverse Mercator:

Name of nearest waterbody: Pacific Ocean

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Pacific Ocean

Name of watershed or Hydrologic Unit Code (HUC): Frontal Santa Monica Bay-San Pedro Bay (10 digit HUC 1807010406)

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date: August 15, 2013

Field Determination. Date(s):

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: .

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: linear feet: width (ft) and/or acres.

Wetlands: acres.

**c. Limits (boundaries) of jurisdiction based on: Pick List**

Elevation of established OHWM (if known): .

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **The project site is known as the Redondo Beach Generating Station and is an existing and operating power plant in Redondo Beach, California. Areas within the project site reviewed for possible Corps jurisdiction include 3 constructed retention basins (North Retention Basin, South Retention Basin, and Chemical Cleaning RetnetionBasin), one constructed pit, and 5 former fuel tank containment areas (see Attachment A). All of the aforementioned structures were incorporated into NPDES permit No. CA0001201 (see attachment B) and were therefore constructed**

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.

in accordance with Section 402 of the Clean Water Act. Pursuant to 33 CFR Part 328.3(a)(8) the three basins, pit and containment areas, by definition, are not waters of the United States.

### **SECTION III: CWA ANALYSIS**

#### **A. TNWs AND WETLANDS ADJACENT TO TNWs**

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

**1. TNW**

Identify TNW: \_\_\_\_\_ .

Summarize rationale supporting determination: \_\_\_\_\_ .

**2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is “adjacent”: \_\_\_\_\_ .

#### **B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):**

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

**1. Characteristics of non-TNWs that flow directly or indirectly into TNW**

**(i) General Area Conditions:**

Watershed size: **Pick List**

Drainage area: **Pick List**

Average annual rainfall: \_\_\_\_\_ inches

Average annual snowfall: \_\_\_\_\_ inches

**(ii) Physical Characteristics:**

**(a) Relationship with TNW:**

Tributary flows directly into TNW.

Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.

Project waters are **Pick List** river miles from RPW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Project waters are **Pick List** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: \_\_\_\_\_ .

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<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Identify flow route to TNW<sup>5</sup>:  
Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

**Tributary is:**  Natural  
 Artificial (man-made). Explain:  
 Manipulated (man-altered). Explain:

**Tributary properties with respect to top of bank (estimate):**

Average width: feet  
Average depth: feet  
Average side slopes: **Pick List**.

Primary tributary substrate composition (check all that apply):

Silts  Sands  Concrete  
 Cobbles  Gravel  Muck  
 Bedrock  Vegetation. Type/% cover:  
 Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: **Pick List**

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime:

Other information on duration and volume:

Surface flow is: **Pick List**. Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks  
 OHWM<sup>6</sup> (check all indicators that apply):  
 clear, natural line impressed on the bank  the presence of litter and debris  
 changes in the character of soil  destruction of terrestrial vegetation  
 shelving  the presence of wrack line  
 vegetation matted down, bent, or absent  sediment sorting  
 leaf litter disturbed or washed away  scour  
 sediment deposition  multiple observed or predicted flow events  
 water staining  abrupt change in plant community  
 other (list):  
 Discontinuous OHWM.<sup>7</sup> Explain:!!!!.

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by:  Mean High Water Mark indicated by:  
 oil or scum line along shore objects  survey to available datum;  
 fine shell or debris deposits (foreshore)  physical markings;  
 physical markings/characteristics  vegetation lines/changes in vegetation types.  
 tidal gauges  
 other (list):

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

<sup>6</sup> A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

<sup>7</sup>Ibid.



(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width): .
- Wetland fringe. Characteristics: .
- Habitat for:
  - Federally Listed species. Explain findings: .
  - Fish/spawn areas. Explain findings: .
  - Other environmentally-sensitive species. Explain findings: .
  - Aquatic/wildlife diversity. Explain findings: .

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size:        acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: .

Surface flow is: **Pick List**

Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: .

Ecological connection. Explain: .

Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width): .
- Vegetation type/percent cover. Explain: .
- Habitat for:
  - Federally Listed species. Explain findings: .
  - Fish/spawn areas. Explain findings: .
  - Other environmentally-sensitive species. Explain findings: .
  - Aquatic/wildlife diversity. Explain findings: .

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately (        ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)      Size (in acres)      Directly abuts? (Y/N)      Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

### C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

**Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:**

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

### D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:  
 TNWs:      linear feet      width (ft), Or,      acres.  
 Wetlands adjacent to TNWs:      acres.
2. **RPWs that flow directly or indirectly into TNWs.**  
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: .  
 Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
  - Other non-wetland waters: acres.
- Identify type(s) of waters: .

**3. Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).
  - Other non-wetland waters: acres.
- Identify type(s) of waters: .

**4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
  - Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
  - Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

**7. Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from “waters of the U.S.,” or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>10</sup>**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: .
- Other factors. Explain: .

**Identify water body and summarize rationale supporting determination:** .

<sup>8</sup>See Footnote # 3.

<sup>9</sup>To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup> Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
- Identify type(s) of waters: .
- Wetlands: acres.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): **Areas within the project site reviewed for possible Corps jurisdiction include 3**

**constructed retention basins (North Retention Basin, South Retention Basin, and Chemical Cleaning RetnetionBasin), one constructed pit, and 5 former fuel tank containment areas (see Attachment A). All of the aforementioned structures were incorporated into NPDES permit No. CA0001201 (see attachment B) and were therefore constructed in accordance with Section 402 of the Clean Water Act. Pursuant to 33 CFR Part 328.3(a)(8) the three basins, pit and containment areas, by definition, are not waters of the United States.**

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands:

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

**SECTION IV: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters' study: .
- U.S. Geological Survey Hydrologic Atlas: .
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: .
- USDA Natural Resources Conservation Service Soil Survey. Citation: .
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Google Earth .
  - or  Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): JD Report submitted by Tetra Tech, NPDES Permit No. CA0001201.

