



**California Regional Water Quality Control Board**  
**Los Angeles Region**



Matthew Rodriguez  
 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>

Edmund G. Brown, Jr.  
 Governor

Mr. Paul Wong  
 County of Los Angeles, Department of Beaches and Harbors  
 13837 Fiji Way  
 Marina Del Rey, CA 90292

**WATER QUALITY CERTIFICATION FOR PROPOSED BAY CLUB MARINA  
 RECONSTRUCTION PROJECT (Corps' Project No. 2011-00358-SP), MARINA DEL  
 REY HARBOR, CITY OF MARINA DEL REY, LOS ANGELES COUNTY  
 (File No. 11-071)**

Dear Mr. Wong:

Board staff has reviewed your request on behalf of the City of Long Beach, Department of Public Works (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on September 16, 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

10-20-11  
 Date

## DISTRIBUTION LIST

Fred Massabki, URS (via electronic copy)  
5772 Bolsa Avenue, Suite 100  
Huntington Beach, CA 92649

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

Shannon Pankratz (via electronic copy)  
U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
P.O. Box 532711  
Los Angeles, CA 90053-2325

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

Jim Bartel  
U.S. Fish and Wildlife Service  
6010 Hidden Valley Road  
Carlsbad, CA 92009

ATTACHMENT A

Project Information  
File No. 11-071

1. Applicant: Mr. Paul Wong  
County of Los Angeles, Department of Beaches and Harbors  
13837 Fiji Way  
Marina Del Rey, CA 90292

Phone: (310) 305-9512 Fax: (310) 821-6345

2. Applicant's Agent: Fred Massabki, URS  
5772 Bolsa Avenue, Suite 100  
Huntington Beach, CA 92649  
Phone: (714) 895-2072 Fax: (714) 895-1291

3. Project Name: Bay Club Marina Reconstruction

4. Project Location: Marina Del Rey Harbor, Los Angeles County

	<u>Latitude</u>	<u>Longitude</u>
	33.974911	118.451843
	33.974866	118.456913
	33.974293	118.456505
	33.974301	118.451816

5. Type of Project: Marina reconstruction

6. Project Purpose: The Marina was originally constructed in 1969 and is at the end of its useful life. The Applicants propose to replace the existing, deteriorated 230-slip (plus 11 end ties), 52,600 square foot floating dock with a 207-slip (plus 11 end ties), 53,922 square foot floating dock to accommodate slips ranging from 22 to 60 feet in length. The reconstruction is a redesign of the Marina to comply with the Marina del Rey Design Guidelines, California Department of Boating and Waterway Layout and Design Guidelines for Marina Berthing Facilities, and the Americans with Disabilities Act access requirements. Accommodation for sewage pumpout of vessel holding tanks has been incorporated into the project along with upgraded fire fighting, water, electrical, television, telephone, and lighting systems.

7. Project Description: The Applicants propose to replace the existing, deteriorated 230-slip (plus 11 end ties), 52,600 square foot floating dock with a 207-slip (plus 11 end ties), 53,922 square foot floating dock to accommodate ships ranging from 22 to 60 feet in length. The reconstruction is a redesign of the Marina to comply with the Marina del Rey Design

## ATTACHMENT A

### Project Information

File No. 11-071

Guidelines, California Department of Boating and Waterway Layout and Design Guidelines for Marina Berthing Facilities, and the Americans with Disabilities Act access requirements. Accommodation for sewage pumpout of vessel holding tanks has been incorporated into the project along with upgraded fire-fighting, water, electrical, television, telephone, and lighting systems. The Project will involve the removal of 117 dock pilings and the installation of approximately 126 concrete pilings to support the new dock system.

Overall Project construction is anticipated to take approximately two years from start to completion. The Marina reconstruction is anticipated to occur in three phases, with each phase taking approximately six months and consisting of the removal and reconstruction of approximately one-third of the Marina. It is anticipated that the existing dock system will be disassembled in the water. The disassembled dock will be floated to either Marina del Rey Parcel 49 (the "Launch Ramp") or Marina del Rey Parcel 54 (the "Boat Yard") where the disassembled dock materials will be hauled out of the water, temporarily staged and dried, and loaded onto trucks for transport to the designated disposal site out of the Coastal Zone.

