

EDMUND G. BROWN JR.
GOVERNOR
MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Thomas Hogan
MDR Boat Central LP
3416 Via Lido, Suite G
Newport Beach, CA 92663

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7015 3010 0001 9147 7420

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED MARINA DEL REY BASIN H BOAT CENTRAL DRY STORAGE PROJECT (Corps' Project No. SPL-2014-00307-BLR), MARINA DEL REY CHANNEL, CITY OF MARINA DEL REY, LOS ANGELES COUNTY (File No. 16-056)

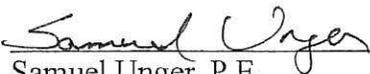
Dear Mr. Hogan:

Board staff has reviewed your request on behalf of MDR Boat Central LP (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on June 21, 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

Sept. 13, 2016
Date

DISTRIBUTION LIST

<p>Adam Gale (via electronic copy) Anchor QEA, LLC 27201 Puerto Real, Suite 350 Mission Viejo, CA 92691</p>	<p>Amber Tysor California Coastal Commission South Central Coast Area 89 South California St., Suite 200 Ventura, CA 93001</p>
<p>Bill Orme (via electronic copy) State Water Resources Control Board Division of Water Quality P.O. Box 944213 Sacramento, CA 94244-2130</p>	<p>John Tommy Rosas (via electronic copy) Tribal Administrator Tongva Ancestral Territorial Tribal Nation</p>
<p>Bonnie Rogers (via electronic copy) U.S. Army Corps of Engineers Regulatory Branch, Los Angeles District 915 Wilshire Blvd., Suite 1101 Los Angeles, CA 90017</p>	
<p>Melissa Scianni Elizabeth Goldmann (via electronic copy) U.S. Environmental Protection Agency, Region 9 WRT-2-4 75 Hawthorne Street San Francisco, CA 94105</p>	
<p>G. Mendel Stewart Johnathan Snyder U.S. Fish and Wildlife Service 2177 Salk Avenue Carlsbad CA 92008</p>	
<p>California Coastal Commission 200 OceanGate, 10th Floor Long Beach, CA 90802</p>	

ATTACHMENT A

**Project Information
File No. 16-056**

1. Applicant: Thomas Hogan
MDR Boat Central LP
3416 Via Lido, Suite G
Newport Beach, CA 92663

Phone: (949) 673-6310
2. Applicant's Agent: Adam Gale
Anchor QEA, LLC
27201 Puerto Real, Suite 350
Mission Viejo, CA 92691

Phone: (949) 347-2780
3. Project Name: Marina del Rey Basin H Boat Central Dry Storage
4. Project Location: Marina del Rey area, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
33°58'37.81"	118°26'28.79"
33°58'37.29"	118°26'28.46"
33°58'37.57"	118°26'27.68"
33°58'34.97"	118°26'25.96"
33°58'32.85"	118°26'30.76"
33°58'37.13"	118°26'33.75"
33°58'37.95"	118°26'32.20"
33°58'36.66"	118°26'31.31"

5. Type of Project: Land-side Marina Dry stack storage system development
6. Project Purpose: The overall project purpose is to construct a new dry stack storage system for vessels in Marina del Rey that would improve public use and recreation. Boats will be launched out of the marina at a docking ramp and parked away in the dry stack areas.
7. Project Description: The proposed project will include installation of a new dock system supported by 22 concrete 48-inch-diameter support piles, impacting approximately 139 square feet of soft-bottom habitat from the piles directly. In addition, a new overwater dry stack structure boat queuing system will be installed. The structures extend 97 feet seaward on the westerly side and 45 feet seaward on the easterly side. Total new over-water coverage will be approximately 11,600 square feet (0.26 acre) over waters of the United States and will not

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impact eelgrass as none was found, nor is expected, on site. Construction will also include 7,343 square feet of queuing docks with 32 guide piles (16 inches in diameter) for a total footprint of 76 square feet. No dredging is proposed.

Boats stored out-of-water may have a reduced need for biocide hull repainting.

The project includes construction and operational avoidance and minimization measures to avoid impacts to marine water quality, including:

- Any cross or transverse bracing will be placed above the mean higher high water to avoid any impacts to water flow and circulation.
- The overwater structure has been designed as the minimum necessary to address project objectives.
- The upland structures are designed to orient in a north-south orientation, to the maximum extent practicable, to minimize persistent shading over the course of a diurnal cycle.
- The dry stack storage structure was designed to use the fewest number of piles as possible for necessary support of the structure to minimize pile shading, substrate impacts, and impacts to water circulation. Piles will be spaced a minimum of 10 feet apart on center.

In addition, the dry stack storage structure was designed to include an architectural cladding of translucent white polycarbonate cement board and stainless-steel mesh or similar material. The translucent materials would allow light to penetrate the water, and structural bracing over the water (not in the water) will allow for water circulation. The polycarbonate material also filters UV rays and resists salt corrosion, which increases the longevity of the structure. The material is non-reflective and consistent with the bird-safe policies of the California Coastal Commission.