**B. ADDITIONAL COMMENTS TO SUPPORT JD: N/A**

# **ATTACHMENT A**



**Legend**

- Wetland Delineation - Sample Locations
- Constructed Pit - 0.08 Acres
- Former Tank 1 - 0.431 Acres
- Former Tank 2 - 0.202 Acres
- Former Tank 3 - 0.066 Acres

0      250      500 Feet

**FIGURE 2**  
**Location of Wetland Delineation**  
**Sampling Points**  
 AES Redondo Beach Energy Project  
 Redondo Beach, California

# **ATTACHMENT B**



**State of California  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

**ORDER NO. 00-085  
NPDES NO. CA0001201**

**WASTE DISCHARGE REQUIREMENTS  
FOR  
AES REDONDO BEACH, L.L.C.  
(Redondo Generating Station)**

The California Regional Water Quality Control Board, Los Angeles Region, (Regional Board) finds:

1. AES Redondo Beach, L.L.C. (Discharger) discharges wastes from its Redondo Generating Station under waste discharge requirements contained in Order No. 94-133, adopted by this Regional Board on December 5, 1994. This Order also serves as the National Pollutant Discharge Elimination System (NPDES) permit (CA0001201). The permit was originally issued to Southern California Edison (SCE), the previous owner of the facility. AES Redondo Beach, L.L.C., acquired the Redondo Generating Station in 1998.
2. The Discharger has filed a Report of Waste Discharge and has applied for renewal of its waste discharge requirements and NPDES permit.
3. The Discharger operates the Redondo Generating Station, located at 1100 Harbor Drive, Redondo Beach, California, that consists of eight (8) steam electric generating units. However, Units 1, 2, 3, and 4 have not been operated for at least four years and because the Discharger has no plans to place them into service in the future, these units are being dismantled. The remaining units (5, 6, 7, and 8) have a design capacity of 1,310 megawatts and discharge up to 898 million gallons per day (mgd) of wastes consisting of once-through cooling water, treated chemical metal cleaning wastes, groundwater seepage, and low volume wastes into Santa Monica Bay, a water of the United States.

Figure 1 shows the location map.

4. The wastes are discharged through two outfalls, Discharge Serial Nos. 001 and 002, described as follows:
  - a. Discharge Serial No. 001:                      Latitude: 33° 50' 58"  
(Units 5 and 6)    Longitude: 118° 24' 08"

Discharge Serial No. 001 consists of two conduits, each extending approximately 1,600 feet offshore, which terminate at a depth of 25 feet Mean Lower Low Water (MLLW).



Wastes discharged through this outfall consist of 215 mgd of once-through cooling water from steam electric generating units 5 and 6, five (5) mgd of groundwater seepage from basement areas of the generating station, and four (4) mgd of low volume wastes.

- b. Discharge Serial No. 002:                      Latitude: 33° 50 ' 53"  
(Units 7 and 8)    Longitude: 118° 23 ' 34"

Discharge Serial No. 002 consists of one conduit, which extends approximately 300 feet off the beach at King Harbor, Redondo Beach, and terminates at a depth of 20 feet MLLW.

Wastes discharged through this outfall consist primarily of once-through cooling water from Units 7 and 8 (674 mgd), with small amounts of condensate overboard overflow, fuel oil tank farm rainfall run-off, and yard drains.

The outfalls and the nature of wastes discharged are summarized in Table 1.

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TABLE 1  
 Outfalls and Nature of Wastes Discharged

Discharge Serial No.		001	002
Generating Units Served		5 & 6	7 & 8
Outfall Distance Offshore (feet)		1,600	300
Depth of Terminus, (feet below Mean Lower Low Water)		25	20
Latitude		33° 50' 58"	33° 50' 53"
Longitude		118° 24' 08"	118° 23' 34"
Maximum Temperature, (°F)	Winter (October to April)	76	76
	Summer (May to September)	90	96
	Heat Treatment/Gate Adjustment	124/135	123/135
Waste Streams (mgd)	Once-through Cooling Water	215.00	674.00
	Well Point System (Groundwater Seepage)	5.0	---
	Fireside and Air Preheater Wastes*	1.64	---
	Chemical Metal Cleaning Wastes* (Units 5-8)	0.12	---
	Low Volume Wastes*		
	• Yard Drain Wastes	0.36	Negligible
	• Boiler Blowdown	0.06	---
	• Fuel Pipeline Hydrostatic Test Water	0.80	---
	• Condensate Demineralizers Regeneration Wastes	0.13	---
	• Marine Research Lab (RO Regen. and Backwash)	0.46	---
• Condensate Overboard	Negligible	Negligible	
Total Maximum Flow (mgd)		223.57	674.00

\* These flows are intermittent.

5. Two retention basins, which act as sedimentation tanks, are provided for treated chemical metal cleaning wastes and low volume wastes before the wastes are discharged to the ocean. The chemical metal cleaning wastes are first collected in the chemical cleaning retention basin and periodically processed through a contractor-owned mobile lime treatment unit. The treated chemical metal cleaning wastes are then sent to the retention basin. The chemical metal cleaning operations occur approximately once every five years per operating unit and the duration of each discharge is averaged for two days. Various low volume wastes and non-chemical metal cleaning wastes are directly sent to the retention basins. Oily floor drain wastes are first passed through oil/water separators then pumped to the retention basin.

Figure 2 shows the Schematic Diagram of the Wastewater Flow.

6. The cooling water intake structure at Redondo Generating Station consists of the following:

- a. Intake No. 001 (Units 5 and 6):

Two conduits (3-meter inside diameter), each extending approximately 1,600 feet offshore, drawing water from a depth of 20 feet MLLW (Latitude: 33° 50 ' 04"; Longitude: 118° 23 ' 56"). These conduits become Discharge Serial No. 003 during heat treatment as described below.

- b. Intake No. 002 (Units 7 and 8):

One conduit (4.25-meter inside diameter) extending approximately 2,000 feet offshore, drawing water from a depth of 20 feet MLLW (Latitude: 33° 50 ' 26"; Longitude: 118°23 ' 40"). This conduit becomes Discharge Serial No. 004 during heat treatment as described below.

7. The Discharger controls marine fouling of the cooling water conduits (intake and discharge) by temporarily recirculating (thus increasing the temperature) and reversing the flow of the once-through cooling water alternately in each offshore conduits (i.e., the discharge point becomes the intake point, and the intake point becomes the discharge point). This procedure (referred to as "heat treatment") is typically conducted every six (6) weeks and lasts for about two (2) hours per conduit. During the heat treatment, the temperature of the water discharged through the intake conduit must be raised to 125°F (except during gate adjustment) for two hours to kill the fouling organisms. During gate adjustments, the discharge temperature is allowed to reach 135°F for no more than 30 minutes.

Calcareous shell debris accumulates in the intake structure as a result of heat treatments. Approximately once a year, this shell debris is physically removed from the intake structure and disposed in the Ocean.

8. To control biological growths (defouling), the condenser tubes are treated by intermittently injecting chlorine (in the form of sodium hypochlorite), for a maximum of two (2) hours per generating unit per day, into the cooling water stream.
9. Section 316(b) of the Federal Clean Water Act (Clean Water Act) requires that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impacts. The U.S. Environmental Protection Agency (USEPA) is in the process of promulgating specific requirements for intake structures.

