



# California Regional Water Quality Control Board Los Angeles Region



Linda S. Adams  
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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Governor

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Tony Gioiello (Chief Harbor Engineer)  
Port of Los Angeles  
425 South Palos Verdes Street  
San Pedro, CA 90731

## **WATER QUALITY CERTIFICATION FOR PROPOSED INNER CABRILLO BEACH OFFSHORE WATER QUALITY IMPROVEMENT PROJECT (Corps' Project No. 2003- 01083-SDM), CABRILLO BEACH, LOS ANGELES COUNTY COASTAL WATERSHED, LOS ANGELES COUNTY (File No. 07-104)**

Dear Mr. Gioiello:

Regional Board staff has reviewed your request on behalf of Port of Los Angeles for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on July 27, 2007.

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.

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 L.B. Nye, Senior Environmental Scientist, Section 401 Program, at (213) 576-6785.

\_\_\_\_\_  
[Original Signed By]  
Deborah J. Smith  
Interim Executive Officer

\_\_\_\_\_  
July 27, 2007  
Date

**California Environmental Protection Agency**



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

## DISTRIBUTION LIST

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Long Beach, CA 90802-4213

# ATTACHMENT A

## Project Information File No. 07-104

1. Applicant: Port of Los Angeles  
425 South Palos Verdes Street  
San Pedro, CA 90731  
  
Phone: (310) 752-3877 Fax: (310) 519-0178
2. Project Name: Inner Cabrillo Beach Offshore Water Quality Improvement Project
3. Project Location: Cabrillo Beach, Los Angeles County

<u>Longitude</u>	<u>Latitude</u>
118.2837 W	33.70985 N
118.2834 W	33.70992 N
118.2831 W	33.70992 N
118.2819 W	33.70972 N
118.2819 W	33.70985 N
118.2819 W	33.70987 N
118.2819 W	33.71007 N
118.2824 W	33.71016 N
118.2824 W	33.70993 N
118.2832 W	33.71006 N
118.2832 W	33.70999 N
118.2837 W	33.70992 N
118.2837 W	33.70985 N

4. Type of Project: Circulation improvement
5. Project Purpose: The proposed project will improve water circulation along the beach to reduce bacterial levels.
6. Project Description: The proposed project plans call for installation of an electric pump at the southern end of Inner Cabrillo Beach with piping to direct water toward the beach face and create water movement in the shallow, nearshore, waters to reduce bacterial densities in those nearshore waters.

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The project is temporary. The pump will operate from installation until October 1, 2007. The project success will then be evaluated. Any permanent circulation enhancement system will require new permitting.

The pump will be located onshore at approximately 8.0 feet above (+8 ft) mean lower low water (mllw). The onshore system will consist of the 50 horsepower skid-mounted pump enclosed by an 8-foot high chain link fence. A timer switch will be provided to turn on the pump between the hours of 4:00 a.m. to 12:00 noon. A high-density polyethylene (HDPE) suction pipe will be installed approximately 85 feet from the pump at the +1.0 ft mllw contour; secured on a concrete foundation and provided with a protective enclosure and signage. The protective enclosure will ensure public safety and avoid entrainment of large marine biota. The suction pipe will be buried in the sand from the inlet to the pump.

The point of discharge will be approximately 115 feet to the west of the intake point. The HDPE discharge pipe will also be buried and will extend approximately 195 feet from the pump to the discharge point. A concrete foundation will secure the point of discharge (installation at approximately -1.0 ft mllw contour) and will include a protective enclosure and signage.

Both intake and discharge pipelines are expected to carry velocities in the range of 6.1 feet per second (fps). The intake velocity at the protective enclosure screen will be approximately 0.25 fps. An electrical power cable will be installed on poles along the roadway to provide local power supply to the water circulation system.

