



California Regional Water Quality Control Board

Los Angeles Region



Edmund G. Brown
Governor

Acting Agency Secretary for
Environmental Protection

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Ms. Marilyn K. Miller
County of Ventura- Harbor Department
3900 Pelican Way, L#5200
Oxnard, California 93035

**WATER QUALITY CERTIFICATION FOR PROPOSED CHANNEL ISLAND
LAUNCHING FACILITY PROJECT (Corps' Project No. 2010-00933-AJS), CHANNEL
ISLANDS HARBOR, CITY OF OXNARD, VENTURA COUNTY
(File No. 10-134)**

Dear Ms. Miller:

Board staff has reviewed your request on behalf of County of Ventura (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on June 21, 2011.

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.

Samuel Unger

Samuel Unger, P.E.
Executive Officer

July 20, 2011

Date

DISTRIBUTION LIST

Mr. Gregory P. Mailho
505 14th Street, Suite 1000
Oakland, California 94612

Vicki Clark, Staff Attorney
Environmental Defense Center
906 Garden Street
Santa Barbara, CA 93101

Bill Orme (via electronic copy)
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Jessie Altstatt
Santa Barbara Channel Keeper
714 Bond Street
Santa Barbara, CA 93103

Peter Brand
Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612

Antal Szijj (via electronic copy)
U.S. Army Corps of Engineers
Regulatory Branch, Ventura Field Office
2151 Alessandro Drive, Suite 255
Ventura, CA 93001

Eric Raffini (via electronic copy)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Diane Noda
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

ATTACHMENT A

Project Information

File No. 10-134

1. Applicant: County of Ventura- Harbor Department
Marilyn K. Miller, AICP
3900 Pelican Way, L#5200
Oxnard, California 93035
Phone: (805) 382-9005 Fax: (805) 382-3015

2. Applicant's Agent: TranSystems Corporation
Mr. Gregory P. Mailho
505 14th Street, Suite 1000
Oakland, California 94612
Phone: (510) 835-2761 Fax: (510) 835-2761

3. Project Name: Channel Islands Launching Facility

4. Project Location: Channel Island Harbor, Ventura County

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 34.1729 | 119.2212 |
| 34.1729 | 119.2223 |
| 34.1731 | 119.2227 |
| 34.1729 | 119.2229 |
| 34.1729 | 119.2233 |
| 34.1729 | 119.2233 |
| 34.1722 | 119.2230 |
| 34.1719 | 119.2228 |

5. Type of Project: Launch Ramp Construction and Water Quality Improvements

6. Project Purpose: The purpose of the proposed project is to repair and reconstruct an ocean launch ramp facility, as well as re-construct the facility with water quality improvement features.

7. Project Description: The proposed project is being funded through the California Department of Boating and Waterways. The main objectives of the project are to reconstruct the launch facility and upgrade parking and restroom facilities. The launch ramp is approximately 30 years old and is in need of reconstruction and upgrades.

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The initial phase of the project entails the demolition and removal of the existing 125.5 feet wide by 100 feet long, 7-lane concrete boat launch ramp. An additional three (3) 8-foot by 110 feet long wood boarding floats and six (6) 14-inch diameter concrete guide piles will also be removed. The existing launch ramp area will be returned to as natural a condition as possible.

Adjacent, and to the south, of the removed ramp, a new launch ramp will be constructed. A new 122 feet wide by 122 feet long, v-groove concrete boat ramp with six (6) 15-foot wide lanes will be constructed to provide six (6) boat launching lanes. Approximately 200 cubic yards of riprap will be placed on the north and south sides of the ramp for additional stability and erosion control. This material will be re-used, as it will be coming from the removal of the old launch ramp. Also, three (3) 10 feet wide by 120 feet long steel-framed concrete or fiberglass boarding floats with 10 feet by 29 feet concrete abutments and two (2) 16-inch concrete guide piling securing each of the floats (total of six) will be constructed.

New launch ramp construction will require some re-contouring of the existing shoreline slope to provide an adequate support base at the ramp. This will involve placement of approximately 300 cubic yards of gravel to fill the void beneath the proposed launch ramp site where the existing slope drops off at a steeper angle.

The project will include elements which may provide water quality improvements. A new boat wash down area will be constructed and only clean water wash down will be allowed (no detergents). The parking lot will also be reconstructed with bioswale and islands to collect and treat runoff.

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| 8. Federal Agency/Permit: | U.S. Army Corps of Engineers Individual Permit (Permit No. 2010-00933-AJS) |
| 9. Other Required Regulatory Approvals: | California Coastal Commission Notice of Impending Development; NOID 1-10 |
| 10. California Environmental Quality Act Compliance: | The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302 Replacement or Reconstruction. |
| 11. Receiving Water: | Channel Island Harbor (Hydrologic Unit No. 403.11) |

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12. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, AQUA, EST, MAR, WILD
13. Impacted Waters of the United States: Ocean: 0.06 permanent 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:
- Silt Curtains or similar devices will be used, and debris booms installed around each construction location in the water to minimize the suspension of sediment in the water column, and floating debris from dispersing.
 - Methods to reduce the impact of noise on marine life will be implemented, such as, reducing the force of the hammer blows or use of a non-metallic buffer between the hammer and the piling.
 - Work will be performed during lowest possible tides.
 - Best Management Practices will be implemented to contain and minimize the spread of any construction-related turbidity plume resulting from the project, including, but not limited to sand bagging, runoff diversions, and silt curtains where applicable.
 - The discard of construction and trash debris into the intertidal zone or the near shore waters will be prohibited.
 - All construction-related equipment and fuel pier operation

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equipment will be maintained in good working order to minimize the potential for hazardous waste spills. Current hazardous material spill prevention and cleanup plans will be maintained 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 Applicant has not proposed any compensatory mitigation.

18. Required
Compensatory
Mitigation:

The proposed project is funded through a grant from the California Department of Boating and Waterways. A component of this project is to provide water quality improvements through the implementation of various Low Impact Development strategies within the harbor. Therefore, the Regional Board will not require any additional compensatory mitigation.

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. 10-134

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.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, 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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Conditions of Certification

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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. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. All project/ maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank

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stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.

14. 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.

15. 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 restore the area of the existing launch ramp. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
16. 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 including the restoration of the existing launch ramp area.

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- (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.
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 _____.

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- 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.