In accordance with Federal and State guidelines, SCE conducted a study (completed in 1982) that addressed the important ecological and engineering factors specified in Section 316(b) guidelines. The study demonstrated that the ecological impacts of the intake system are environmentally acceptable, and provided sufficient evidence that no modification for the location, design, construction or capacity of the existing systems was required. The design, construction and operation of the intake structures was then considered Best Available Technology Economically Achievable (BAT) as required by Section 316(b) of the Clean Water Act.

10. On November 19, 1982, the U. S. Environmental Protection Agency (USEPA) promulgated Effluent Guidelines and Standards for "Steam Electric Power Generating Point Source Category" (40 CFR Part 423). These regulations prescribe effluent limitation guidelines for once-through cooling water and various inplant waste streams.

40 CFR 423.12(a) provides that effluent limitations, either more or less stringent than the USEPA standards, may be prescribed if factors relating to the equipment or facilities involved, the process applied, or other such factors are found to be fundamentally different from the factors considered in the establishment of the standards.

11. On June 13, 1994, this Regional Board adopted a revised *Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Basin Plan)*. The Basin Plan incorporates by reference the State Water Resources Control Board's Water Quality Control Plans and policies on ocean waters [*Water Quality Control Plan for Ocean Waters in California*, March 22, 1990], temperature [*Water Quality Control Plan for Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California*, amended September 18, 1975] and antidegradation [*Statement of Policy with respect to Maintaining High Quality Waters in California*, State Board Resolution No. 68-16, October 28, 1968].

12. The receiving water, King Harbor (Hydrologic Unit No. 405.12), is part of the South Bay sub-watershed of the Santa Monica Bay watershed. The Basin Plan contains water quality objectives and lists the following beneficial uses for waterbodies in the South Bay sub-watershed area:

King Harbor (Hydrological Unit 405.12)

Existing: Navigation, water contact recreation, non-contact water recreation, commercial and sport fishing, marine habitat, wildlife habitat, and preservation of rare, threatened, or endangered species.

Nearshore Zone (Bounded by the shoreline and a line 1,000 feet from the shoreline or the 30-foot depth contours, whichever is farther from the shoreline)

Existing: Industrial service supply, navigation, water contact and non-contact water recreation, ocean commercial and sport fishing, preservation of rare, threatened, or endangered species, marine habitat, wildlife habitat, migration of aquatic organisms, and fish spawning.

Offshore Zone

Existing: Industrial service supply, navigation, water contact and non-contact water recreation, ocean commercial and sport fishing, preservation of rare, threatened, or endangered species, marine habitat, wildlife habitat, migration of aquatic organisms, shellfish harvesting, and fish spawning.

The requirements in this Order are intended to protect the beneficial uses and enhance the water quality of the watershed.

13. The *Santa Monica Bay Restoration Project (SMBRP)* (1994) identified the pollutants of concern for the South Bay subwatershed to include heavy metals (cadmium, chromium, copper, lead, nickel, silver, zinc), debris, pathogens, oil and grease, chlordane, and polycyclic aromatic hydrocarbons (PAHs).
14. The 1998 California 303(d) List, approved by the USEPA on May 12, 1999, identified Santa Monica Bay (Nearshore, Offshore, and Redondo Beach) as impaired with respect to the following pollutants: dichloro-diphenyl trichloroethane (DDT), polychlorinated biphenyls (PCBs), PAHs, chlordane, tributyltin (TBT), heavy metals (cadmium, chromium, copper, mercury, lead, nickel, silver, zinc), debris, fish consumption advisory, sediment toxicity, beach closure, and high coliform count.

15. On July 23, 1997, the State Board adopted a revised *Water Quality Control Plan for Ocean Waters of California (Ocean Plan)*. The Ocean Plan contains water quality objectives for coastal waters of California. This Order includes effluent and receiving water limitations, prohibitions, and provisions that implement the objectives of the Ocean Plan.
16. On May 18, 1972 (amended on September 18, 1975), the State Board adopted a Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California (Thermal Plan). The Thermal Plan contains temperature objectives for the Pacific Ocean. The narrative objective for coastal waters with respect to existing discharges states that elevated temperature wastes shall comply with limitations necessary to assure protection of the beneficial uses and areas of special biological significance.
17. To determine compliance with the Thermal Plan and in accordance with Regional Board specifications, SCE conducted a thermal effect study that was completed in 1975. The study demonstrated that waste discharges from the power plants at temperatures prescribed in this Order have no adverse impact on the beneficial uses of the receiving waters. Thus, the waste discharges from Redondo Generating Station are in compliance with the Thermal Plan.
18. This Regional Board has implemented a Watershed Management Approach to address water quality protection in the region. The objective is to provide a comprehensive and integrated strategy towards water resource protection, enhancement, and restoration while balancing economic and environmental impacts within a hydrologically defined drainage basin or watershed. It emphasizes cooperative relationships between regulatory agencies, the regulated community, environmental groups, and other stakeholders in the watershed to achieve the greatest environmental improvements with the resources available. This Order supports the implementation of this approach.
19. Several efforts are underway to develop and implement a comprehensive regional monitoring program for the Southern California Bight, in particular, the Santa Monica Bay. These efforts have the support and participation from regulatory agencies, dischargers and environmental groups. The goal is to establish a regional program to address public health concerns, monitor trends in natural resources and nearshore habitats, and assess regional impacts from all contaminant sources. The Regional Monitoring is projected to be completed in 2002. Therefore, the monitoring program in this Order has not been changed from that of the previous permit. To incorporate future regional program elements, the monitoring program in this Order will be revised once the regional monitoring program has been completed.

20. The SMBRP developed Santa Monica Bay Restoration Plan<sup>1</sup> (Plan) that serves as a blueprint for the restoration and enhancement of the Bay. The Regional Board plays a leading role in the implementation of the plan. Two of the proposed priorities of the Plan are reduction of pollutants of concern at the source (which includes power plants) and implementation of mass emission approach.
21. In September 1984, SCE submitted a request for a variance from the effluent residual chlorine limitation based on Ocean Plan objectives. The Regional Board and the State Board approved the variance request and forwarded it to the USEPA in August 1988, for concurrence, pursuant to Section 301(g) of the Clean Water Act. However, SCE withdrew the variance application in June 1995 after knowing that USEPA intended to deny their variance request.

