



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Antonio Gioiello
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

WATER QUALITY CERTIFICATION FOR PROPOSED ROUTINE WHARF AND PILE MAINTENANCE PROGRAM PROJECT (Corps' Project No. 2004-01242-JLB), PORT OF LOS ANGELES (LOS ANGELES - LONG BEACH HARBOR - ALL OTHER INNER AREAS), CITY OF LOS ANGELES, LOS ANGELES COUNTY (File No. 10-036)

Dear Mr. Gioiello:

Board staff has reviewed your request on behalf of Port of Los Angeles (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on June 11, 2013.

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

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

Should you have questions concerning this Certification action, please contact Dana Cole, Section 401 Program, at (213) 576-5733.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

7-29-13
Date

MARIA MEHRANIAN, CHAIR | SAM UNGER, EXECUTIVE OFFICER

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DISTRIBUTION LIST

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ATTACHMENT A

**Project Information
File No. 10-036**

1. Applicant: Antonio Gioiello
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

Phone: (310) 732-3877 Fax: (310) 519-0178

2. Applicant's Agent: Lily Becaria
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

Phone: (310) 732-3669 Fax: (310) 521-0332

3. Project Name: Routine Wharf and Pile Maintenance Program

4. Project Location: City of Los Angeles, Los Angeles County

<u>Berth</u>	<u>Latitude Decimal Degrees</u>	<u>Longitude Decimal Degrees</u>
302-305	33.73278	-118.25583
270-271	33.73194	-118.26361
269	33.73500	-118.26389
268	33.73444	-118.25139
267A	33.73500	-118.25056
265-267	33.73722	-118.25111
264	33.73833	-118.26667
261-263	33.73778	-118.26861
259-260	33.73611	-118.26972
258	33.73444	-118.26861
256	33.73056	-118.26833
241	33.72889	-118.26972
241	33.72917	-118.27000
241	33.72972	-118.27056
240X-Z	33.73222	-118.27111
240A-B	33.73361	-118.27222
238-239	33.73417	-118.27361
227-226	33.74083	-118.27472

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222-225	33.75028	-118.26806
212-221	33.75694	-118.26056
210-211	33.76167	-118.25306
206-209	33.76306	-118.24861
200G-H	33.77611	-118.24444
200A	33.77139	-118.25000
195-199	33.76806	-118.25306
194	33.76556	-118.25556
194	33.76500	-118.25611
191	33.76167	-118.25889
190	33.76194	-118.25972
188-189	33.76361	-118.26000
186-187	33.76528	-118.26000
186	33.76611	-118.26083
185	33.76611	-118.26167
184	33.76611	-118.2625
183	33.76583	-118.26333
180-181	33.76417	-118.26278
177-179	33.76111	-118.26139
174-176	33.75806	-118.2625
171-173	33.75472	-118.26528
167-169	33.75472	-118.26778
165-166	33.75778	-118.26778
163-164	33.76028	-118.26722
162	33.76167	-118.26611
161	33.76250	-118.26583
161	33.76306	-118.26611
153-155	33.75694	-118.27028
150-151	33.75417	-118.27139
148-149	33.75611	-118.27361
147	33.75778	-118.27417
144-146	33.76056	-118.27306
142-143	33.76333	-118.27194
136-139	33.76667	-118.27389
134-135	33.76778	-118.27778
127-126	33.76444	-118.27833
126-121	33.76056	-118.27556
120	33.75667	-118.27917
118-119	33.75611	-118.28056
117	33.75583	-118.28333
95	33.75056	-118.27417
95	33.75000	-118.27361

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94	33.74861	-118.27444
93A-C	33.74778	-118.27694
90-92	33.74528	-118.27639
87-89	33.74167	-118.27806
86	33.74083	-118.27833
86	33.74028	-118.27861
84	33.73889	-118.27861
84	33.73806	-118.27861
79-82	33.73611	-118.27833
78	33.73361	-118.27722
75-77	33.73167	-118.27611
74	33.73000	-118.27528
73W-X	33.73028	-118.27722
73A-E	33.72917	-118.27694
72	33.72722	-118.27389
70-71	33.72500	-118.27250
68	33.72139	-118.27111
67	33.72028	-118.27111
60	33.72000	-118.27278
58-60	33.72222	-118.27389
57	33.72528	-118.27528
56	33.72611	-118.27694
54-55	33.72444	-118.27611
51-53	33.72028	-118.27417
49-50	33.71722	-118.27333
45-47	33.71472	-118.27556
44	33.71611	-118.27694
44	33.71639	-118.27694
41	33.72278	-118.27750
36	33.72500	-118.28083

5. Type of Project:

Timber and concrete wharf and pile repair

6. Project Purpose:

The Port of Los Angeles will conduct routine wharf maintenance work for over 1,000,000 square feet of timber wharves in service with over 22,000 timber bearing and fender piles. These wharves require frequent maintenance. Emergency repairs are often needed to repair damaged wharf components in order to keep tenants in operation.

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7. Project Description:

The proposed maintenance work (Project) will be conducted over the next five years and the repairs will be performed as the need arises. This work is usually performed by the Applicant's Construction and Maintenance Division.

The impacts were calculated by multiplying the number of piles by their cross sectional area, and the projected area of wharf deck repairs to be performed over water.

The timber piles will be driven dry (underwater jetting not used to drill) with a diesel impact hammer. The timber wharf repair and maintenance work will include the replacement of deteriorated decking, joists, pile caps, fender piles (fender piles are sacrificial timber piles that are installed on the waterside edge of the wharves and provide a berthing surface for ships), front and rear marginal beams (timber beams that are in the front and rear of the wharves that support the joists and decking), pile wraps (polyethylene liner (PVC) sheets that are either six, 30, or 150 millimeters thick) and placed around the timber piles for protection from deterioration, and bull rails (bull rails are timber curbs that are located along the waterside edge of the wharves).

