



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Greg Schem
Harbor Real Estate Group
13555 Fiji Way
Marina del Rey, CA 90292

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7012 3460 0001 6366 0441

WATER QUALITY CERTIFICATION FOR PROPOSED BOATYARD MARINA AND TRAVEL LIFT PIERS REPLACEMENT PROJECT, MARINA DEL REY HARBOR, CITY OF MARINA DEL REY, LOS ANGELES (File No. 13-076)

Dear Mr. Schem:

Board staff has reviewed your request on behalf of LA County Dept. of Beaches and Harbors (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on October 29, 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 Valerie Carrillo Zara, P.G., Lead, Section 401 Program, at (213) 576-6759.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

12-20-13
Date

DISTRIBUTION LIST

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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
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ATTACHMENT A

**Project Information
File No. 13-076**

1. Applicant: Mr. Greg Schem
Harbor Real Estate Group
13555 Fiji Way
Marina del Rey, CA 90292

Phone: (310) 823-8964

Mr. Paul Wong or Michael Trip
Los Angeles County Dept. of Beaches and Harbors
13837 Fiji Way
Marina del Rey, CA 90292

Phone: (310) 305-9533 Phone: (310) 305-9537
2. Project Name: Boatyard Marina And Travel Lift Pier Replacement
3. Project Location: Marina Del Rey, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
33°58'32.08"	118°26'28.80"
33°58'33.00"	118°26'39.47"
33°58'33.78"	118°26'40.04"
33°58'35.38"	118°26'36.70"
33°58'36.91"	118°26'33.54"
33°58'36.11"	118°26'32.98"
33°58'35.23"	118°26'32.38"
33°58'33.72"	118°26'35.46"

4. Type of Project: Dock and Pier Replacement
5. Project Purpose: To replace an existing five-dock marina and travel lift piers located in Basin H of Marina del Rey.
6. Project Description: The existing marina was constructed in the 1970's. New travel lift piers are needed in order to accommodate longer and wider vessels that cannot be lifted from the piers in their current configuration. The site currently supports 103 slips of varying lengths (between 20 and 40 feet located along five wooden docks. The proposed project will result in 101 slips (between 20-feet and 40-feet) located on five docks, along with the relocation of the lift piers to the eastern boundary of the site. The total length of docks will decrease from

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3,160 to 3,075 linear feet. Piles supporting the docks will be removed and new piles would be either jettied or driven in place. The work will result in a dock area reduction from 28,110 ft² to 25,343 ft².

Marine structure demolition and replacement, including pulling and replacing piles while reconstructing the marina facility will result in a net reduction in bay surface coverage of 2,767 ft². No eelgrass exists within the project area and the project will not result in impacts to rip rap or bulkhead communities, but the fouling invertebrate communities, marine communities and avian species may be temporarily impacted during project construction. These impacts are not considered to be significant. Temporary impacts to water quality could occur during dock and pile removal and installation of new piles. These impacts are also considered to be less than significant given the localized area and short-term duration of the work combined with the lack of sensitive marine communities within the area.

7. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 28
8. Other Required Regulatory Approvals: California Coastal Commissions
Coastal Development Permit
9. California Environmental Quality Act Compliance: Los Angeles Regional Planning prepared a Master Waterside CDP Negative Declaration for the proposed project which was approved on June 9, 2011.
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: 3.00 permanent acres (in-kind replacement)
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.

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15. Avoidance/ Minimization Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to inundation or dispersion in the waters of the marina
- Any and all debris resulting from construction activities shall be removed from the site within 10 days of completion of construction
- No machinery or construction materials not essential for project improvements shall be allowed at any time in the intertidal zone
- If turbid conditions are generated during construction, a silt curtain shall be utilized to control turbidity
- Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day
- Non-buoyant debris discharged into coastal waters shall be recovered by divers as soon as possible after loss
- Have spill kits and cleanup materials available at all locations of pile driving. Equipment used shall be leak-free
- Protect hammers and other hydraulic attachments from run-on and run-off by placing them on plywood and covering them w/ plastic or a comparable material prior to the onset of rain.
- Inspect BMPs subject to non-stormwater discharges daily while non-stormwater discharges occur.
- Use drip pans and absorbent materials for equipment and vehicles and ensure that an adequate supply of spill cleanup materials is available. Drip pans should be placed under all vehicles and equipment placed on docks, barges, or other structures over water bodies when the vehicle or equipment is expected to be idle for more than one hour
- Provide watertight curbs or toe boards to contain spills and prevent