In accordance with the December 5, 1994, NPDES permit (Footnote No. 3., Item II.A.1., Monitoring and Reporting Program CI-0536), SCE conducted studies on April 11, and July 6, 1995, to determine the time during the chlorination cycle that the peak residual chlorine concentration occurred in the ocean discharge to ensure that compliance monitoring samples for total residual chlorine are collected at the time of highest chlorine level in the stations' effluent. The results indicated that the optimum sampling times (highest chlorine level expected) for residual chlorine are 19 and 30 minutes after the application of chlorine for Discharge Serial Nos. 001 and 002, respectively.

22. Effluent limitations based on the California Ocean Plan numerical objectives were calculated using a minimum dilution ratio (parts sea water to one part effluent) of 11.5:1 for Discharge Serial No. 001, and 7:1 for Discharge Serial No. 002; except for residual chlorine which are 12.5:1 for Discharge Serial No. 001 and 8.0:1 for Discharge Serial No. 002. These ratios were based on calculations made by SCE and approved by the State Board (transmitted to the Regional Board in a State Board memorandum dated February 4, 1985).
23. For toxic constituents regulated in the Ocean Plan (Table B) which the Discharger does not add or produce in the treatment process and/or waste streams, no numerical limits are prescribed. Also, no numerical limits are prescribed for toxic constituents that are added, but whose usage has shown that there is very low probability of causing or contributing to excursions of the water quality standards. However, a narrative limit to comply with all Ocean Plan objectives is provided.

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<sup>1</sup> *Santa Monica Bay: State of the Watershed Report*, California Regional Water Quality Control Board, Los Angeles Region, May 1997.

24. Acute toxicity monitoring conducted over five years (1990 through 1994 – no testing was required after 1994) demonstrated consistent compliance with, and no reasonable potential for exceeding the Ocean Plan objectives. As such, no monitoring requirements were prescribed for acute toxicity. However, a narrative limit to comply with all Ocean Plan objectives is provided.
25. Pursuant to Section 402(p) of the Clean Water Act and 40 CFR Parts 122, 123, and 124, the State Board adopted a general NPDES permit to regulate storm water discharges associated with industrial activity (State Board Order No. 91-13-DWQ adopted in November 1991, amended by Order No. 92-12-DWQ adopted in September 1992, and renewed by Order No. 97-03-DWQ adopted on April 17, 1997). Storm water discharges from power plants are subject to requirements under this general permit. The Discharger has developed and implemented a Storm Water Pollution Prevention Plan since 1992.
26. Effluent limitations and guidelines, national standards of performance, and toxic effluent standards established pursuant to Sections 301, 302, 303, 304, 306, 307, and 316 of the Federal Clean Water Act, and amendments thereto, are applicable to the discharge.
27. The requirements contained in this Order, as they are met, will be in conformance or in compliance with the goals of the aforementioned water quality control plans and statutes.
28. Pursuant to California Water Code Section 13320, any aggrieved party may seek review of this Order by filing a petition with the State Board. A petition must be sent to the State Water Resources Control Board, P.O. Box 100, 901 P St., Sacramento 95812, within 30 days of adoption.
29. The issuance of waste discharge requirements for this discharge is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code in accordance with Water Code Section 13389.

The Regional Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for this discharge and has provided them with an opportunity to submit their written views and recommendations.

The Regional Board, in a public hearing, heard and considered all comments pertaining to the discharge and to the tentative requirements.

This Order shall serve as a National Pollutant Discharge Elimination System permit pursuant to Section 402 of the Federal Clean Water Act, or amendments thereto, and shall take effect at the end of ten days from the date of its adoption provided the Regional Administrator, USEPA, has no objections.



IT IS HEREBY ORDERED that AES Redondo Beach, L.L.C., in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Federal Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

I. DISCHARGE LIMITATIONS

A. EFFLUENT LIMITATIONS

1. Wastes discharged shall be limited to those described in the findings only, as proposed.
2. The temperature of wastes discharged shall not exceed 106<sup>0</sup>F during normal operation of the facility. During heat treatment, the temperature of wastes discharged shall not exceed 125<sup>0</sup>F except during adjustment of the recirculation gate at which time the temperature of wastes discharged shall not exceed 135<sup>0</sup>F. Temperature fluctuations during gate adjustment above 125<sup>0</sup>F shall not last for more than thirty minutes.
3. The effluent pH shall at all times be within the range of 6.0 to 9.0 pH units.
4. The wastes discharged from Discharge Serial Nos. 001 and 002 with constituents in excess of the following concentration limits are prohibited:

<u>Constituent</u>	<u>Unit</u>	<u>Discharge Limitation</u>
		<u>Daily Maximum</u>
Total residual chlorine <sup>[1][2]</sup>	mg/L	0.2
Free available chlorine	mg/L	0.2

<sup>[1]</sup> Chlorine shall not be discharged from any single generating unit for more than two hours per day (i.e., 24-hour period). If other oxidants are used, it shall be total oxidants and reported as residual chlorine.

<sup>[2]</sup> For chlorine discharge from any single generating unit up to 10 minutes per condenser half per shift, the daily limit of total residual chlorine is 0.2 mg/L. For chlorine discharges exceeding 10 minutes, the applicable total residual chlorine limitations shall be that calculated using procedures outlined in Table B of the California Ocean Plan adopted and effective on July 23, 1997. The minimum dilution ratios used shall be 12.5:1 for Discharge Serial No. 001, and 8:1 for Discharge Serial No. 002.

5. The wastes discharged from Discharge Serial No. 001 with constituents in excess of the following limits are prohibited:

<u>Constituent</u>	<u>Units</u>	<u>Discharge Limitations</u> <sup>[1]</sup>	
		<u>Monthly Average</u>	<u>Daily Maximum</u>
Arsenic	ug/L	65.5	366
Cadmium	ug/L	12.5	50
Chromium (Hexavalent) <sup>[2]</sup>	ug/L	25	100
Copper	ug/L	14.5	77
Lead	ug/L	25	100
Mercury	ug/L	0.494	2.0
Nickel	ug/L	62.5	250
Selenium	ug/L	188	752
Silver	ug/L	7.0	33
Zinc	ug/L	158	908
Chronic Toxicity <sup>[3]</sup>	TUc	---	12.5
Radioactivity	Not to exceed limits specified in Title 17, Chapter 5, Subchapter 4, Group 3, Article 3, Section 30269 of the California Code of Regulations or subsequent revisions.		

