



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Eric Lopez
City of Long Beach
333 West Ocean Blvd. 9th Floor
Long Beach, CA 90802

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7007 2560 0001 7889 6958

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED LEEWAY PIER AND DOCK REBUILD PROJECT (Corps' Project No. 2016-00433-GLH), ALAMITOS BAY, CITY OF LONG BEACH, LOS ANGELES COUNTY (File No. 14-055)

Dear Mr. Lopez:

Board staff has reviewed your request on behalf of City of Long Beach (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on August 4, 2016.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

Please read this entire document carefully. The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

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

Samuel Unger, P.E.
Executive Officer

Oct. 10, 2016

Date

DISTRIBUTION LIST

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Charles Posner
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California Coastal Commission
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Long Beach, CA 90802

ATTACHMENT A

**Project Information
File No. 14-055**

1. Applicant: City of Long Beach
333 West Ocean Blvd. 9th Floor
Long Beach, CA 90802

Phone: (562) 570-5690
2. Applicant's Agent: LSA Associates, Inc.
20 Executive Park, Suite 200
Irvine, CA 92614

Phone: (949) 553-0666 Fax: (949) 553-8076
3. Project Name: Leeway Pier and Dock Rebuild
4. Project Location: Long Beach, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
33.752911	118.130905
33.753061	118.131175
33.753341	118.130958
33.753280	118.130827
33.753566	118.130599
33.753369	118.130272
33.753302	118.130655
33.753133	118.130736

5. Type of Project: Pier and dock replacement and reconstruction
6. Project Purpose: The existing Leeway Sailing Center (Center) facility and associated pier and dock do not meet today's building, seismic, and accessibility codes and standards. The Pier has also been subject to emergency repairs (i.e. fiber wrapping) due to structural deterioration of the pilings, and permanent repairs are now necessary. An independent engineering assessment of the Leeway Floating Dock has determined the dock is in need of replacement. The dock framing no longer supports some wooden deck boards causing deflection on the walking surface. The Center was also not

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designed as an instruction oriented sailing facility, and has become insufficient at accommodating current uses and programming. The proposed project would fulfill current demand for sailing, board sailing, kayaking, wind surfing, and canoeing instructional uses, and would enhance public safety of the dock and the pier.

7. Project Description:

The City of Long Beach proposes to remove the existing Leeway pier, dock, and shed structure in order to reconstruct them in the same location as the existing structures.

The project footprint will largely be contained within the existing footprint. The project will not impact additional areas that are not already disturbed. Construction staging areas will be limited to the adjacent paved roads and sandy beach areas, above the high tide line. Equipment use below the high tide line will be limited to the minimum amount necessary to complete the project activities in order to minimize potential impacts to jurisdictional areas.

Impacts to jurisdictional waters have been calculated with regard to the portion of the project area that lies below the HTO line. The proposed project will require 15 new pre-cast concrete piles (18 square inches and driven 50 ft into the sand) and 4 new round timber piles (16 inches in diameter) to be located below the HTO line in waters of the United States.

The concrete piles will be installed utilizing a combination of jet water to install the piles within 5 feet of their tip elevations, and a diesel hammer to drive them for the final 5 feet. A Delmag 30-32 diesel hammer is anticipated to be used to drive the concrete piles for the final 5 feet. Each pile is expected to generate between 35,000 foot-pounds (ft-lb) and 84,000 ft-lb of energy. Most of the piles will be driven by a barge-mounted crane. The timber piles and concrete piles that the barge-mounted crane cannot reach will be installed by a land-based crane. A 30- to 50-ton landside crawler crane is anticipated to be used to install piles from the landside.

These piles will result in permanent impacts to tidal waters of the United States.

8. Federal Agency/Permit:

U.S. Army Corps of Engineers
NWP No. 3 and 28 (Permit No. 2016-00433-GLH)

