

EDWARD G. BROVIN Jr.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY OF WATER RESOURCES
PROTECTOR

Los Angeles Regional Water Quality Control Board

Mr. Paul Wong
County of Los Angeles
13837 Fiji Way
Marina del Rey, CA 90292

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7010 3090 0002 1021 9520

WATER QUALITY CERTIFICATION FOR PROPOSED REPLACEMENT OF CHACE PARK DOCKS AND ANCHORAGE 47 PROJECT (Corps' Project Non-notify), MARINA DEL REY HARBOR, MARINA DEL REY, LOS ANGELES COUNTY (File No. 11-202)

Dear Mr. Wong:

Board staff has reviewed your request on behalf of County of Los Angeles (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on July 2, 2012.

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.

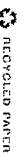
Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

July 17, 2012
Date

MARIA MEBRANIAN, CHAIR | SAM UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles



RECYCLED PAPER

DISTRIBUTION LIST

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

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

Paul Amato (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. 11-202

1. Applicant:
Mr. Paul Wong
County of Los Angeles
13837 Fiji Way
Marina del Rey, CA 90292
Phone: (310) 305-9533 Fax: (310) 821-7856
2. Project Name:
Replacement of Chace Park Docks and Anchorage 47 Project
3. Project Location:
Marina del Rey, Los Angeles County
Latitude Longitude
33.977617 118.446
4. Type of Project:
Dock replacement
5. Project Purpose:
The purpose of the project is to remove deteriorated docks and to reconstruct a public marina to meet California Department of Boating and Waterways guidelines and Americans with Disability Act requirements.
6. Project Description:
The Applicant proposes to reconstruct a public marina, which includes: Parcels 47, 48, 49R, 77, and EE surrounding Chace Park. The total size of the proposed project will be within an area of 7 acres. In addition, the Applicant proposes to remove a system of old docks consisting of 330 for-rent boat slips, 33 transient boat slips, a side tie dock and the associated apparatus including the guide piles, and all parts of the docks, such as the dock floats, walkways, dock boxes, and utility lines. Disposal of removed materials will be off site. The new dock will comply with the California Department of Boating and Waterways guidelines and the American with Disability Act requirements. The replacement docks will have 77 less for-rent boat slips and 11 additional transient slips for a net reduction of 66 slips. The new dock components, including the new guide piles, will be fabricated in a land-based manufacturing facility and transported to the Marina. The new guide piles will be installed and the dock components will be floated to the site for installation.

FLOATING DOCK STRUCTURES

The existing 6 docks will be replaced with 6 new docks. There is approximately 77,748 square feet of existing dock and the proposed

ATTACHMENT A

Project Information File No. 11-202

project has 77,245 square feet of new floating dock structures, with a net decrease of approximately 503 square feet within Parcels 44, 47, EE, 48, 77 and 49R.

The current Parcel 77 occupies 7,585 square feet and the proposed replacement will cover 19,400 square feet. This results in a net increase of 11,815 square feet that is needed in order to convert the existing 14-slip motorboat anchorage to a solid dock storage.

The existing Parcel 49R currently occupies 4,860 square feet of existing floats and the proposed change has 6,360 that will show an increase of 1,500 square feet. The increase is the result of adding one 10-foot by 150-foot boarding float to the existing launch ramp. The Applicant does not currently have the funding to execute this segment of the proposed project; however, the Applicant listed this component at the present time for the purpose of master planning for the future.

CONCRETE GUIDE PILES

The existing marina has approximately 226.84 square feet of concrete guide piles installed. The new marina will have 188.01 square feet of concrete guide piles. There will be a net decrease of 39 square feet of concrete guide piles.

The installation of the new docks will be divided into a minimum of three phases in order to minimize impacts to boaters and the environment. During each phase, all old dock components including the floats and piling will be removed. Then, new piles will be hammered in. Once all the piles for each particular phase are in place the prefabricated floating dock components will be floated in, attached to the pilings and assembled to create new docks. The first phase is projected to take place from the beginning of September until the end of November in 2013. The second phase will be from the beginning of December until the third of March in 2014. The final phase will occur from the beginning of September until the end of November in 2014.