<sup>[1]</sup> Concentration limits are based on Ocean Plan objectives using a dilution ratio of 11.5 parts of seawater to 1 part effluent. Metal limits are for total recoverable form.

<sup>[2]</sup> The discharger has the option to meet the hexavalent chromium limitations with a total chromium analysis. However, if the total chromium level exceeds the hexavalent chromium limitation, it will be considered a violation unless an analysis has been made for hexavalent chromium in a replicate sample and the result is in compliance with the hexavalent chromium limits.

<sup>[3]</sup> Expressed as Chronic Toxicity Units (TUc)

$$\text{TUc} = 100/\text{NOEC}$$

where: NOEC (No Observed Effect Concentration) is expressed as the maximum percent effluent or receiving water that causes no observable effect on a test organism as determined by the result of a critical life stage toxicity test listed in Appendix II of the California Ocean Plan adopted and effective on July 23, 1997, pages 23-24.

NOEC shall be determined based on toxicity tests having chronic endpoints.

6. The waste discharged from Discharge Serial No. 002 with constituents in excess of the following limits are prohibited:

<u>Constituent</u>	<u>Units</u>	<u>Discharge Limitations</u> <sup>[1]</sup>	
		<u>Monthly Average</u>	<u>Daily Maximum</u>
Arsenic	ug/L	43	235
Cadmium	ug/L	8	32
Chromium (Hexavalent) <sup>[2]</sup>	ug/L	16	64
Copper	ug/L	10	50
Lead	ug/L	16	64
Mercury	ug/L	0.317	1.27
Nickel	ug/L	40	160
Selenium	ug/L	120	480
Silver	ug/L	4.48	21
Zinc	ug/L	104	548
Chronic Toxicity <sup>[3]</sup>	TUc	---	8.0
Radioactivity	Not to exceed limits specified in Title 17, Chapter 5, Subchapter 4, Group 3, Article 3, Section 30269 of the California Code of Regulations or subsequent revisions.		

<sup>[1]</sup> Concentration limits are based on Ocean Plan objectives using a dilution ratio of 7 parts of seawater to 1 part effluent

<sup>[2]</sup> The discharger has the option to meet the hexavalent chromium limitations with a total chromium analysis. However, if the total chromium level exceeds the hexavalent chromium limitation, it will be considered a violation unless an analysis has been made for hexavalent chromium in a replicate sample and the result is in compliance with the hexavalent chromium limits.

<sup>[3]</sup> Expressed as Chronic Toxicity Units (TUc)

$$TUc = 100/NOEC$$

where: NOEC (No Observed Effect Concentration) is expressed as the maximum percent effluent or receiving water that causes no observable effect on a test organism as determined by the result of a critical life stage toxicity test listed in Appendix II of the California Ocean Plan adopted and effective on July 23, 1997, pages 23-24.

NOEC shall be determined based on toxicity tests having chronic endpoints.

7. Effluent Limitations for Inplant Waste Streams:

- a. The discharge of metal cleaning wastes<sup>[1]</sup> with constituents in excess of the following limits is prohibited:

<u>Constituent</u>	<u>Units</u>	<u>Discharge Limitation</u>	
		<u>Monthly Average</u>	<u>Daily Maximum</u>
Suspended Solids	mg/L	30	100
Oil and grease	mg/L	15	20
Copper, total	mg/L	1.0	1.0
Iron, total	mg/L	1.0	1.0

<sup>[1]</sup> For the purpose of these limitations, metal cleaning wastes shall mean any wastewater resulting from chemical cleaning of any metal process equipment including, but not limited to, boiler tube, boiler fireside, and air preheaters.

- b. The discharge of low volume wastes with constituents in excess of the following limits is prohibited:

<u>Constituent</u>	<u>Units</u>	<u>Discharge Limitation</u>	
		<u>Monthly Average</u>	<u>Daily Maximum</u>
Suspended Solids	mg/L	30	100
Oil and grease	mg/L	15	20

- c. In the event that waste streams from various sources (7.a and 7.b above) are combined for treatment or discharge, the quantity of each pollutant or pollutant property controlled attributable to each controlled waste source shall not exceed the specified limitation for that waste source.

## B. RECEIVING WATER LIMITATIONS

1. Floating particulates and oil and grease shall not be visible as a result of wastes discharged.
2. Wastes discharged shall not: alter the color of the receiving waters; create a visual contrast with the natural appearance of the water; nor cause esthetically undesirable discoloration of the ocean surface.
3. The transmittance of natural light shall not be significantly reduced at any point outside the zone of initial dilution as a result of wastes discharged.
4. The rate of deposition and the characteristics of inert solids in ocean sediments shall not be changed such that benthic communities are degraded as a result of wastes discharged.
5. The wastes discharged shall not depress the dissolved oxygen concentrations outside the zone of initial dilution at any time by more than 10 percent from that which occurs naturally, excluding effects of naturally induced upwelling.
6. The wastes discharged shall not change the pH of the receiving waters at any time more than 0.2 pH units from that which occurs naturally outside the zone of initial dilution.
7. The dissolved sulfide concentration of waters in and near sediments shall not be significantly increased above that present under natural conditions as a result of wastes discharged.
8. The wastes discharged shall not increase the concentrations, in marine sediments of toxic substances listed in Table B of the Ocean Plan, to levels which would degrade indigenous biota.
9. The concentration of organic materials in marine sediments shall not be increased above that which would degrade marine life as a result of waste discharged.
10. The wastes discharged shall not cause objectionable aquatic growths or degrade indigenous biota.
11. Marine communities, including vertebrate, invertebrate, and plant species, shall not be degraded as a result of wastes discharged.

12. The concentration of organic materials in fish, shellfish, or other marine resources used for human consumption shall not bioaccumulate to levels that are harmful to human health as a result of wastes discharged.
13. The natural taste, odor, and color of fish, shellfish, or other marine resources used for human consumption shall not be altered as a result of wastes discharged.
14. The wastes discharged shall not cause objectionable odors to emanate from the receiving waters.
15. The wastes discharged shall not cause receiving waters to contain any substance in concentrations toxic to human, animal, plant, or fish life.
16. No physical evidence of wastes discharged shall be visible at any time in the water or on beaches, shores, rocks, or structures.
17. The salinity of the receiving waters shall not be changed by the wastes discharged to an extent such as to be harmful to marine biota.
18. The wastes discharged shall not contain an individual pesticide or combination of pesticides in concentrations that adversely affect beneficial uses.

