



Los Angeles Regional Water Quality Control Board

Mr. Glenn Davis
Seacliff Homeowners Association
5456 Rincon Beach Park Drive
Ventura, CA 93001-9721

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7012 3460 0001 6366 0076

WATER QUALITY CERTIFICATION FOR PROPOSED SEACLIFF BEACH COLONY PROJECT (Corps' Project No. 2006-01318-HW), PACIFIC OCEAN, CITY OF VENTURA, VENTURA COUNTY (FILE NO. 13-105)

Dear Mr. Davis:

Board staff has reviewed your request on behalf of Seacliff Homeowners Association (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on September 12, 2013.

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.

Please read this entire document carefully. 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.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

10-17-13
Date

DISTRIBUTION LIST

Kim Garvey or Russ Boudreau
3780 Kilroy Airport Way, Suite 600
Long Beach, CA 90806

Brian Trautwein (via electronic copy)
Environmental Defense Center
906 Garden Street
Santa Barbara, CA 93101

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

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

Bruce Henderson
U.S. Army Corps of Engineers
Regulatory Branch, Ventura Field Office
2151 Alessandro Drive, Suite 255
Ventura, CA 93001

Paul Amato
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Amber Tysor
California Coastal Commission
South Central Coast Area
89 South California St., Suite 200
Ventura, Ca 93001

Jason Weiner
Ventura Coastkeeper
Associate Director and Staff Attorney
3875-A Telegraph Rd #423
Ventura, CA 93003

ATTACHMENT A

**Project Information
File No. 13-105**

1. Applicant: Mr. Glenn Davis
Seacliff Homeowners Association
5456 Rincon Beach Park Drive
Ventura, CA 93001-9721

Phone: (805) 680-8022 Fax: (805) 967-9654
2. Applicant's Agent: Kim Garvey or Russ Boudreau
3780 Kilroy Airport Way, Suite 600
Long Beach, CA 90806

Phone: (562) 426-9551 Fax: (562) 424-7489
3. Project Name: Seacliff Beach Colony
4. Project Location: Ventura, Ventura County

<u>Latitude</u>	<u>Longitude</u>
34.34262	119.41873
34.33999	119.41635
34.33819	119.41418
34.33729	119.41200
34.34269	119.41656
34.34089	119.41418
34.33909	119.41200
34.33729	119.41091

5. Type of Project: Revetment repair
6. Project Purpose: The project will repair the existing revetment to its original design condition and footprint by: 1) restoring a durable 1.5:1 (horizontal:vertical) slope along the entire length of the revetment; 2) restoring the pre-existing crest elevation of +11 feet mean sea level (MSL) for the section of revetment along the western 40 lots; and 3) restoring the pre-existing crest elevation of +14 feet MSL for the section of revetment along the eastern 10 lots.
7. Project Description: The Seacliff Beach Colony consists of 49 existing residences

ATTACHMENT A

Project Information

File No. 13-105

and one vacant lot seaward of Pacific Coast Highway. The revetment is located on a separate lineal parcel known as "Parcel B" located immediately seaward of the western (upcoast) 40 residential lots and on an "unparceled" lot located seaward of the 10 downcoast (eastern) lots. The project area is characterized by a relatively narrow beach that is frequently entirely inundated to the toe of the rock revetment. Due to the narrowness of the beach and frequency of total inundation of the sandy beach, the project site is not expected to support any potential grunion spawning habitat.

Seacliff Homeowners Association will repair an existing 2,040 foot long rock revetment located seaward of 49 existing single family residences. The repair will involve the retrieval of dislodged rocks (approximately 190 stones) from the sandy beach, depositing the dislodged rocks on the revetment, and the addition of approximately 5,000 tons of new armor stone ranging from 3-5 tons in size/weight in order to restore the revetment to its original design height of +11 ft. above MSL along a 1,600 linear ft. section (western section) and its original +14 ft. in height above MSL along a 440 linear ft. section (eastern section). No rock will be placed seaward of the existing toe of the revetment. In addition, the project includes removal of 19 existing unpermitted private beach access stairways between the public trail and the sandy beach, improvement of two existing beach access stairways for public use, and the demolition and reconstruction of one additional beach access stairway for public use. The project also includes removal of unpermitted landscaping, rock, and debris within the public trail on Parcel B (owned by the Seacliff Homeowners Association) and an offer to exercise the applicant's best effort to remove an unpermitted privacy wall and landscaping (located on an adjacent parcel owned by Caltrans) which blocks access to the public trail on the subject site. Any waste concrete or other debris found seaward of the revetment will be disposed offsite outside the Coastal Zone.

To complete the construction of the revetment repairs, common tire and/or tractor-mounted earth moving equipment will be used from the seaward side of the revetment during low tide hours. Staging of construction equipment and material will be on a vacant lot (owned by the Seacliff Beach Colony Homeowners Association) at the east end of the project property, on the

ATTACHMENT A

Project Information

File No. 13-105

landward side of the shore protection and at the east terminus of Rincon Beach Park Drive (a private road). Construction access to the beach will be provided via a temporary ramp constructed of beach-quality sand, or small (up to 6-inch stone) over the far eastern end of the revetment, as done in the past. The ramp will be removed by spreading the beach-quality sand on the fronting beach and/or removing and trucking the small stone to an appropriate off-site disposal location.

