



Los Angeles Regional Water Quality Control Board

Ms. Andrea Ware
5515 East Sorrento Drive
Long Beach, CA 90803

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7014 2870 0001 4613 6189

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED WARE RESIDENCE PROJECT (Corps' Project No. SPL-2015-00103), ALAMITOS BAY, CITY OF LONG BEACH, LOS ANGELES COUNTY (File No. 15-118)

Dear Ms. Ware:

Board staff has reviewed your request on behalf of Andrea Ware (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on June 8, 2016.

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

July 21, 2016
Date

DISTRIBUTION LIST

Jacquelyn Chung
Swift Slip Dock and Pier
642 Baker Street
Costa Mesa, CA 92626

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

Pamela Kostka
U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles District
915 Wilshire Blvd., Suite 1101
Los Angeles, CA 90017

Melissa Scianni
Elizabeth Goldmann
(via electronic copy)
U.S. Environmental Protection Agency, Region 9
WRT-2-4
75 Hawthorne Street
San Francisco, CA 94105

G. Mendel Stewart
Johnathan Snyder
U.S. Fish and Wildlife Service 2177 Salk Avenue
Carlsbad CA 92008

Zach Rehm
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802

ATTACHMENT A

Project Information
File No. 15-118

1. Applicant: Ms. Andrea Ware
5515 East Sorrento Drive
Long Beach, CA 90803

Phone: (949) 631-3121
2. Applicant's Agent: Jacquelyn Chung
Swift Slip Dock and Pier
642 Baker Street
Costa Mesa, CA 92626

Phone: (949) 631-3121 Fax: (714) 509-0618
3. Project Name: Ware Residence
4. Project Location: Long Beach, Los Angeles County
- | <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 33.453477 | 118.073343 |
| 33.453481 | 118.073368 |
| 33.453491 | 118.073316 |
| 33.453384 | 118.073300 |
5. Type of Project: Installation of new approach and pier
6. Project Purpose: The proposed project (Project) will remove and replace an existing floating dock system and allow the homeowner to berth their new wider beamed vessel at this location.
7. Project Description: The Project will remove and replace the approach, floating dock, pier, and pile of a U-shaped floating dock, and replace it with a new I-shaped floating dock. The existing floating dock system measures 609 total square feet, and the proposed floating dock system measures 580 total square feet, a decrease of 29 square feet of overwater coverage.

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One 14-inch diameter marina guide pile and one 14-inch diameter square T pile will be removed and replaced, and one 14-inch diameter marina guide pile will be relocated.

The piles will be removed and installed without using any jetting; the pull and drive will be performed by the power of a crane or percussion hammer. A silt and turbidity curtain will be used for all pile removal and installation. The floating dock and gangway will be manufactured at a facility in Costa Mesa and towed to a public launch ramp near the project site. The components will be floated to the site where they will be connected using pre-drilled holes.

Prior to beginning the removal of the existing floating dock system a boom will be installed around the project site. As a precaution a catch bucket will be employed to catch the nuts and bolts that fall incidentally and are not caught by the workers. The floating dock system will be disassembled and floated out to a public launch ramp. All materials will be recycled or taken to a legal point of disposal.

- | | |
|--|---|
| 8. Federal Agency/Permit: | U.S. Army Corps of Engineers
NWP Letter of Permission (No. SPL-2015-00103) |
| 9. Other Required
Regulatory Approvals: | California Coastal Commission
Coastal Development Permit (5-15-0170) |
| 10. California
Environmental Quality
Act Compliance: | The proposed project is Categorically Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301, Existing Facilities. |
| 11. Receiving Water: | Alamitos Bay (Hydrologic Unit Code: 180701060702) |
| 12. Designated Beneficial
Uses: | COMM, MAR, WILD, RARE, SHELL, REC-1, REC-2 |
| 13. Impacted Waters of the
United States: | Ocean/Estuary/Bay: 0.01 temporary acres (56 linear feet) |

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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, but not limited to, the following (including those mandated by the California Coastal Commission):
- During pile replacement a silt and turbidity curtain will be utilized.
 - A boom will be utilized as a precaution towards minimizing any impacts
 - Prior to construction crew members will be familiar with the pre-construction survey and prevents impacts during installation.
 - The premises will be maintained free of unnecessary accumulation of tools, equipment, surplus material and debris
 - At the end of the workday the work site will be free from debris and all waste.
 - Temporary enclosures will be used to reduce airborne debris from escaping.
 - No construction materials, equipment, debris, or waste is placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
 - A site plan will be provided containing the areas of outdoor activities.
 - An original biological survey was performed on 15 July 2015; a pre-construction survey was performed on 29 October 2015; these surveys will be provided to all crew members working at

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the project site as a reference.

- Each day prior to construction beginning a survey of any marine life, mammals, reptiles, and birds will be completed. If any are present, construction will not begin until confirmation will be made that none is in harm's way or affected by the construction.
- Machinery or construction materials not essential for project improvements will be prohibited at all times in the subtidal or intertidal zones.
- Contractor will perform a review of spill prevention measures.
- Prior to usage of any heavy equipment crew members will be provided and review the biological surveys.
- In addition, crew members will perform daily environmental surveys prior to equipment operation.
- A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October).
- The pre-construction survey shall be completed within 60 days before the start of construction. The survey shall be prepared in full compliance with the "California Eelgrass Mitigation Policy" dated October 2014 adopted by the National Marine Fisheries Service and will be prepared in consultation with the California Department of Fish and Wildlife. The applicant shall submit the eelgrass survey within five to fifteen business days of completion of each eelgrass survey prior to commencement of any development.
- If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to the permit from the California Coastal Commission or a new coastal development permit.
- The Applicant will submit the post-construction eelgrass survey to the California Coastal Commission within thirty days after completion of the survey.

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- If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.38:1 ratio on-site, or at another location, in accordance with the California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.38:1 (mitigation: impact). Any exceptions to the required 1.38:1 mitigation ratio found within the California Eelgrass Mitigation Policy shall not apply.
- Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
- Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- At the end of the construction period, the Applicant shall inspect the project area and ensure that no debris, trash or construction material has been left on the shore or in the water, and that the project has not created any hazard to navigation.
- The Applicant shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

17. Proposed
Compensatory
Mitigation:

Replacing eelgrass at a minimum 1.38:1 ratio on-site, or at another location, in accordance with the California Eelgrass Mitigation Policy.

18. Required
Compensatory
Mitigation:

If any eelgrass is impacted by the project, the applicant shall replace the impacted eelgrass at a minimum 1.38:1 ratio on-site, or at another location, in accordance with the California Eelgrass Mitigation Policy. 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. 15-118

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 or Letter of Permission and the California Coastal Commission (CCC) Coastal Development Permit as required. **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 CCC's Coastal Development Permit, or the ACOE Section 404 Permit or Letter of Permission.
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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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 not approved by the CCC 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 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.

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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 impacts from the site.
15. All project and construction activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting.
16. 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 for each phase. 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 2012 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.

17. 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.
18. The Applicant shall submit to this Regional Board a **Final Monitoring Report** by **January 1st** of the year following project completion. The report 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:

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- (a) Color photo documentation of the pre- and post-project and mitigation 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;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results for each reach (as required) compiled in a spreadsheet 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 Applicant or his/her representative that all conditions of this Certification have been met.
19. 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.
20. 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.

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Conditions of Certification
File No. 15-118

Executed on the _____ day of _____ at _____.

(Signature)
(Title)"

21. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **15-118**. Submittals shall be sent to the attention of the 401 Certification Unit.
22. 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.
23. 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.
24. 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.
25. *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

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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.
26. 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.