## II. REQUIREMENTS AND PROVISIONS

- A. Discharge of unpermitted wastes to any point other than specifically described in this Order and permit is prohibited and constitutes a violation thereof.
- B. The Discharger shall comply with all applicable effluent limitations, national standards of performance, and all federal regulations established pursuant to Sections 301, 302, 303(d), 304, 306, 307, 316, and 402 of the Federal Clean Water Act and amendments thereto.
- C. In the determination of compliance with monthly average limitations, the following provisions shall apply to all constituents:
  1. If the analytical result of a single sample, monitored monthly or at a lesser frequency, does not exceed the monthly average limit for that constituent, the Discharger will have demonstrated compliance with the monthly average limit for that month.
  2. If the analytical result of a single sample, monitored monthly or at a lesser frequency, exceeds the monthly average limit for any constituent, the Discharger shall collect three additional samples at approximately equal intervals during the month. All four

analytical results shall be reported in the monitoring report for that month, or 45 days after the sample was obtained whichever is later.

If the numerical average of the analytical results of these four samples does not exceed the monthly average limit for that constituent, compliance with the monthly average limit has been demonstrated for that month. Otherwise, the monthly average limit has been violated.

3. If the analytical result of a single sample, monitored monthly or at a lesser frequency, exceeds the monthly average limit for any constituent and the Discharger does not conduct additional analyses as required in item C.2, then the Discharger is deemed in violation of the monthly average limit.
  4. In the event of noncompliance with a monthly average effluent limitation, the sampling frequency for that constituent shall be increased to a minimum of four times per month and shall continue at this level until compliance with the monthly average effluent limitation has been demonstrated.
- D. The Discharger must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to storm drain systems or other water courses under their jurisdiction; including applicable requirements in municipal storm water management programs developed to comply with NPDES permits issued by this Regional Board to local agencies.
- E. This Order includes the attached "Standard Provisions and General Monitoring and Reporting Requirements (March 1, 1999)" ("Standard Provisions", Attachment N). If there is any conflict between provisions stated hereinbefore and said "Standard Provisions", those provisions stated hereinbefore prevail.
- F. This Order includes the attached Monitoring and Reporting Program (Attachment T). If there is any conflict between provisions stated in the Monitoring and Reporting Program and the Standard Provisions, those provisions stated in the Monitoring and Reporting Program prevail.
- G. The Discharger shall comply with the applicable requirements, such as the Storm Water Pollution Prevention Plan and applicable Monitoring and Reporting Programs of State Board's general stormwater permit associated with industrial activity (State Water Resources Control Board Order No. 97-03-DWQ adopted on April 17, 1997).

- H. The wastes discharged shall comply with all Ocean Plan objectives.
- I. The discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream which may ultimately be released to waters of the United States is prohibited unless specifically authorized elsewhere in this permit. This requirement is not applicable to products used for lawn and agricultural purposes. Discharge of chlorine for disinfection in plant potable and service water systems and in sewage treatment is authorized.
- J. The discharge of any waste resulting from the combustion of toxic or hazardous wastes to any waste stream which ultimately discharges to waters of the United States is prohibited, unless specifically authorized elsewhere in this Order.
- K. There shall be no discharge of polychlorinated biphenyl compounds such as those once commonly used for transformer fluid.
- L. The Discharger shall notify the Executive Officer in writing no later than six months prior to planned discharge of any chemical, other than chlorine or other product previously reported to the Executive Officer, which may be toxic to aquatic life. Such notification shall include:
  - 1. Name and general composition of the chemical,
  - 2. Frequency of use,
  - 3. Quantities to be used,
  - 4. Proposed discharge concentrations, and
  - 5. USEPA registration number, if applicable.

No discharge of such chemical shall be made prior to the Executive Officer ' s approval.

- M. The Regional Board and USEPA shall be notified, immediately by telephone, of the presence of adverse conditions in the receiving waters or on beaches and shores as a result of wastes discharge; written confirmation shall follow as soon as possible but no later than five working days after the discharger became aware of the adverse condition.
- N. This Order may be modified, revoked and reissued, or terminated in accordance with the provisions of 40 CFR Parts 122.44, 122.62 to 122.64, 125.62, and 125.64. Causes for taking such actions include, but are not limited to: failure to comply with any condition of this Order and permit, endangerment to human health or the environment resulting from the permitted activity; or acquisition of newly obtained information which would have justified the application of different conditions if known at the time of Order adoption and issuance.



Following submission of the intake benthic monitoring study, the Executive Officer shall either (1) propose to the Regional Board modifications to this permit, as appropriate, or (2) provide a report to the Board summarizing the results of the study and indicating why modifications to the permit are not proposed.

The filing of a request by the Discharger for an Order and permit modification, revocation and issuance, or termination; or a notification of planned changes or anticipated noncompliances does not stay any condition of this Order and permit.

### III. EXPIRATION DATE

This Order expires on May 10, 2005.

The Discharger must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of the expiration date as application for issuance of new waste discharge requirements.

### IV. RESCISSION

Order No. 94-133, adopted by this Board on December 5, 1994, is hereby rescinded, except for enforcement purposes.

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region on June 29, 2000.

Dennis A. Dickerson  
Executive Officer

/JRC

25'

370

**Figure 1 LOCATION MAP**

AES REDONDO BEACH, L.L.C.  
 REDONDO BEACH, LOS ANGELES CO., CA  
 MARCH 1999

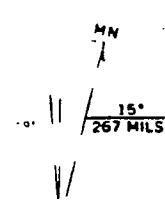
HERMOSA BEACH

MANHATTAN BEACH

DISCHARGE 001 →  
 LAT. 33° 50' 58"  
 LONG. 118° 24' 08"

