



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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City of Avalon
Ms. Amanda Cook
P.O. Box 707
Avalon, CA 90704

WATER QUALITY CERTIFICATION FOR PROPOSED CASINO FUEL DOCK REPLACEMENT PROJECT (Corps' Project No. 2009-00324-MAS), PACIFIC OCEAN, CITY OF AVALON, LOS ANGELES COUNTY (File No. 09-070)

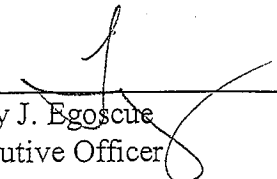
Dear Ms. Cook:

Board staff has reviewed your request on behalf of the City of Avalon (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on August 20, 2009.

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 Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.



Tracy J. Egoscue
Executive Officer

10/22/09

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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ATTACHMENT A

Project Information
File No. 09-070

1. Applicant: City of Avalon
Amanda Cook
P.O. Box 707
Avalon, CA 90704

Phone: (310) 510-0220 ext. 110 Fax: (310) 510-2608

2. Applicant's Agent: Noble Consultants, Inc.
Ron Noble
2201 Dupont Drive, Suite 620
Irvine, CA 92612

Phone: (949) 752-1530 ext. 101 Fax: (949) 752-8381

3. Project Name: Casino Fuel Dock Replacement Project

4. Project Location: Avalon, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
33.3484	118.3254
33.3485	118.3254
33.3486	118.3253
33.3486	118.3251
33.3486	118.3250
33.3485	118.3250
33.3484	118.3250
33.3484	118.3252

5. Type of Project: Dock replacement

6. Project Purpose: The purpose of the proposed project is to replace the existing deteriorated Casino Pier at Catalina Island with an improved pier structure and concession building.

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7. Project Description:

The project site is located on the coast of Santa Catalina Island, and is situated in the southeast portion of the island in Avalon Bay. The project site resides in the northwestern portion of Avalon Bay, referred to as Casino Point.

The City of Avalon is proposing to reconstruct the pier and the pier's topside facilities. The new fuel pier will remain within the current footprint and will meet or exceed all current U.S. Coast Guard requirements for dispensing fuel. The project will: replace 108 feet of fueling pier; add state-of-the-art fuel dispensers; and will replace the fuel sales concession and cafe concession building with the addition of public restroom facilities.

The existing deteriorated timber pier will be completely removed along with the building and associated improvements on the deck. All demolished materials will be transported back to the mainland by barge and disposed of at an approved inland site.

The new replacement pier will be a reinforced concrete structure supported by eight 24-inch diameter steel pipe piles protected with a proprietary three-layer polyethylene coating. Each pile will be installed on top of the existing bedrock and secured in-place with high strength rock anchors drilled and grouted within each pile's center space. The pier's structural frame will consist of two longitudinal beams and four transverse bents. The concrete frame shall be cast integrally into the fourteen inch thick deck slab. The fender system shall consist of closely spaced polyvinyl lumber suspended from the pier deck structure via specially fabricated steel frames. The new pier structure will remain the same size and footprint as the existing pier. All utilities and piping shall be routed through an enclosed trench accessible from the pier deck via removable covers.

During project construction, a silt curtain will be placed surrounding the entire project area as to limit turbidity plumes within the pier area only. A land based crane will be utilized for the majority of the project construction. Any rocks moved as a result of the proposed project, will be placed in previously existing locations.

No significant short-or-long-term impacts from the construction or operation of the fuel pier were identified in the Marine Biological Survey Report conducted on October 31, 2008. The proposed

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project will result in a net gain in ocean habitat, as fewer piles will be installed.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
Letter of Permission (Permit No. 2009-00324-MAS)
9. Other Required Regulatory Approvals: California Coastal Commission
Coastal Development Permit
10. California Environmental Quality Act Compliance: The City of Avalon prepared a Negative Declaration for the proposed project which was approved on April 29, 2009.
11. Receiving Water: Avalon Harbor, Pacific Ocean (Hydrologic Unit No. 406.40)
12. Designated Beneficial Uses: NAV, REC-1, REC-2, COMM, MAR, WILD, BHIOL, RARE, SPWN, SHELL
13. Impacted Waters of the United States: Ocean/Bay: 0.24 temporary acres
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
 - Implement Best Management Practices to contain and minimize the spread of any construction-related turbidity plume resulting from the project, including, but not limited

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to sand bagging, runoff diversions, and silt curtains where applicable.

- Prohibit the discard of construction and trash debris into the intertidal zone or the near shore waters.
- Maintain all construction-related equipment and fuel pier operation equipment in good working order to minimize the potential for hazardous waste spills. Maintain current hazardous material spill prevention and cleanup plans on site.
- Pre-and-post construction surveys for eelgrass and invasive algae will take place, as well as construction-period water quality monitoring to ensure that water quality is being maintained during the construction period.

17. Proposed
Compensatory
Mitigation:

The proposed project results in a net gain in ocean floor and rocky shoreline habitat. Fewer piles will be installed with the upgraded pier facility.

18. Required
Compensatory
Mitigation:

The Regional Board will not require any additional compensatory mitigation as this project provides a net gain in ocean habitat.

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. 09-070

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' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this Certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.

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Conditions of Certification

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5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
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 2005 Ocean Plan. The 2005 Ocean Plan sets forth limits or levels of water quality characteristics for ocean waters to ensure the reasonable protection of beneficial uses and the prevention of nuisance. 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.

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12. Ocean water quality monitoring shall be performed by the Applicant. A Water Quality Monitoring Plan shall be submitted prior to any project construction activities. Baseline sampling may be conducted at one location within the project boundary. All other sampling shall take place on both sides of silt curtains at a minimum of two locations (4 locations total). Monitoring for the following shall be included:
- pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids(TSS)
 - visual assessment for floating particulates (oil and grease shall not be visible)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to project commencement (baseline sampling) and then monitored on a daily basis during the first week of construction, and then on a weekly basis, thereafter, until the work is complete. Monitoring shall ensure compliance with all water quality objectives specified in the 2005 Ocean Plan.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Construction activities shall not result in the degradation of beneficial uses or non-compliance of any water quality objectives. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

13. 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.
14. 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.
15. All project activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
16. 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. Restoration shall include grading of disturbed

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areas to pre-project contour. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.

17. The Applicant shall submit to this Regional Board a Final Project **Monitoring Report** (Final Report) by **January 1st** of the year following project completion. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration efforts. At a minimum the Annual Reports shall include the following documentation:
 - (a) Color photo documentation before, during and after project construction.
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project 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) Water quality monitoring results (as required) compiled in an easy to interpret format;
 - (f) A certified Statement of “no net loss” of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
18. 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.
19. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

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"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)"

20. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number 09-070. Submittals shall be sent to the attention of the 401 Certification Unit.
21. 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.
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

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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.