Guide pile removal and installation will include use of a pile driving barge, which will carry the pile driving equipment and act as a staging area for pile driving. The project shall use the least damaging alternative for the construction of pilings and any other activity that will disturb benthic sediments and shall limit, to the extent practicable, the benthic sediments in the water column. In each of the three phases, once the dock system is assembled and piles driven, accommodation for sewage pumpout of vessel holding tanks will be installed, along with upgraded fire fighting, water, electrical, television, telephone, and lighting systems, and other utilities. Overall Project construction is anticipated to begin in mid-2012 and take approximately two years from start to completion.

The installation of the new sewage pumpout system will be an overall improvement for the marina. Boats will be able to pumpout to the dock, which will further reduce potential for water quality degradation.

8. Federal Agency/Permit: U.S. Army Corps of Engineers  
Permit No. 2011-00358-SP
9. Other Required Regulatory Approvals: Coastal Development Permit- California Coastal Commission  
Approval-in-Concept- County of Los Angeles Regional Planning Department

ATTACHMENT A

Project Information  
File No. 11-071

- Option to Amend Lease Agreement- County of Los Angeles Board of Supervisors  
Approval-in-Concept- Los Angeles County Department of Beaches and Harbors Design Control Board
10. California Environmental Quality Act Compliance: The County of Los Angeles prepared a Mitigated Negative Declaration for the proposed project, which was filed on December 8, 2009.
11. Receiving Water: Marina Del Rey Harbor, Pacific Ocean (Hydrologic Unit No. 405.13)
12. Designated Beneficial Uses: NAV, REC-1, REC-2, COMM, EST, WILD RARE, MIGR, SPWN, WET
13. Impacted Waters of the United States: Ocean: 1.24 permanent acres
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: None
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.
  - 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.
  - The discard of construction and trash debris into the intertidal zone or the near shore waters will be prohibited.

## ATTACHMENT A

### Project Information File No. 11-071

- All construction-related equipment and fuel pier operation 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.
- A post-construction survey will be conducted within 30 days of the completion of construction activities to determine the actual area of eelgrass affected for mitigation purposes. The Project Proponent will mitigate the loss of eelgrass in accordance with the Southern California Eelgrass Mitigation Policy (SCEMP Revision 11). As per the SCEMP, the loss of eelgrass habitat must be mitigated at a minimum 1.2:1 ratio.
- If barges and work vessels are used during construction, measures shall be taken to ensure that eelgrass beds are not impacted through anchoring, grounding, propeller damage, or other activities that may disturb the sea floor.

17. Proposed  
Compensatory  
Mitigation:

The Applicant has not proposed any additional compensatory mitigation. The reconstruction of the marina and installation of a new sewage pumpout system will likely improve water quality in the marina and improve beneficial uses.

18. Required  
Compensatory  
Mitigation:

The Applicant shall mitigate for any impacts to eelgrass within the project area, at a ratio of 1.2:1 in accordance with The Southern California Eelgrass Mitigation Policy (SCEMP Revision 11). Otherwise, the Regional Board will not require any additional compensatory mitigation, due to the water quality improvement features of the proposed project.

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. 11-071

#### 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. **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, 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.
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

## ATTACHMENT B

### Conditions of Certification

File No. 11-071

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. Please contact the Land Disposal Unit, at (213) 620-6119 for further information.
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.
13. The Applicant shall utilize the services of a qualified biologist during construction activities. The biologist shall be available during construction activities to ensure that all protected areas are marked and that any impacts to eelgrass areas are documented. 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.

## ATTACHMENT B

### Conditions of Certification

File No. 11-071

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 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 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.

In addition, in order to demonstrate any water quality improvements associated with the installation of the dock pumpout system, water quality monitoring shall be conducted for bacterial indicators before and after each phase of the project. For each phase area, bacterial indicators shall be measured on an approximately **weekly basis** such that at least **12** samples are collected prior to construction activities and at least **12** after the phase is complete. The bacterial indications shall include fecal coliform (or *E. coli*), total coliform and enterococcus.

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 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 an **Annual Monitoring Report** (Annual Reports) by **January 1<sup>st</sup>** of each year through the completion of the project. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration efforts. In addition, the report shall include all information regarding impacts to eelgrass and mitigation in accordance with SCEMP. At a minimum the Annual Reports shall include the following documentation:

ATTACHMENT B

Conditions of Certification  
File No. 11-071

- (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 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 \_\_\_\_\_

## ATTACHMENT B

### Conditions of Certification File No. 11-071

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

19. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **11-071**. Submittals shall be sent to the attention of the 401 Certification Unit.
20. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
21. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) 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.
22. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
23. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
24. *Enforcement:*
  - (a) - In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies,

## ATTACHMENT B

### Conditions of Certification File No. 11-071

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.