

San Diego Unified Port District**CEQA and COASTAL DETERMINATIONS**

Project: Pilot Project to Demonstrate Copper Remediation Applications in the San Diego Bay
Location(s): Transient Vessel Dock, Shelter Island Yacht Basin, San Diego, CA
Parcel No.(s): 001-013
Project No.: 2017-082
Applicant: Paula Sylvia, Planning and Green Port, San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92101
Date: June 9, 2017

Project Description

The proposed pilot project involves the installation of passive and active filtration systems to determine the effectiveness of technology specific to Red Lion Chem Tech, LLC (Red Lion) in filtering and removing copper from seawater for a total of six (6) months within Shelter Island Yacht Basin in San Diego, CA.

Active Filtration:

The active filtration system consists of a frame-mounted unit measuring approximately 6 feet (ft) long by 4 ft wide by 6 ft deep. The unit will be placed in a plastic closed cabinet with access by Red Lion for sampling and servicing. The active filtration system testing would be conducted in two phases, with a duration of two weeks per testing phase. The first phase would directly place the active filtration system into San Diego Bay and pump seawater into the filtration system. The second phase of testing would utilize water pumped from within an active in-water boat wash basin. The purpose of the testing is to determine the copper reduction potential. To confirm the percent of copper actually removed, resin samples will be collected every three days during the pilot project and submitted for laboratory analysis. From this, the amount of copper removed, rate of copper removed over time, and percent saturation of the resin used in the tank will be calculated. The total copper concentration in the pretreated water will be compared to the actual concentration of copper recovered in the resin as a whole for the two week duration. Red Lion will analyze all samples using EPA-approved analytical methods that are consistent with the analytical methods used for the annual Total Maximum Daily Load (TMDL) water quality monitoring conducted in the Shelter Island Yacht Basin.

The active filtration system involves pumping bay water directly into cylindrical columns where the copper adsorbing resin beads are housed. In the cylindrical columns, the resin beads removes the dissolved copper as the seawater passes over them before being discharged back into the bay. The long-term scalability of the pump unit will be designed so that once the resin beads are saturated with copper to ~ 80% capacity, the beads will be replaced on an ongoing basis and sent to a central processing station for regeneration and subsequent reuse. Red Lion will collect pre-treatment intake and post-treatment effluent water samples and analyze them for total and dissolved copper every three days for the duration of both stages of the active filtration pilot project. Water quality data will also be collected prior to the start of the project to obtain a baseline of copper levels in the water and every three days at six GPS-specific locations. The six sample locations include three within Shelter Harbor Yacht Basin and three in San Diego Bay.

This system will require one operator daily to monitor the operation for the duration of the pilot (4 weeks). Truck trips for the project would include transport of the daily operator, as well as minimal trips associated with delivery and installation of the unit.

Passive Filtration:

The passive filtration system consists of a five approximately 25-pound (lb) ballast bags, weighted on one end and hung into the water while tied to an existing support structure, such as a pier or piling. Ocean wave action over the sac allows seawater to move gently and freely in and out of the microporous sac over time, facilitating ion adsorption of dissolved copper and removing it from the seawater. For this pilot, the five ballast bags would be placed along a dock finger to assess the effectiveness of passive filtration copper adsorption in San Diego Bay.

Bay water samples would be collected prior to the start of the project to obtain a baseline of total and dissolved copper levels in the adjacent waters. Resin samples will be collected at regular intervals from the ballast bags and submitted to the laboratory for analysis to determine the amount and rate of total and dissolved copper adsorbed over time as well as the percent saturation of the resin.

This system will require one operator weekly to monitor the operation for the duration of the pilot (6 months). Truck trips for the project would include transport of the weekly operator, as for the initial placement of the system.

The pilot programs are anticipated to commence in September 2017, with a total duration of four weeks for the active filtration system and six months for the passive filtration system. As part of the entitlement process, prior to operation of the Project, staff will be applying for an Army Corps of Engineers (ACOE) ACOE Nationwide #5 "Scientific Measurement Devices" permit. Due to its nature and limited scope, construction of the proposed Project would generate a minor amount of vehicle and truck trips and would require limited use of construction equipment, and would not result in impacts, including, without limitation, air quality or greenhouse gas impacts. Additionally, no eelgrass is known to be present at the project site, and therefore, the Project would not result in any significant impacts to biological resources. Furthermore, the applicant would be responsible for complying with all applicable federal, state, and local laws regulating construction demolition debris, noise, and stormwater.

The following categorical determinations are based on the project submittal and all project information known to the District as of the date of this determination.

