



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Ms. Rita Hagerty  
Tesoro Logistics Operations, LLC  
6 Centerpointe Drive, Suite 500  
La Palma, CA 90623

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7008 1140 0002 8671 9745

**TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED PIPELINE(S) 82/83 RE-COATING AND CLAMP REMOVAL MAINTENANCE PROJECT (Corps' Project No. 2015-00807-LM), CERRITOS CHANNEL, CITY OF LONG BEACH, LOS ANGELES COUNTY (File No. 15-145)**

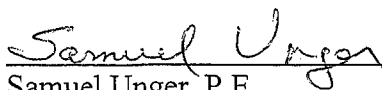
Dear Ms. Hagerty:

Board staff has reviewed your request on behalf of Tesoro Logistics Operations, LLC (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on December 2, 2015.

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

Feb. 17, 2016  
Date

## DISTRIBUTION LIST

Tom Hall (via electronic copy)  
Paragon Partners  
6 Centerpointe Drive, Suite 500  
La Palma, CA 90623

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

Lisa Mangione (via electronic copy)  
U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
915 Wilshire Blvd., Suite 1101  
Los Angeles, CA 90017

Melissa Scianni (via electronic copy)  
U.S. Environmental Protection Agency, Region 9  
WRT-2-4  
75 Hawthorne Street  
San Francisco, CA 94105

G. Mendel Stewart  
U.S. Fish and Wildlife Service  
2177 Salk Avenue  
Carlsbad CA 92008

California Coastal Commission  
200 Ocean Gate, 10th Floor  
Long Beach, CA 90802

**ATTACHMENT A**

**Project Information  
File No. 15-145**

1. Applicant: Tesoro Logistics Operations, LLC  
6 Centerpointe Drive, Suite 500  
La Palma, CA 90623  
  
Phone: (714) 880-1653
2. Applicant's Agent: Tom Hall  
Paragon Partners  
6 Centerpointe Drive, Suite 500  
La Palma, CA 90623  
  
Phone: (714) 880-1721
3. Project Name: Pipelines 82/83 Re-coating and Clamp Removal Maintenance
4. Project Location: Long Beach, Los Angeles County
- | <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 33.768072       | 118.22586        |
| 33.77108        | 118.29538        |
5. Type of Project: Pipeline maintenance
6. Project Purpose: The purpose of this project is to recoat existing pipelines 82/83 from the tidal zone to below the surface of the water and also remove a clamp from Line 82.
7. Project Description: The proposed project will recoat two existing oil pipelines in the Port of Long Beach. The protective covering along a portion of the pipelines has become eroded and needs replacement, in order to protect the integrity of the underwater pipelines.
- A tiger dam will be placed in the channel to allow the water surrounding the line to be pumped out and for the area to be dewatered. Both of the lines will be recoated with a corrosion coating and UV top coat up to the tidal zone boundary. The existing sea shields covering both lines will be replaced or reused as necessary. The sea shield is made up of a flexible plastic outer cover composed of HDPE pipe. The sea shields will be strapped on after the recoating of the pipes has been completed. The shield is placed in a mechanical matter to add a layer of protection on the

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pipes, in order to avoid debris from hitting the pipes.

For Lines 82 & 83 all of the existing coating shall be removed to expose bare steel. The lines will be abrasive blasted to SSPC-SP 10/NACE No. 2 Near White Blast Cleaning. Both lines shall be encapsulated during blasting and coating to prevent surface chloride contamination and to capture blast media.

The corrosion coating used in this location will be provided by Tesoro. Polyguard Products NHT-5600 2-Part Epoxy is the primary corrosion coating for the project and has been approved by Tesoro. Coating application shall follow the manufacturer's datasheet for hand application. The corrosion coating must be immediately applied following blast cleaning and surface preparation.

After the corrosion coating has fully cured the surface shall be hand abraded using sand paper to prepare for the atmospheric coats. All sanding dust must be removed from the surface of the pipes prior to atmospheric applications. The surface of the pipe must be clean, dry and in sound condition prior to any coating applied. All oil, dust, grease, dirt, loose rust, and other foreign material must be removed to ensure adequate adhesion.