The project will include on-site sewage pump out facilities for boat waste, the location of which has not yet been determined. The presence of pump out facilities on-site is expected to reduce the likelihood of illegal disposal of sewage into the marina.

In addition, vegetated swales located in the parking lot medians and along the perimeter of the parking lot are expected to reduce runoff volumes and improve water quality. Source control BMPs that will

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address indicator bacteria include on-site pump out facilities, public education on appropriate practices for managing boating sewage, employee training regarding activity restrictions and distribution of public education materials, ongoing maintenance of the treatment BMPs, and regular parking lot sweeping and litter pickup.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
Permit No. SPL-2014-00307-BLR
9. Other Required Regulatory Approvals: California Coastal Commission
Coastal Development Permit No. 5-14-0770
10. California Environmental Quality Act Compliance: The City of Los Angeles approved the project's Final Environmental Impact Report (EIR No. R2008-02340, SCH No. 2009011058) in March 2013.
11. Receiving Water: Marina del Rey Channel (Hydrologic Unit Code: 180701040502)
12. Designated Beneficial Uses: NAV, REC-1, REC-2, COMM, MAR, WILD, RARE, SHELL
13. Impacted Waters of the United States: Ocean: 0.25 temporary (755 linear feet) and 0.25 permanent acres (755 linear feet)
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The applicant has also obtained permits (File No. 13-122) for a nearby project located in portions of Basins F and G in Marina del Rey Harbor. The project entails replacement of an existing deteriorating marina structure with a permanent and more functional structure. Construction is anticipated to commence in fall of 2016.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Pile driving operations will be monitored for compliance with California Environmental Quality Act water quality and noise generation restrictions. Sound curtains can be deployed to control noise impacts.
 - No pile driving activity that may generate more than minimal noise or turbidity would occur during the period commencing April 1 and ending September 1 of any year.

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- Pile removal and installation methods to further avoid and minimize adverse impacts to aquatic resources include:
 - Slowly remove piles to allow sediment to slough off at or near the mud line.
 - Hit or vibrate the pile first to break the bond between the sediment and the pile to minimize the likelihood of the pile breaking and to reduce the amount of sediment sloughed.
- Using turbidity screens/silt curtains to isolate the work area during pile removal and installation, floating booms to contain debris or spills, and recovering any non-buoyant debris by divers as soon as possible after loss.
- The contractor shall fully understand and adhere to the terms and conditions of approvals and permits obtained as well as all project BMPs.
- All construction activities shall occur within the designated project footprint.
- Public notices shall be posted at the project site and mailed to residents in the surrounding area.
- Construction employees shall not bring pets to the construction site.
- All construction-related equipment shall be inspected daily and maintained in good-working order to minimize the potential for hazardous waste spills. Current hazardous material spill prevention and cleanup plans shall be maintained on site. Machinery or materials not essential for construction shall be prohibited from subtidal or intertidal zones at all times. Hammers and other hydraulic attachments shall be placed on plywood and covered with plastic or a comparable material prior to the onset of rain to prevent run-on and run-off.
- Following project completion, the project area shall be inspected to ensure that no construction debris, trash, or materials remain and that the project has not created any hazard to navigation.

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17. Proposed
Compensatory
Mitigation:

None.

18. Required
Compensatory
Mitigation:

The proposed project will not require compensatory mitigation 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). This project may improve water quality in the marina, by requiring vessels to pumpout sewage as they are being docked outside of the marina.

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. 16-056

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 Coastal Development 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 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, the approved, 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. 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. 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.
9. 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.
10. 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.
11. 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.
12. All project/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.
13. 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:

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- 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. A summary of the analyses and compliance above shall be included. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

In addition, in order to demonstrate any water quality improvements associated with the installation of the dock pumpout system, water quality monitoring shall be conducted for bacterial indicators before and after each phase of the project. For each phase area, bacterial indicators shall be measured on an approximately **weekly basis** such that at least **12** samples are collected prior to construction activities and at least **12** after the phase is complete. The bacterial indicators shall include fecal coliform (or *E. coli*), total coliform and enterococcus.

14. 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.
15. The Applicant shall submit to this Regional Board a **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 and all restoration efforts. 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) Copies of all permits revised as required in Additional Condition 1;

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- (d) Water quality monitoring results for each reach (as required) compiled in a spreadsheet format;
 - (e) A certified Statement of “no net loss” of wetlands associated with this project;
 - (f) Discussion of any monitoring activities and exotic plant control efforts; and
 - (g) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
16. 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.
17. 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)”

18. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **16-056**. Submittals shall be sent to the attention of the 401 Certification Unit.
19. 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.

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20. 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. 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.
21. 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.
22. 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.
23. *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.

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- (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.
24. 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.