CEQA DETERMINATION

Based upon the above description, the project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), 15306 (Information Collection), and 15311 (Accessory Structures), and Sections 3.a.(1), 3.a.(3) 3.c.(2), 3.f, and/or 3.i.(1) of the District's *Guidelines for Compliance with CEQA* because the project involves the installation of passive and active filtration systems for filtering and removing copper from seawater. Sections 3.a.(1), 3.a.(3) 3.c.(2), 3.f, and 3.i.(1) of the District's CEQA Guidelines are as follows:

- 3.a. Existing Facilities (SG § 15301) (Class 1): Includes operation, repair, maintenance, or minor alteration of existing public and private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:
 - (1) Repair, maintenance or minor alteration of existing mooring facilities, floats, piers, piles, wharves, bulkhead, revetment, buoys, or similar structures; marine terminal facilities; airport facilities; and commercial industrial, or recreational facilities.
 - (3) Interior and exterior remodeling or alterations, involving negligible or no expansion of use beyond that previously existing, including, but not limited to, marine terminal facilities, and marine-oriented commercial, industrial, and public and commercial recreational facilities, including buildings, piers, wharves, marine ways; railroads; airport

facilities, runways, taxiways, aprons, and ancillary structures to those facilities; or mechanical systems and equipment.

AND/OR

3.c. New Construction or Conversion of Small Structures (SG § 15303) (Class 3): Includes construction of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and conversion of existing small structures from one use to another with minor modifications to the exterior of the structure. Examples of this exemption include:

- (2) Accessory (appurtenant) structures and mechanical equipment including, but not limited to, garages, sheds, railway spur tracks, pilings, temporary trailers, industrial equipment enclosures, fences, parking, on-site roadways, walkways and health and safety devices.

AND/OR

3.f. Information Collection (SG § 15306) (Class 6): Includes basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be for information gathering purposes, or as part of a study leading to an action which has not yet been approved, adopted or funded.

AND/OR

3.i. Accessory Structures (SG § 15311) (Class 11): Includes construction, or placement of minor structures accessory to (appurtenant to) existing facilities, including:

- (1) Construction or placement of minor mooring facilities, floats, buoys or similar structures accessory to (appurtenant to) existing commercial, industrial or institutional facilities.

The Categorical Exemptions listed above are appropriate for the proposed project because the project involves the installation of passive and active filtration systems for filtering and removing copper from seawater that would involve negligible expansion of use beyond that previously existing, would include installation of small new equipment, would not result in a serious or major disturbance to an environmental resource, and would include placement of minor structures accessory to existing facilities.

The proposed project complies with Section 87 of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operations of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed project is consistent with the Public Trust Doctrine.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN

The proposed project is located in Planning District 1, Shelter Island/La Playa, which is delineated on Precise Plan Map Figure 4. The Port Master Plan water use designation within the limits of the proposed project is Harbor Master/Transient Berthing. The proposed project conforms to the certified Port Master Plan because the project involves the installation of passive and active filtration systems for filtering and removing copper from seawater consistent with the existing certified water use designation. The project

would not change the uses of the sites nor would it interrupt or expand the existing conforming uses of the sites.

CATEGORICAL DETERMINATION

The above project involves the installation of passive and active filtration systems for filtering and removing copper from seawater that would involve negligible expansion of use beyond that previously existing, would include installation of small new equipment, would not result in a serious or major disturbance to an environmental resource, and would include placement of minor structures accessory to existing facilities. This project is consistent with the existing certified water use designations and is Categorically Excluded under Sections 8.a.(10), 8.c.(3) and/or 8.e of the District's *Coastal Development Permit Regulations*, as follows:

- 8.a. Existing Facilities: The operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing

- (10) Repair, maintenance, or minor alteration of existing mooring facilities, floats, piers, bulkhead, revetment, buoys, or similar structures.

AND/OR

- 8.c. New Construction or Conversion of Small Structures: Construction and location of limited numbers of new, small facilities or structures and installation of small, new equipment and facilities, involving negligible or no change of existing use of the property, including but not limited to:

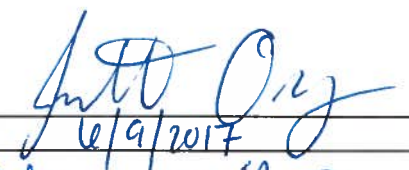
- (3) Accessory structures, including, but not limited to, on-premise signs, small parking lots, fences, walkways, swimming pools, miscellaneous work buildings, temporary trailers, small accessory piers, minor mooring facilities, buoys, floats, pilings, or similar structures; and seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar structures;

- 8.e. Information Collection: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major significant disturbance to an environmental resource.

RANDA CONIGLIO
President/CEO

Determination by:
Juliette Orozco
Associate Planner
Development Services – Real Estate Development

Deputy General Counsel

Signature: 
Date: 6/9/2017

Signature: 
Date: 6/9/2017