Pursuant to the Army Corps of Engineers, Los Angeles District, Regional General Permit 65 (RGP 65) and the Water Resources Action Plan, the plastic wrap system employs the following: (1) a six mil thick PVC wrap placed around the pile, and (2) a 30 mil PVC plastic wrap over the six mil liner. The system is secured to the pile every 12 inches along the timber pile. This system has been robust enough to withstand most damage. Since some fender piles get more abuse, the 30 mil PVC plastic is sometimes replaced with a 150 mil PVC plastic in order to provide more protection. The timber piles and wraps are inspected annually but some locations are on a more frequent inspection cycle if there is a known issue. The wrap systems do occasionally get damaged and they are repaired to restore the original wrap system. The repairs are usually performed by hard hat divers underwater.

The Project will be performed using barge mounted cranes, land-based cranes, and a combination of both electrical and gas-powered hand-held construction tools, and all other wharf pilings and structural members that would require replacement due to aging or damage.

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8. Federal Agency/Permit: U.S. Army Corps of Engineers Regional General Permit (RGP) 65 (Permit No. 2004-01242-JLB)
9. Other Required Regulatory Approvals: Application for Discretionary Project (ADP #100827-080) by the Applicant to the California Coastal Commission authorizes the Applicant to proceed without a Coastal Development Permit, and requires the Applicant to determine an Environmental Assessment for Project.
10. California Environmental Quality Act Compliance: The Los Angeles Harbor Department has determined the Project to be Categorically Exempt from CEQA pursuant to the CEQA Guidelines.
11. Receiving Water: Los Angeles – Long Beach Harbor, All Other Inner Areas (Hydrologic Unit No. 405.12)
12. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, MAR, RARE
13. Impacted Waters of the United States: Ocean/Estuary/Bay: 1.26 temporary acres (5,507 linear feet)
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has performed similar maintenance work for timber wharves under RGP 65 with the work being done by the Applicant's Construction & Maintenance forces.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following to preserve water quality at the site:
- A pre-construction survey of the maintenance project area for *Caulerpa taxifolia* (Caulerpa) shall be conducted in accordance

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with the Caulerpa Control Protocol.

- No dredging will be performed in navigable waters of U.S.
- There will be no discharge of fill material into water of the U.S.
- Earth, construction materials, sediments, trash, construction-related wastes, other potential pollutants, or stockpiles of these materials will not be transported by wind, storm or wash water from the Site via sheet flow, swales, area drains, natural drainage, storm drains, or streets.
- No demolition material, debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings from construction will be allowed to enter harbor waters or placed where it may be washed by rainfall or runoff into harbor waters.
- Trash will be deposited and construction-related solid wastes in covered receptacles.
- Trash will be prevented from dispersing by wind
- Rainwater will be prevented from percolation through trash.
- Vehicle and heavy machinery traffic will be prevented from tracking sediments and any other materials away from, or around, the site.
- Construction entrance roadways will be stabilized to inhibit sediments from being deposited into the public ways.
- Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the Project site.
- Containment booms shall be placed around the construction area during the removal of existing timber decking, piles and other structural members.
- All construction equipment shall be maintained according to manufacturer's specifications by the Contractor, and is subject to inspection by the Applicant.

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17. Proposed
Compensatory
Mitigation:

None

18. Required
Compensatory
Mitigation:

The Regional Board will not require compensatory mitigation because wharves and piles are only to be replaced in-kind.

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

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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, agreements, contracts, or waivers 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 ACOE Section 404 Permit, or the California Coastal Commission Coastal Development 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 (Best Management Practices) are incorporated as additional conditions herein.

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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 and shall be familiar with all conditions set forth.
6. The project involves the repair of existing structures that were originally constructed using creosote treated wood products. The creosote treated pilings shall be wrapped in plastic, and measures are taken to prevent damage to plastic wrapping from boat use. Such measures will include (pursuant to the U.S. Army Corps of Engineers SPL-2009-00746-TS, *Regional General Permit 65*):
 - (a) installation of rubber strips or bumpers;
 - (b) the plastic wrapping is sealed at all joints to prevent leakage; and
 - (c) the plastic material is expected to maintain its integrity for at least ten years;
 - (d) Plastic wrappings that develop holes or leaks must be repaired, replaced, and in a timely manner by the permittee.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.

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This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.

12. The activity 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.
13. 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.
14. All project or construction activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting.
15. The Applicant shall restore areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State.
16. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until the project completion has been achieved and documented. The Annual Reports shall describe in detail all of the project and construction activities performed during the previous year, or shall describe the status or any delays in the process. At a minimum the Annual Reports shall include the following documentation:
 - (e) Color photo documentation of the pre- and post-project site conditions;
 - (f) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project areas;
 - (g) The overall status of project including a detailed schedule of work;
 - (h) Copies of all permits revised as required in Addition to Condition 1;
 - (i) A calculation of all areas and linear feet of impact for the current year of reporting;
 - (j) A certified Statement of "no net loss" of wetlands associated with this project;
 - (k) Discussion of any monitoring activities and exotic plant control efforts or surveys;

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- (l) All Best Management Practices as guaranteed by the third party organization (Contractor) shall be submitted including the Contractor company name and Project contacts.
 - (m) A certified Statement from the Applicant that all conditions of this Certification have been met.
17. 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.

18. 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)"

19. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **10-036**. Submittals shall be sent to the attention of the 401 Certification Unit.
20. 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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21. 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. R4-2010-0108. 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.
22. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2009-009-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
23. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
24. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
25. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board

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(RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

- (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
26. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.