

**Los Angeles Regional Water Quality Control Board**

Mr. Ronald Hosford  
369 Bayshore Avenue  
Long Beach, CA 90803

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7014 2820 0001 4613 6417

**TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED HOSFORD RESIDENCE PROJECT (Corps' Project No. SPL-2015-00499-AP), ALIMITOS BAY, CITY OF LONG BEACH, LOS ANGELES COUNTY (File No. 15-117)**

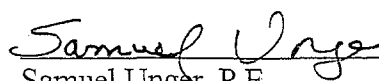
Dear Mr. Ronald Hosford:

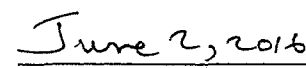
Board staff has reviewed your request on behalf of Ronald Hosford (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on April 11, 2016.

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 Dana Cole, Section 401 Program, at (213) 576-5733.

  
\_\_\_\_\_  
Samuel Unger, P.E.  
Executive Officer

  
\_\_\_\_\_  
Date

## DISTRIBUTION LIST

Jacquelyn Chung  
Swift Slip Dock and Pier  
642 Baker Street  
Costa Mesa, CA 92626

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

Andreas Polis  
U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
915 Wilshire Blvd., Suite 1101  
Los Angeles, CA 90017

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

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

Zach Rehm  
California Coastal Commission  
200 Oceangate, 10th Floor  
Long Beach, CA 90802

**ATTACHMENT A**

**Project Information  
File No. 15-117**

1. Applicant: Mr. Ronald Hosford  
369 Bayshore Avenue  
Long Beach, CA 90803

Phone: (949) 631-3121

2. Applicant's Agent: Jacquelyn Chung  
Swift Slip Dock and Pier  
642 Baker Street  
Costa Mesa, CA 92626

Phone: (949) 631-3121 Fax: (714) 509-0618

3. Project Name: Hosford Residence

4. Project Location: Long Beach , Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
33.760086	-118.124787
33.760071	-118.124685
33.759955	-118.124709
33.759975	-118.124819

5. Type of Project: Guide piling replacement

6. Project Purpose: To replace three piles which support an existing, approximately 631 square foot, U-shaped, floating dock in Alamitos Bay.

7. Project Description: The proposed project (Project) will remove and replace three existing 14-inch by 14-inch square concrete marina guide piles. The replacement piles will be the same size, shape, and placed in the same location as the existing piles.

The new pre-stressed concrete piles will be delivered to a public launch ramp by trailer. The pile driving barge (Barge) will move the piles to the project site. The Barge will drop legs to secure a

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parked position. A boom will then be installed around the project site and Barge. Straps and a silt and turbidity curtain will be placed around the existing piles which will be pulled out one by one. As each pile is removed the new pile will be installed immediately thereafter. A hammer will be used to strike the pile until full embedment is accomplished. Once all permitted piles have been removed and replaced, the Barge will return to the public launch ramp where the piles will be loaded and delivered to a legal point of disposal.

The Project will begin within weeks after receiving the final building permit. The Project is projected to take three days.

No alteration to the existing dock or dock footprint will occur.

8. Federal Agency/Permit: U.S. Army Corps of Engineers  
Letter of Permission (2015-00499-AP)
9. Other Required Regulatory Approvals: California Coastal Commission Approval  
Coastal Development Permit (5-15-1235)
10. California Environmental Quality Act Compliance: On July 17, 2015 the City of Long Beach determined the proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 *Existing Facilities*.
11. Receiving Water: Alamitos Bay (Hydrologic Unit Code: 180701060702)
12. Designated Beneficial Uses: IND, NAV, COMM, EST, MAR, WILD, RARE, SHELL, WET, REC1, REC2
13. Impacted Waters of the United States: Ocean/Estuary/Bay: 0.01 temporary acres (42 linear feet).

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14. 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.

15. Avoidance/  
Minimization  
Activities:

The Applicant has proposed to implement several best management practices (BMPs), including, but not limited to, the following during Project activities:

- No demolition or construction materials, equipment, debris, or waste will be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion.
- All debris resulting from demolition or construction activities will be removed from the project site within 24 hours of completion of the project and taken to a legal point of disposal.
- Demolition or construction debris and sediment will be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- Machinery or construction materials not essential for project improvements will not be placed in the intertidal zone.
- If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity.
- Eelgrass will not be disturbed, nor will anchors be placed in eelgrass areas.
- Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
- Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss.
- All trash and debris will be disposed in the proper trash and recycling receptacles at the end of every construction day.

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- The applicant will provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- Debris will be taken to a legal point of disposal.
- All stock piles and construction materials will be covered and enclosed and located as far away as possible from drain inlets and any waterways and not stored in contact with soil.
- Machinery and equipment will be maintained and washed in confined areas specifically designed to control runoff.
- Thinners or solvents will not be discharged into sanitary or storm sewer systems.
- The discharge of any hazardous materials into any receiving waters, storm, or sewer systems will be prohibited.
- Spill prevention and control measures will be implemented to ensure the proper handling and storage of petroleum products and other construction materials.
- Measures will include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area will be located as far away from the receiving waters and storm drain inlets as possible.
- All BMPs will be maintained in a functional condition throughout the duration or construction activity.

16. Proposed  
Compensatory  
Mitigation:

None

17. Required  
Compensatory  
Mitigation:

Pre-and post-construction surveys for Eelgrass and Caulerpa taxifolia will be performed as described in the California Coastal Commission Approval Coastal Development Permit (5-15-1235).

Because the project is a like for like replacement and impacts are

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temporary, this Regional Board will not require compensatory mitigation.

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

## ATTACHMENT B

### Conditions of Certification

File No. 15-117

#### STANDARD CONDITIONS

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

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

#### ADDITIONAL CONDITIONS

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

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit, and the California Coastal Commission's (CCC) Approval for the Coastal Development Permit (5-15-1235). **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this Certification, the CCC's 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. 15, 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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6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.

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14. If rain is predicted after operations have begun, activities must cease immediately and the site must be stabilized to prevent impacts to water quality.
15. 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.
16. Ocean water quality monitoring shall be performed by the Applicant. A Water Quality Monitoring Plan shall be submitted prior to any project construction activities. Baseline sampling may be conducted at one location within the project boundary for each phase. All other sampling shall take place on both sides of silt curtains at a minimum of two locations (4 locations total). Monitoring for the following shall be included:
  - pH
  - temperature
  - dissolved oxygen
  - turbidity
  - total suspended solids (TSS)
  - visual assessment for floating particulates (oil and grease shall not be visible)

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

**Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month.** A map or drawing indicating the locations of sampling points shall be included with each submittal. Construction activities shall not result in the degradation of beneficial uses or non-compliance of any water quality objectives. 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.

17. 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 project completion has been achieved and documented. The Annual Reports shall describe in detail all of the project or construction activities performed during the previous year. At a minimum the Annual Reports shall include the following documentation:
  - (a) Color photo documentation of the pre- and post-project site conditions;

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- (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 the Applicant that all conditions of this Certification have been met.
18. 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.
19. 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.

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**Conditions of Certification  
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Executed on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
(Signature)  
(Title)"

20. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number 15-117. Submittals shall be sent to the attention of the 401 Certification Unit.
21. 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.
22. 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.
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

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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.
26. 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.