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- Watertight curbs or toe boards will be provided to contain spills and prevent materials, tools and debris from leaving the barge, platform and dock
- All materials will be secured to prevent discharges to receiving waters via wind
- Sandbag barriers will be placed around the construction area (staging area) to control sediment and prevent run-off
- Employees and subcontractors will implement the appropriate measures for storage and use of materials and equipment
- All trenches will be backfilled as soon as possible
- Excavated soil will be covered with tarps if rain is expected
- All drainage inlets will be covered with fiber rolls
- For boat cleaning: The marina shall ensure that marina tenants, when washing boats, utilize detergents and cleaning components that are phosphate free and bio-degradable. Amounts used shall be minimized; and the marina shall prohibit the use of detergents containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye
- Implementation of a solid waste reduction and recycling program: Trash receptacles shall be provided at the entrances to all docks; Containers for recyclables shall be provided and sited so that they are convenient for boaters (i.e. close to the dock); All trash and separate containers for recyclables, oil wastes, fish wastes, etc. shall be clearly marked, have the capacity to handle all waste streams, and be sited so that they are convenient for boaters (i.e. close to the dock). All solid waste, including sewage, shall be properly disposed of only at appropriately designated facilities.
- Implementation of a liquid material control program: The marina shall provide a secure location to store hazardous wastes, including petroleum products, old gasoline or gasoline with water, absorbent materials, and oily rags; Containers for anti-freeze, lead acid batteries, used oil and used oil filters which will be collected separately for recycling shall be provided by the marina; Signage shall be placed on all regular trash containers to indicate that hazardous wastes may not be disposed of in the container. The

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containers shall notify boaters as to how to dispose of hazardous wastes and where to recycle certain recyclable wastes; and the marina shall maintain an adequate supply of absorbent pads for use by marina tenants and lessees for the cleaning of minor spills

- Petroleum Control Management Measures: The marina shall provide a service that reduces oily discharges from in-board engines, either a bilge pump-out facility (with an oil water separation device) or the marina shall promote the use of oil absorbing materials in the bilge areas or engine compartments of all boats with inboard engines. When distributing oil absorbents to boaters, the marina shall provide adequate safety warnings as to the safe use and handling of flammable materials and methods to prevent fouling the bilge pump. Oil absorbent materials should be examined at least once a year and replaced as necessary. The marina shall recycle the materials, if possible, or dispose of them in accordance with hazardous waste disposal regulations. The marina environmental policies shall encourage boaters to regularly inspect and maintain engines, lines and hoses in order to prevent oil and fuel spills. These policies shall encourage boaters to use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas. The use of soaps that can be discharged by bilge pumps shall be discouraged
- 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.

16. Proposed
Compensatory
Mitigation:

The Applicant has not proposed any additional compensatory mitigation.

17. Required
Compensatory
Mitigation:

The Regional Board will not require any additional compensatory mitigation, as this is will be an in-kind replacement with a decrease in the structural footprint.

See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

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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, the California Coastal Commission 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. 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.

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6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. 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 2005 Ocean Plan. The 2005 Ocean Plan sets forth limits or levels of water quality characteristics for ocean waters to ensure the reasonable protection of beneficial uses and the prevention of nuisance. 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.

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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.
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 at a minimum of two locations. Monitoring for the following shall be included:
 - pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids (TSS)
 - visual assessment for floating particulates (oil and grease shall not be visible)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to project commencement (baseline sampling) and then monitored on a daily basis during the first week of construction, and then on a weekly basis, thereafter, until the work is complete. Monitoring shall ensure compliance with all water quality objectives specified in the 2005 Ocean Plan.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Construction activities shall not result in the degradation of beneficial uses or non-compliance of any water quality objectives. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

15. The Applicant shall restore **all areas** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State.
16. The Applicant shall comply with the National Marine Fisheries Service's Caulerpa Control Protocol and Southern California Eelgrass Mitigation Policy.
17. The Applicant shall submit to this Regional Board a **Final Monitoring Report** (Final Report) by **January 1st** of the year following project completion. The Final Report shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts. The Final Report shall describe the status of other agreements (e.g., mitigation banking) or any delays in the mitigation process. At a minimum

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the Final Report shall include the following documentation and answered appropriately whether or not mitigation has been performed:

- (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 for each reach (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
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
18. 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.
19. 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

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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)

20. All communications regarding this project and submitted to this Regional Board shall identify the Project **File Number 13-076**. Submittals shall be sent to the attention of the 401 Certification Unit.
21. 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.
22. 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. R4-2012-0175. 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.
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

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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 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.

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