
Los Angeles Regional Water Quality Control Board

Mr. Brian York
Ventura Yacht Club
1755 Spinnaker Dr.
Ventura, CA 93001

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7012 3460 0001 6366 0410

WATER QUALITY CERTIFICATION FOR PROPOSED VENTURA YACHT CLUB D DOCK PROJECT (Corps' Project No. SPL-2013-549-AJS), VENTURA HARBOR, PACIFIC OCEAN, CITY OF VENTURA, VENTURA COUNTY (File No. 13-098)


Dear Mr. York:

Board staff has reviewed your request on behalf of Ventura Yacht Club (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.

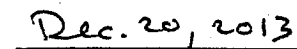
I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), 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, P.E.
Executive Officer



Date

DISTRIBUTION LIST

Jeff Beller (via electronic copy)
Marina Manager
1755 Spinnaker Dr.
Ventura, CA 93001

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

Antal Szijj (via electronic copy)
U.S. Army Corps of Engineers
Regulatory Branch, Ventura Field Office
2151 Alessandro Drive, Suite 255
Ventura, CA 93001

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

Diane Noda (via electronic copy)
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

Jaqueline Blaugrund (via electronic copy)
California Coastal Commission
South Central Coast Area
89 South California St., Suite 200
Ventura, Ca 93001

ATTACHMENT A

Project Information
File No. 13-098

1. Applicant: Brian York
Ventura Yacht Club
1755 Spinnaker Dr.
Ventura, CA 93001

Phone: (805) 642-0426 Fax: (805) 642-0494

2. Applicant's Agent: Jeff Beller
Marina Manager
1755 Spinnaker Dr.
Ventura, CA 93001

Phone: (805) 650-9676 Fax: (805) 642-0494

3. Project Name: Ventura Yacht Club D Dock

4. Project Location: Ventura Harbor, City of Ventura, Ventura County

<u>Latitude</u>	<u>Longitude</u>
34.2450	119.2647
34.2450	119.2643
34.2448	119.2647
34.2448	119.2643

5. Type of Project: Dock Repair

6. Project Purpose: The purpose of the proposed project is to reconfigure the last 2 berths on the east end of Ventura Yacht Club (VYC) Dock D, to add a net of 4 additional berths and extend 2 existing berths to accommodate 63-foot yachts.

7. Project Description: The project will include the removal of two wood frame fingers, each approximately 50-feet long and 4-feet wide, and associated 14-inch round concrete piles (2) and utilities. Installation will include two (2) 4-inch by 13-inch wood frame dock extensions to two (2) existing fingers, which are 8-inches by 18.5-feet wide. The new floating docks will be fabricated and assembled off-site and delivered to site by truck and offloaded and placed in the water. Concrete guide piles will be delivered by truck to site and offloaded to the barge.

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No eelgrass (*Zostera marina*) has been found on the site or in any other area in Ventura Harbor in the recent past. If eelgrass is found on site prior to the beginning of construction, monitoring and mitigation will commence in accordance with the standards established in the "Southern California Eelgrass Mitigation Policy, Rev. 11."

8. Federal Agency/Permit: U.S. Army Corps of Engineers
Letter of Permission (Permit No. SPL-2013-549-AJS)
9. Other Required Regulatory Approvals: California Coastal Commission
Coastal Development Permit
10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 (Existing Facilities).
11. Receiving Water: Ventura Marina (Pacific Ocean) (Hydrologic Unit No. 403.11)
12. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, MAR, WILD, SHELL
*Conditional beneficial use
13. Impacted Waters of the United States: Ocean/Estuary/Bay: 0.05 temporary and 0.05 permanent acres
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- 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

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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.
- Spill kits and cleanup materials will be available at all locations of pile driving. Equipment used shall be leak-free.
- Hammers and other hydraulic attachments will be protected 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.
- BMPs subject to non-stormwater discharges daily will be inspected while non-stormwater discharges occur.
- Drip pans and absorbent materials for equipment and vehicles will be used and an adequate supply of spill cleanup materials will be available.
- Drip pans will 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.
- 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.

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- 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.

17. Proposed
Compensatory
Mitigation:

The Applicant has proposed to provide mitigation at a ratio of 1.2:1 in accordance with the Southern California Eelgrass Mitigation Policy, Rev. 11.

The policy provides that the area in the vicinity of the project will be thoroughly mapped with distribution, density and relationship to depth contours of any eelgrass beds likely to be impacted by project construction activities. In the case of any impacts to eelgrass habitat, mitigation will consist of eelgrass transplantation to a location similar to those where the initial impacts occur.

18. Required
Compensatory
Mitigation:

The Regional Board will require compensatory mitigation as proposed above.

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

ATTACHMENT B

Conditions of Certification File No. 13-098

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 this Certification, the California Coastal Commission Coastal Development Permit, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

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Conditions of Certification

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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 Annual Monitoring Reports (Annual Reports for a period of five (5) years following project completion, or until mitigation success has been achieved. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts. Mitigation for any impacts to eelgrass habitat will take place at a ratio of **1.2:1**. The Final Report shall describe the status of other agreements (e.g., mitigation

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banking) or any delays in the mitigation process. At a minimum 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 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.
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

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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)"

20. All communications regarding this project and submitted to this Regional Board shall identify the Project **File Number 13-098**. 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 Ventura County and co-permittees under NPDES No. CAS004002 and Waste Discharge Requirements Order No. R4-2010-0108. This includes the Stormwater Quality Urban Impact Mitigation Plan (SQUIMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2009-009-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
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.