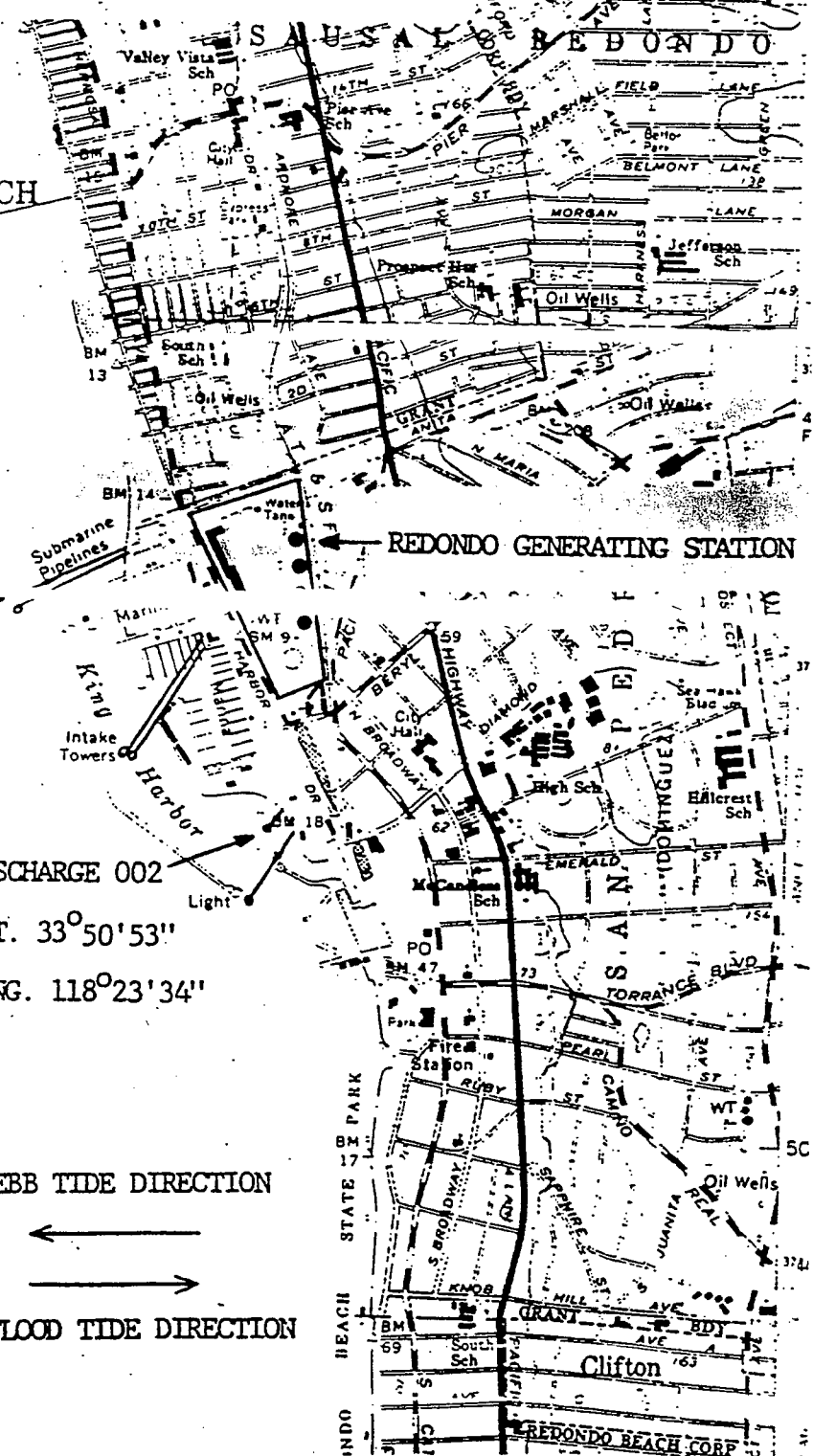
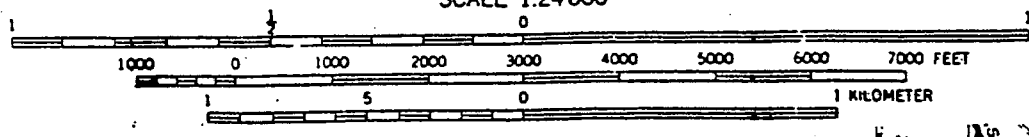
DISCHARGE 002 →  
 LAT. 33° 50' 53"  
 LONG. 118° 23' 34"