7. Federal  
Agency/Permit:

U.S. Army Corps of Engineers  
NWP No. 18 (Permit No. 2003-01083-SDM)

8. Other Required  
Regulatory  
Approvals:

Coastal Zone Exemption via the Port of Los Angeles Master Plan

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9. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15311, Accessory Structures
10. Receiving Water: Cabrillo Beach (Hydrologic Unit No. 405.12)
11. Designated Beneficial Uses: NAV, REC-1, REC-2, COMM, MAR, WILD, MIGR, SPWN, SHELL
12. Impacted Waters of the United States: Ocean/Estuary/Bay: 0.03 temporary (350 linear feet) and 0.00 permanent acres
13. Dredge Volume: None
14. Related Projects Implemented/to be Implemented by the Applicant: The beach sand was replaced during spring of 2007. This project intended to remove poor quality beach fill and replace it with sand that had good quality drainage characteristics. In addition, the onshore beach level was increased to reduce flooding of the beach. An existing abandoned sanitary sewer line was also plugged and capped.
- A new storm drain and sewer system was installed during the reconstruction of the Bath House. The existing storm drain system did not function properly, and the sanitary sewer line was suspected of contributing to the contamination of the beach water. The existing systems were abandoned in place or removed, and replaced with a new sewer system and storm drain system discharging to the Outer Harbor. This was performed by the City of Los Angeles Harbor Department in Coordination with the State Water Resource Control Board (Proposition 13).
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- The shore side perimeter of the eelgrass bed will be staked

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- Periodic eelgrass and least tern monitoring will be performed.
- The applicant will install a diffuser on the discharge pipeline that faces toward the shoreline.
- To the maximum extent possible, construction will take place during low tide.
- Construction equipment will not be allowed in eelgrass areas.
- The project site will be monitored daily.

16. Proposed  
Compensatory  
Mitigation:

None

17. Required  
Compensatory  
Mitigation:

The Regional Board will not require any compensatory mitigation for the temporary impacts because this is a water quality restoration project. 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. 07-104

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and polices set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 15, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.

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### **Conditions of Certification File No. 07-104**

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 and/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. Please contact Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
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. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved



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by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.

14. 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. If rain is predicted, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
15. Sediment removal at each phase shall not go beyond the extent as defined in the application packet.
16. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
17. All construction 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.
18. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
  - pH
  - temperature
  - dissolved oxygen
  - turbidity
  - total suspended solids(TSS)
  - Downstream TSS shall be maintained at ambient levels
  - Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.

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Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

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. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

19. The Applicant shall restore the proposed **0.03 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. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
20. The Applicant shall not be required to provide COMPENSATORY MITIGATION to offset the proposed temporal loss of **0.03 acres** waters of the United States.
21. Monitoring shall be conducted as per the “Inner Cabrillo Beach Bacteria Water Quality Improvement Plan,” Pilot Study Work Plan, including five stations along the shoreline (including monitoring station CB02), within the swim line, three stations around and including monitoring station CB01 and two reference stations in deeper water. In addition, the applicant shall conduct pre- and post-construction eelgrass surveys to determine whether the construction of the circulation enhancement system impacts eelgrass areas. The surveys shall be conducted in accordance with the Southern California Eelgrass Mitigation Policy of the National Marine Fisheries Service. In addition, the applicant shall develop a conceptual analysis of the impacts associated with the intake/discharge of seawater in the project vicinity.
22. The Applicant shall submit to this Regional Board **Monitoring Reports** to include monitoring data, eelgrass surveys and the conceptual analysis of impacts associated with the intake/discharge by **January 1<sup>st</sup>** after the pilot project is completed. The report shall describe in detail all of the project/construction activities performed during the previous year, all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
  - (a) Color photo documentation of the pre- and post-project and mitigation site conditions;

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- (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
  - (c) The overall status of project including a detailed schedule of work;
  - (d) Copies of all permits revised as required in Additional Condition 1;
  - (e) Water quality monitoring results 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.
23. Prior to any subsequent maintenance activities within the area, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the area; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
24. 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.
25. 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

**ATTACHMENT B**

**Conditions of Certification  
File No. 07-104**

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)"

26. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **07-104**. Submittals shall be sent to the attention of the 401 Certification Unit.
27. 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.
28. 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. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-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.
29. 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.
30. A copy of this Certification shall be kept at the project site during any period while project activities are being conducted, and shall be available upon request to any staff from this Regional Board.
31. 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

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### Conditions of Certification File No. 07-104

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.

32. *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.

33. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.