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9. Other Required Regulatory Approvals: California Coastal Commission Administrative Permit
10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302 Replacement or Reconstruction.
11. Receiving Water: Alamitos Bay (Hydrologic Unit Code: 180701060702)
12. Designated Beneficial Uses: IND, NAV, COMM, EST, MAR, WILD, RARE, SHELL, WET, REC1 and REC2
13. Impacted Waters of the United States: Ocean: 0.29 temporary and 0.0016 permanent acres
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: Within the past 5 years, the City of Long Beach has implemented a project to remodel the Bayshore South restroom facility, which is located approximately 300 feet northwest of the Leeway Sailing Center. As a separate project, the City also proposes to reconstruct the Bayshore Lifeguard Station, located approximately 100 feet northwest of the Leeway Sailing Center. All three of these projects aim to improve public access and recreational opportunities at Alamitos Bay.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- The piles will all be driven within the same working period to minimize the duration of the impact on residents and wildlife. To reduce noise and vibration, a 12 inch thick plywood cushion block will be placed on top of each pile when hammering. The cushion block will be replaced with a new one when it becomes deteriorated. Disturbance to surrounding neighbors and wildlife is expected to be minimal given that the piles will be driven into soft sand rather than soil or bedrock.
 - All pile driving equipment and booms will be on dry land and not in the water. The demolition of the existing wood framed Leeway building, deck, pier, and dock will be carried-out with standard backhoe and pincher equipment, taking about one to

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two days to complete demolition and removal. All waste resulting from demolition will be placed in open disposal trucks and hauled off site to an approved disposal site. Constant "hosing down" during demolition will minimize dust exposure to the surrounding neighborhood. Best Management Practices (BMP's) will be implemented to prevent project site runoff from causing increased sedimentation and siltation in Alamitos Bay.

- Pile removal and driving efforts can produce localized turbidity (emulsification of fine sediments with harbor waters) which will not be allowed to migrate beyond the project area. Project specifications will require the contractor to install siltation curtains around all pile-driving activities for the duration of driving efforts and be employed for as much time as is necessary to allow sediment to be redeposited on the bay floor. Based on the site conditions and project requirements, siltation curtains may range from 18 inches to 4 ft. in depth. Siltation curtains shall be a continuous barrier to the migration of emulsified sediments beyond the project area.
- Construction of the dock will not require new marina guidepiles and the four (4) existing piles will be protected in place to support the proposed floating docks. Floating work boats to be utilized for the construction of the docks will remain afloat at all times, and will not rest on the bay bottom, so as not to impact eelgrass beds.
- The pier will be constructed close to shore and land-based, tractor-style equipment (i.e. crane) will be used for the removal of existing piles and for the installation of new piles. This equipment will be located on dry beach sand and not in tidal waters where eelgrass exists.

17. Proposed
Compensatory
Mitigation:

No compensatory mitigation is proposed because the project will largely replace the existing structures in essentially the same locations while utilizing fewer piles below the HTO line and implementing Best Management Practices (BMPs). Additionally, the concrete piles will replace wooden piles, which are typically chemically treated to inhibit deterioration.

18. Required
Compensatory

The Regional Board will not require any compensatory mitigation since this will be an in-kind replacement project, with minimal

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Mitigation:

impacts to the ocean floor or habitat; unless eelgrass is detected. Should eelgrass be detected, eelgrass beds will be compensated at 1.2:1 ratio within or near the Project site in accordance with the Southern California Eelgrass Mitigation Policy (NMFS 2005).

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. 14-055

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 Coastal Commission's (CCC) Administrative 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 CCC's Administrative 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, the approved construction plan, 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 Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.

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14. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge (ROWD)** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.
15. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
16. All project activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
17. Ocean water quality monitoring shall be performed by the Applicant. A Water Quality Monitoring Plan shall be submitted prior to any project construction activities. Baseline sampling may be conducted at one location within the project boundary for each phase. All other sampling shall take place on both sides of silt curtains at a minimum of two locations (4 locations total). Monitoring for the following shall be included:
 - pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids (TSS)
 - visual assessment for floating particulates (oil and grease shall not be visible)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to project commencement (baseline sampling) and then monitored on a daily basis during the first week of construction, and then on a weekly basis, thereafter, until the work is complete. Monitoring shall ensure compliance with all water quality objectives specified in the 2012 Ocean Plan.

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

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18. The Applicant shall restore **all acres** 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.
19. The Applicant shall submit to this Regional Board a **Final Monitoring Report** by **January 1st** of the year following project completion. The Report shall describe in detail all of the project/construction activities performed during the previous year and all restoration efforts; including percent survival by plant species and percent cover. At a minimum the Report 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 for each reach (as required) compiled in spreadsheet format;
 - (f) A certified Statement of “no net loss” of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
20. 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.

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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.

27. *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.

28. 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.