Sherwin Williams Co. 646-100 Macropoxy will be the first atmospheric coat and will be applied at 10mils DFT. Sherwin Williams Co. Hi-Solids Polyurethane will be the final coat and applied at 10mils DFT. Appropriate sweat-in and recoat times must be noted and followed from the manufacturer's datasheet regarding both Sherwin Williams paints

This project encompasses the following procedures:

- 1) Erection of scaffolding under pipelines to allow for a safe working surface.
- 2) Sea shield removal.
- 3) Adhesive tape removal.
- 4) Wax tape primer/tape removal.
- 5) Cold cut of Line 82 24" pipe and weld in new pipe spool.
- 6) Abrasive blasting to SSPC-SP 10/NACE No. 2 Near White Blast Cleaning.
- 7) Any recommended or required substrate surface preparation.
- 8) Corrosion coating application (2-Part Epoxy).
- 9) UV top coat application. (i.e. Macropoxy/Hi-Solids

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Polyurethane)

10) Sea shield re-installation.

Through the duration of this Certification, both pipelines 82/83 may require additional minor maintenance repairs. If the scope of the project for any additional repairs will remain the same as these initial maintenance activities and if subsequent maintenance activities are below the size threshold for Army Corps' non-notification, then the activities will be covered under this Certification.

8. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP No. 3 (Permit No. 2015-00807)
9. Other Required Regulatory Approvals: California Coastal Commission  
Coastal Development Permit  
  
Port of Long Beach (HDP-15-090)
10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302, Class 2, Replacement or Reconstruction
11. Receiving Water: Port of Long Beach (Hydrologic Unit Code: 180701040600)
12. Designated Beneficial Uses: NAV, COMM, MAR, WILD, MIGR, SWPN, SHELL
13. Impacted Waters of the United States: Ocean: less than 0.10 temporary acres (continued maintenance)
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 equipment or vehicles will be stored, maintained or washed

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in any area on the property in order to reduce the potential for any spills or debris entering waters

- All vehicles and equipment shall be routinely inspected and properly maintained to reduce the potential for spills of petroleum —based products
- All fuel, waste, oils and solvents shall be stored away from the construction site. Any spills shall be contained and properly disposed.
- Containment booms and sorbent materials shall be available during the construction period and shall be deployed immediately in the event of a spill to limit its spread.
- The contractor shall employ attachments on construction equipment to catch debris or use covers or platforms to collect debris and prevent it from impacting waters. Debris catching devices must be emptied regularly and the debris properly stored.
- Construction sites shall be maintained in such a condition that any storms do not carry wastes or pollutants off the site or discharge into bay, harbor, ocean, lake, watercourse, and water column. The existing Storm Water Pollution Prevention Plans (SWPPP) for the project site shall be followed as much as practical during execution of construction activities
- At the end of the day of construction activity all construction debris/waste materials shall be collected and properly disposed

17. Proposed  
Compensatory  
Mitigation:

The Applicant has not proposed a compensatory mitigation.

18. Required  
Compensatory  
Mitigation:

Since the project impacts are temporary in nature, the Regional Board will not require any compensatory mitigation.

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

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### Conditions of Certification File No. 15-145

#### 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 any permits issued from the California Coastal Commission. **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 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 File No. 15-145

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.
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. 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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13. The Applicant shall utilize the services of a qualified biologist during any dewatering activities. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
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.

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.

15. The Applicant shall implement any necessary best management practices to avoid water quality impacts during any pipe resurfacing activities.
16. All project and subsequent maintenance 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. 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.

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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.

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 **Annual Monitoring Reports** (Annual Reports) by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until completion has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts. 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 whether or not work has begun on the Project and a detailed schedule;
  - (d) Copies of all permits revised as required in Additional Condition 1;
  - (e) Water quality monitoring results for each reach (as required) compiled in a 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:

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Conditions of Certification  
File No. 15-145

- (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.
21. 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)”

- 22. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number 15-145. Submittals shall be sent to the attention of the 401 Certification Unit.
- 23. 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.
- 24. The project shall comply with the local regulations associated with the Regional Board’s **Municipal Stormwater Permit** issued to the City of Long Beach under NPDES No. CAS004003 and Waste Discharge Requirements Order No. R4-2014-0024. 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. 2012-0011-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.

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### Conditions of Certification File No. 15-145

25. 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.
26. 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.
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.