The Project will restore a 1.5:1 (horizontal: vertical) slope along the entire length of revetment and restore the pre-existing crest elevation to +11 feet MSL for the section of revetment along the western 40 lots. This will be done using 3 to 5 ton armor stone. Total quantity to be placed is estimated to be nominally 3,800 tons, but could be up to 5,000 tons (~30% contingency). The nominal amount to be placed is ~11% of the total revetment design volume, while 5,000 tons constitutes ~14% of the total design volume. Existing armor stone that has been dislodged seaward will be salvaged and re-used as accessibility permits.

In addition, 22 existing concrete stairways have been constructed across the revetment without the required coastal development permits in order to provide for private access from several of the residences to the beach area. The stairways descend to the sandy beach from a trail which extends parallel to the beach along the landward edge (and along the top) of the entire length of the revetment (between the 49 existing residences and the revetment itself). A deed restriction has been previously recorded on the subject site acknowledging and protecting the public's right to use this trail and all portions of the sandy beach seaward of the toe of the existing revetment for public access by beachgoers, pursuant to Coastal Permit No. 4-82-595. The unpermitted stairs/walkways are of various widths, lengths, and shapes, and are constructed primarily of concrete. The proposed project includes demolishing 19 of these existing stairways. In addition, the project also specifically includes the repair and improvement of two of the remaining stairways and replacement/reconstruction of the third remaining stairway, with the specific provision that all three of the improved/repaired stairways will be made available for public access.

An existing storm drain is routed under and perpendicular to the

ATTACHMENT A

Project Information

File No. 13-105

revetment. A section (~10 feet long) of the storm drain is damaged. In conjunction with the revetment repair, the damaged storm drain will be repaired within its existing footprint.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 03 (Permit No. 2006-01318-HW)
9. Other Required Regulatory Approvals: California Coastal Commission
Coastal Development Permit 4-07-154

State Lands Commission PRC 9066
10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 Existing Facilities.
11. Receiving Water: Ventura Marina Pacific Ocean (Hydrologic Unit No. 403.11)
12. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, MAR, WILD, SHELL

*Conditional beneficial use
13. Impacted Waters of the United States: Ocean/Estuary/Bay: 0.00 temporary and 1.96 permanent acres (2,040 linear feet)
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:
- Construction equipment on the beach will be minimal. The stone will be transported to the temporary stockpile site on the seaward side of the revetment using a front end loader and an all-wheel-drive dump truck. The stone will be placed within the revetment using a backhoe.
 - Repairs will be conducted during the fall/winter months to

ATTACHMENT A

**Project Information
File No. 13-105**

minimize impact to the recreational beach area during the busier summer months.

- The staging area is landward of the revetment, at a vacant lot at the east end of the project property, i.e. not on the beach.
- No construction equipment will be stored on the beach.
- New rock shall be free of debris or any other foreign material.
- Contractor will haul any/all rubbish and debris to an approved disposal site.
- Contractor will conduct fueling and lubricating of equipment off site.

17. Proposed
Compensatory
Mitigation:

The Applicant has not proposed any additional compensatory mitigation.

18. Required
Compensatory
Mitigation:

The Regional Board will not assess any compensatory mitigation as this is a rock to rock repair and no new water areas or habitat areas will be filled, that is no loss of Waters of the United States.

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. 13-105

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 Coastal Commission's Coastal Development Permit. **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 Coastal Development Permit, 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.

ATTACHMENT B

Conditions of Certification File No. 13-105

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 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 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.
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.

ATTACHMENT B

Conditions of Certification

File No. 13-105

14. If rain is predicted after operations have begun, activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
15. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
16. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge (ROWD)** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.

Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

17. 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 stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
18. 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 areas to pre-project contours and revegetation with native species, if appropriate. Restored areas shall be monitored and maintained with native species as necessary for five years.
19. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts. At a minimum the Annual Reports shall include the following documentation:

ATTACHMENT B

**Conditions of Certification
File No. 13-105**

- (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;
 - (d) Copies of any revised permits;
 - (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.
20. 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.
21. 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)

ATTACHMENT B

Conditions of Certification

File No. 13-105

_____ (Title)"

22. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **13-105**. Submittals shall be sent to the attention of the 401 Certification Unit.
23. 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.
24. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Ventura County and co-permittees under NPDES No. CAS004002 and Waste Discharge Requirements Order No. R4-2010-0108. This includes the Stormwater Quality Urban Impact Mitigation Plan (SQUIMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2009-009-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.
25. 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.
26. 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.
27. *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,

ATTACHMENT B

Conditions of Certification File No. 13-105

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.
28. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application at least 90 days prior to termination of this Certification if renewal is requested.