7. Federal Agency/Permit:
U.S. Army Corps of Engineers
NWP Non-notify
8. Other Required
Regulatory Approvals:
California Coastal Commission and National Marine Fisheries
Caulerpa and Eelgrass surveys

ATTACHMENT A

Project Information File No. 11-202

9. California Environmental Quality Act Compliance: The proposed project is Categorically Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302 Replacement or Reconstruction.
10. Receiving Water: Marina del Rey Harbor (Hydrologic Unit No. 405.13)
11. Designated Beneficial Uses: NAV, REC-1, REC-2, COMM, MAR, WILD, SHELL
12. Impacted Waters of the United States: Ocean/Bay: 2.36 permanent acres
13. Dredge Volume: None
14. 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.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Silt curtains will be utilized to control turbidity during removal and placement of pipes.
 - Floating booms shall be maintained around the project site in order to capture floating debris during all demolition and construction phases.
 - Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.
 - Machinery or construction materials not essential for project improvements are prohibited in the sub-tidal or intertidal zones at all times.
 - Prior to demolition, mollusks (clams, snails, etc.), echinoderms (sea stars, urchins, sea cucumbers), arthropods (crabs, etc.), and other native marine animals found on the piles and docks to be removed from the project site shall be relocated to another part of the marina.

ATTACHMENT A

Project Information File No. 11-202

- Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material
- Netting, sandbags, tarps, and/or other forms of barriers shall be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering the marina.
- The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the waters of Marina del Rey or the sea. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover. Staging and storage of construction machinery and storage of debris shall not take place on any beach.
- Erosion control/sedimentation BMPs shall be used to control sedimentation impacts to coastal waters during project staging and demolition. BMPs shall include a pre-construction meeting to review procedural BMP guidelines.
- Spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible. Disposal within the coastal zone will require a coastal development permit.
- Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately.
- Equipment and machinery shall be serviced, maintained, and washed only in confined areas specifically designed to control runoff and prevent discharges into the marina or the sea.
- Thinners, oils, or solvents shall not be discharged into sanitary or storm sewer system.
- Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all storm drains, open ditches, and surface waters.

ATTACHMENT A

Project Information File No. 11-202

- All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.
- Divers shall recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- The permittee shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location in a timely manner. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to a coastal permit shall be required before disposal can take place.
- At the end of the construction period, the permittee 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.
- Material used for construction of piers, pilings, docks, dolphins, or slips SHALL NOT include timber preserved with creosote (or similar petroleum-derived products). The piling to be used shall be prestressed reinforced concrete piles and shall not contain Ammoniacal Copper Arsenate (ACA), Ammoniacal Zinc Arsenate (ACZA), or Chromated Copper Arsenate (CCA).

16. Proposed Compensatory Mitigation: The Applicant has not proposed any additional mitigation, as the project impacts are to replace existing dock structures.

17. Required Compensatory Mitigation: The Regional Board will require the Applicant to provide compensatory mitigation for any impacts to surfgrass or rocky habitat at a ratio of 1:1 and eelgrass in compliance with the National Marine Fisheries Services' Southern 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. 11-202

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 California Coastal Commission or National Marine Fisheries requirements, 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. 15, 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. 11-202

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 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 the Regional Board for further information regarding the disposal of solid wastes.
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. All project/construction activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting.

ATTACHMENT B

Conditions of Certification

File No. 11-202

14. The Applicant shall implement a post-construction survey for surfgrass, eelgrass, *Caulerpa taxifolia*, and rocky habitat. Surfgrass or rocky habitat lost due to project impacts will be mitigated at a ratio of 1:1 and eelgrass in compliance with the National Marine Fisheries Services' Southern California Eelgrass Mitigation Policy. Surveys shall be performed for *Caulerpa taxifolia* within the project area shall be in accordance with the Caulerpa Control Protocol.
15. 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.

16. The Applicant shall restore **all 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.

17. The Applicant shall submit to this Regional Board Annual Monitoring Reports (Annual Reports) by January 1st of each year for a minimum period of five (5) years following this issuance of 401 Certification has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year

ATTACHMENT B

Conditions of Certification

File No. 11-202

and all restoration efforts; including percent survival by plant species. At a minimum the Annual Reports shall include the following documentation:

- (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 whether or not work has begun on the Project;
 - (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 (photo documentation for BMPs) such as turbidity curtains and exotic plant control efforts, such as eelgrass and Caulerpa; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
18. Prior to any subsequent maintenance activities within the subject drainages/basin, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the drainage's/basin's existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (d) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (e) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
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.

ATTACHMENT B

Conditions of Certification
File No. 11-202

(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.

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 11-202. 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. 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.

24. 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.

ATTACHMENT B

Conditions of Certification File No. 11-202

25. 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.

26. *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 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.

27. 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.