



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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Governor

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Mark Sandoval
City of Long Beach-Dept. of Parks, Recreation and Marine
205 Marine Drive
Long Beach, CA 90802

WATER QUALITY CERTIFICATION FOR PROPOSED (REPLACEMENT OF PUBLIC DOCK AT SHORELINE VILLAGE) PROJECT (Corps' Project No. 2007-00546-KW), PACIFIC OCEAN TRIBUTARY TO LONG BEACH HARBOR, LONG BEACH, LOS ANGELES COUNTY (File No. 07-064)

Dear Mr. Sandoval:

Board staff has reviewed your request on behalf of City of Long Beach-Dept. of Parks, Recreation and Marine (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on October 1, 2007.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Dana Cole, Section 401 Program, at (213) 576-5733.

[Original Signed By] _____

Tracy J. Egoscue
Executive Officer

10/19/07 _____

Date

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

DISTRIBUTION LIST

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6010 Hidden Valley Road
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ATTACHMENT A

Project Information
File No. 07-064

1. Applicant: City of Long Beach-Dept. of Parks, Recreation and Marine
205 Marine Drive
Long Beach, CA 90802
Phone: (562) 570-3215 Fax: (562) 570-1799
2. Applicant's Agent: Tetra Tech, Inc
401 East Ocean Blvd, suite 420
Long Beach, CA 90802
Phone: (562) 257-1594 Fax: (562) 495-5029
3. Project Name: Replacement of Public Dock at Shoreline Village
4. Project Location: Long Beach, Los Angeles/Ventura County
- | <u>Longitude</u> | <u>Latitude:</u> |
|------------------|------------------|
| 118.192192 | 33.759650 |
| 118.191503 | 33.759647 |
| 118.191350 | 33.759119 |
| 118.191533 | 33.759133 |
5. Type of Project: Dock replacement
6. Project Purpose: The purpose of the proposed project is to replace the existing timber dock with a new concrete dock system because it does not meet California Department of Boating and Waterways standards for freeboard and stability and poses a danger to the public safety.
7. Project Description: The Applicant will demolish the existing dock and replace the site with a similar, L-shaped concrete dock (Dock) to current standards and incorporate adequate utilities to serve the public's demand. The proposed dock will add an additional 400 linear feet of dock along the earthen shoreline, creating additional berthing space for vessels. The new Dock will be located 11 feet seaward from the location of

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the existing dock to eliminate grounding problem at low tides. The proposed Dock will be constructed of reinforced concrete and will extend the length of the existing dock (161 feet along the northern shoreline by 152 feet along the eastern shoreline) with an additional 400 foot along the eastern shoreline (south of the existing dock).

The new Dock will be 15 feet wide. The existing aluminum gangway will be replaced with a similar gangway. The existing 24-inch diameter octagonal concrete guide piles will be protected in place and reused. Eight to twelve additional guide piles will be installed to anchor the new Dock. The utilities will be replaced in kind with two additional pump-out stations added to the southern end of the Dock. Pile installation will take about 2 weeks and dock installation will be about 3 to 6 weeks. The Project is proposed to start in January 2008 for duration of 4 months to be completed by May 2008.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
(Permit No. 2007-00546-KW)
9. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement

California Coastal Commission
10. California Environmental Quality Act Compliance: The proposed Project is Categorically Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302. Replacement or Reconstruction. The City of Long Beach filed a Notice of Exemption with Los Angeles County on June 13, 2007.
11. Receiving Water: Los Angeles River Estuary (Hydrologic Unit No. 405.12)
12. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, EST, MAR, WILD, RARE, MIGR, SPWN, SHELL, WET

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13. Impacted Waters of the United States: Ocean/Estuary/Bay: 120 permanent Linear Feet
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant:
- Past Project
Shoreline Lagoon-Dredged area and created Rainbow Harbor
- In Progress
Downtown Marina Rehabilitation (2003-2007)
Rainbow Harbor Marina Rehabilitation (2003-2008)
16. Avoidance/Minimization Activities:
- The Applicant has proposed to implement several Best Management Practices (BMPs), including, but not limited to, the following:
- Float sections will be constructed off-site and delivered to the site.
 - Debris will be kept out of water or removed immediately.
 - Silt curtains will be utilized to minimize and localize turbidity during pile driving.
 - Spill kits and cleanup materials will be available at all locations of pile driving. Equipment used shall be leak-free.
 - Hammers and other hydraulic attachments will be protected from run-on and run-off by placing them on plywood and covering them with plastic or a comparable material prior to the onset of rain.
 - Drip pans and absorbent materials will be used for equipment placed on docks, barges, or other structures over water bodies when the vehicle or equipment is expected to be idle for more than one hour.
 - Watertight curbs or toe boards will be provided to contain spills and prevent materials, tools, and debris from leaving the barge,

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platform and dock

- All materials will be secured to prevent discharges to receiving waters via wind.
- Sandbag barriers will be placed around the staging areas to control sediment and prevent run-off.
- Employees and subcontractors will implement the appropriate measures for storage and use of materials and equipment.

17. Proposed
Compensatory
Mitigation:

None

18. Required
Compensatory
Mitigation:

It is not anticipated that the project activity will have a negative impact on waters of the United States. During the construction, all possible BMPs will be utilized in order to minimize impacts to waters. The impacts associated with this project are minimal and temporary in nature. Therefore, compensatory mitigation will not be required by the Regional Board to offset the impacts associated with this project.

In addition, the Applicant conducted a pre-construction survey for eelgrass and *Caulerpa taxofolia*. Neither eelgrass nor *Caulerpa* was found. Surfgrass, eelgrass or rocky habitat lost due to project impacts will be mitigated at a ratio of 1:1.

See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

ATTACHMENT B

Conditions of Certification File No. 07-064

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (USACE) Section 404 Permit and the California Coastal Commission (CCC). **These documents shall be submitted prior to any discharge to waters of the State.**
1. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the USACE Section 404 Permit, or the CCC Permit.
2. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*.
3. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
4. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

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5. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
6. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
7. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
8. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
9. Pre-construction surveys shall be performed for *Caulerpa taxifolia* (“Caulerpa”) within the project area in accordance with the Caulerpa Control Protocol.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.

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13. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a five-day (5-day) clear weather forecast before conducting any operations within waters of the State.
14. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
15. The Applicant shall submit Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project area. Additionally, the Applicant shall submit a site description, including dimensions of project areas, and pre and post- project photographs.
16. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until project completion has been achieved and documented. The Annual Reports shall describe in detail all of the project and construction activities performed during the previous year. The Annual Reports shall describe the status of other agreements or any delays in the mitigation process. At a minimum the Annual Reports shall include the following documentation and answered appropriately whether or not mitigation has been performed:
 - (a) Color photo documentation of the pre- and post-project site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) A certified Statement of “no net loss” of wetlands associated with this project;
 - (f) Discussion of any monitoring activities and exotic plant control efforts; and
 - (g) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.

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**Conditions of Certification
File No. 07-064**

17. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.
 - (c) For a sole proprietorship, by the proprietor.
 - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

18. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

“I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

(Signature)
(Title)”

19. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **07-064**. Submittals shall be sent to the attention of the 401 Certification Unit.
20. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
21. The project shall comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.

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Conditions of Certification File No. 07-064

22. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
23. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
24. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
25. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.