EBB TIDE DIRECTION  
 ←  
 FLOOD TIDE DIRECTION  
 →



1972 MAGNETIC NORTH  
 AT CENTER OF SHEET

SCALE 1:24 000



# SCHEMATIC OF WATER FLOW

AES REDONDO L.L.C.  
REDONDO BEACH, CALIFORNIA  
MARCH 1999

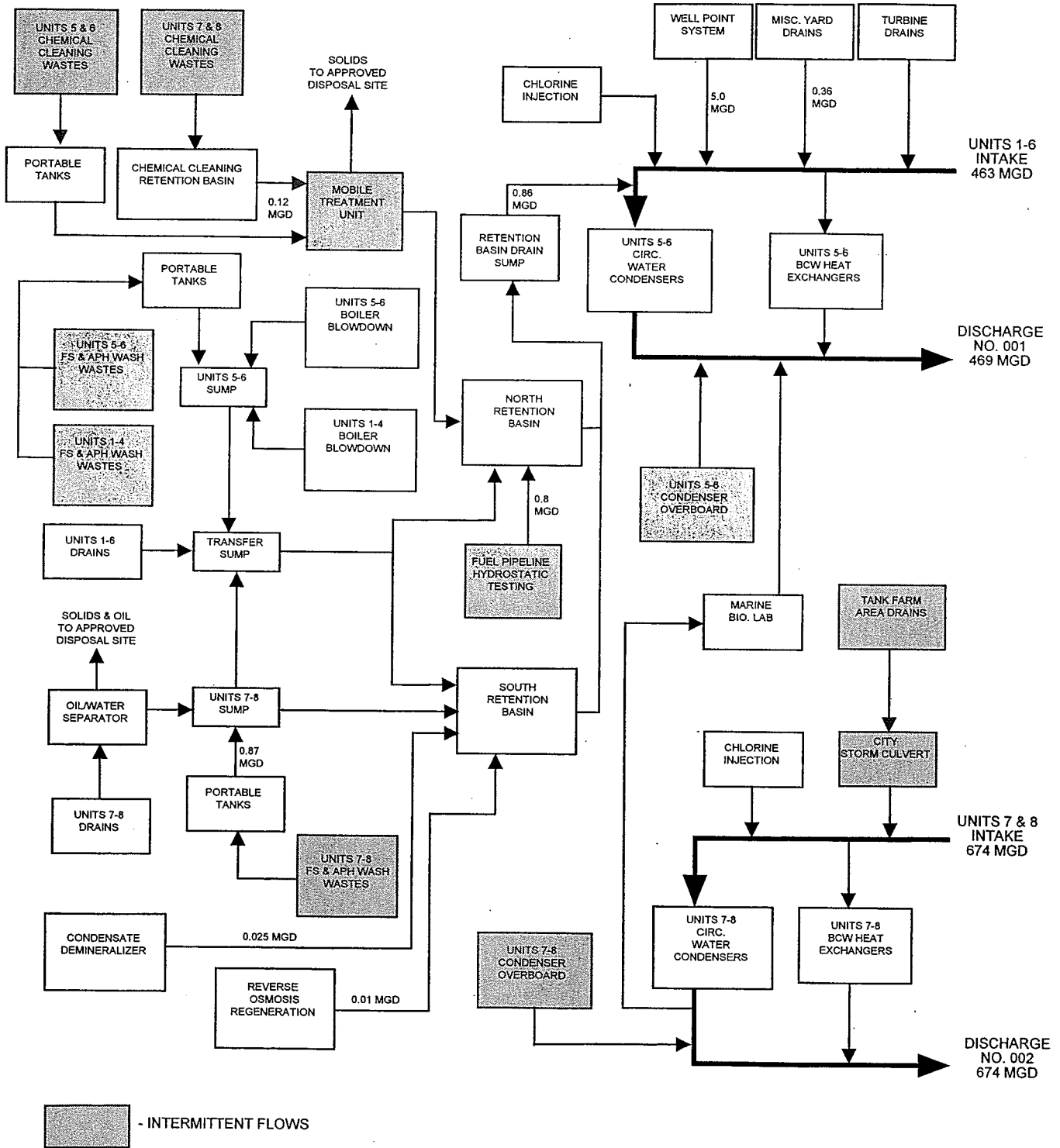
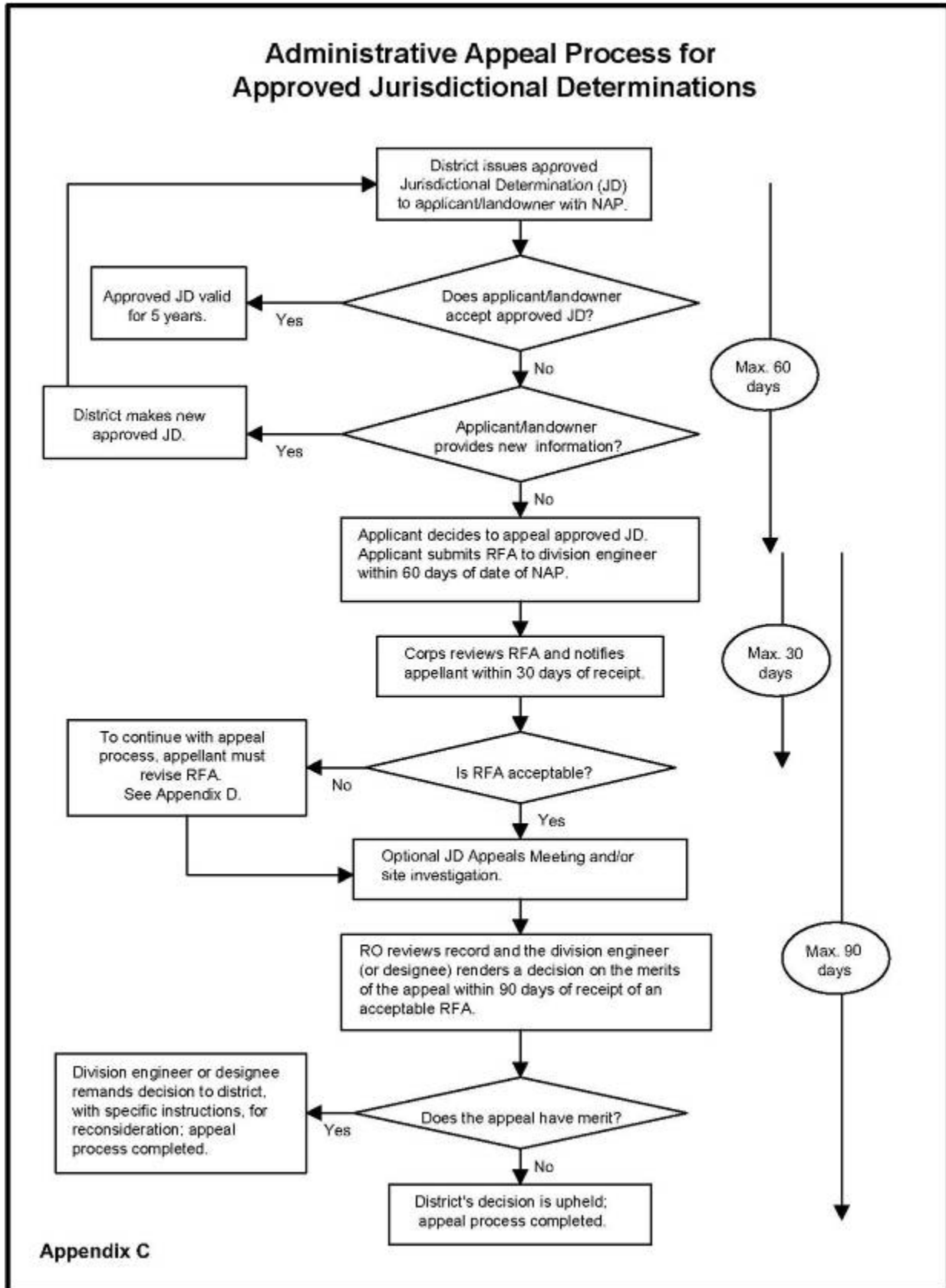


Figure 2

**ENCLOSURE 2**



## **ENCLOSURE 3**

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: AES Southland Development c/o CH2MHill      File Number: SPL-2013-00094-BEM      Date: 08/20/2013

Attached is:      See Section below

	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
	PERMIT DENIAL	C
<b>X</b>	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/cecw/pages/reg\\_materials.aspx](http://www.usace.army.mil/cecw/pages/reg_materials.aspx) or Corps regulations at 33 C.F.R. part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:  
Brienne McGuffie  
Regulatory Division (CESPL-RG-LASB)  
U.S. Army Corps of Engineers  
915 Wilshire Boulevard  
Los Angeles, California 90017  
Phone: (213) 452-3419  
Email: [Brienne.e.mcguiffie@usace.army.mil](mailto:Brienne.e.mcguiffie@usace.army.mil)

If you only have questions regarding the appeal process you may also contact: Thomas J. Cavanaugh  
Administrative Appeal Review Officer,  
U.S. Army Corps of Engineers  
South Pacific Division  
1455 Market Street, 2052B  
San Francisco, California 94103-1399  
Phone: (415) 503-6574 Fax: (415) 503-6646  
Email: [thomas.j.cavanaugh@usace.army.mil](mailto:thomas.j.cavanaugh@usace.army.mil)

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

<hr/> Signature of appellant or agent.	Date:	Telephone number:
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