

Los Angeles Regional Water Quality Control Board

Mr. Stephen James  
Ventura Harbor Boatyard  
1415 Spinnaker Drive  
Ventura, CA 93001

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7014 2870 0001 4613 6103

**TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED RECONSTRUCTION OF DAMAGE TRAVELIFT PIER AND FLOATING DOCKS PROJECT (Corps' Project No. SPL-2015-844-AJS), VENTURA HARBOR, CITY OF VENTURA, VENTURA COUNTY (File No. 15-164)**

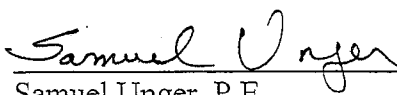
Dear Mr. Stephen James:

Board staff has reviewed your request on behalf of Ventura Harbor Boatyard (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on April 19, 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

June 2, 2016  
Date

## DISTRIBUTION LIST

Richard Parsons  
2271 Los Encinos Road  
Ojai, CA 93023

Amber Tysor  
California Coastal Commission  
South Central Coast Area  
89 South California St., Suite 200  
Ventura, CA 93001

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

Ventura Coastkeeper  
Attn: Jason Weiner  
Associate Director and Staff Attorney  
3875-A Telegraph Rd #423  
Ventura, CA 93003

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

Stephen Henry  
U.S. Fish and Wildlife Service  
2493 Portola Road, Suite B  
Ventura, CA 93003

Brian Trautwein  
(via electronic copy)  
Environmental Defense Center  
906 Garden Street  
Santa Barbara, CA 93101

Jessie Altstatt  
Santa Barbara Channel Keeper  
714 Bond Street  
Santa Barbara, CA 93103

Antal Szijj  
U.S. Army Corps of Engineers  
Regulatory Branch, Ventura Field Office  
2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

ATTACHMENT A

Project Information  
File No. 16-164

1. Applicant: Mr. Stephen James  
Ventura Harbor Boatyard  
1415 Spinnaker Drive  
Ventura, CA 93001  
Phone: (805) 654-1433 Fax: (805) 339-0445
2. Applicant's Agent: Richard Parsons  
2271 Los Encinos Road  
Ojai, CA 93023  
Phone: (805) 890-8505 Fax: (805) 649-9759
3. Project Name: Reconstruction of Damaged Travelift Pier and Floating Docks
4. Project Location: Ventura Harbor, Ventura County
- | <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 34°14'28.70"    | 119°15'42.28"    |
| 34°14'28.43"    | 119°15'42.70"    |
| 34°14' 28.29"   | 119°15'41.75"    |
| 34°14' 28.18"   | 119°15'42.01"    |
5. Project Purpose: Repair and restore the travelift pier and docks to operating condition.
6. Project Description: In July 2015, a 70-ft long purse seiner fishing boat accidentally struck the north finger of the Ventura Harbor Boatyard's travelift pier resulting in significant structural damage. The pier's foundation piles were broken by the boat's impact and the north finger needs to be removed and replaced. The proposed project (Project) will replace the damaged north finger pier of the travelift pier, and replace a portion of the timber docks that were also destroyed in the accident.
- Demolition work will cut the 61-foot long by 8-foot wide by 18-inch thick concrete deck into large sized pieces. Each cut piece will

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be removed intact by a 110-ton crawler crane positioned on the existing landside apron of the travelift pier. Concrete rubble will be directly loaded into trucks and taken to a legal point of disposal. Six 16-inch octagonal precast concrete piles will be removed by cutting them two-feet below the existing mudline. The cut pieces will similarly be loaded into trucks and hauled. The total volume of concrete debris to be removed and recycled is approximately 71 tons.

Replacement of the finger pier will begin with the placement of eight 16-inch square precast, prestressed concrete piles. To minimize temporary turbidity impacts during pile driving, each pile shall be initially pushed approximately one to two feet below existing mudline. The pile shall then use jetted water to drill within eight feet of final elevation via a 1½ -inch diameter internal jet tube cast integrally within the center of the pile. The piles shall be driven the remaining eight feet to final tip elevation using a diesel impact hammer.

The new concrete deck (61-feet long by eight-feet wide x 1.5-feet thick) shall be constructed by the cast-in-place method. Approximately 23 cubic yards of concrete shall be placed using a concrete pump machine.

The concrete forms shall be made liquid-tight so that no concrete leaks or falls into the water during placement and curing. The concrete forms shall be designed and built in conformance with the American Concrete Institute's recommended guidelines for concrete formwork as presented in their ACI Standard 347R-14. The formwork will be supported by commercially available friction collars temporarily attached to the pier's newly placed foundation piles to support a temporary structural deck made of steel wide flange beam stringers and dimensional lumber and plywood sheet flooring.

The width of the form deck platform will be wider than the new pier deck to allow space for erection of the side forms and provide a factor of safety to contain any material that may inadvertently spill over the top of the form during the concrete finishing process. The formwork sides will be built using conventional plywood and structural timber to support the static and dynamic lateral forces of the wet concrete during placement. The interior surfaces of the form

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side walls and floor shall be lined with plastic sheeting and coated with sealant at all joints in the plywood and at the intersection of the form sides and form deck.

Concrete will be delivered to the job site in ready mix trucks and immediately transferred to a concrete pump machine equipped with a long articulated boom so that the concrete may be placed precisely and only within the footprint of the deck form. The concrete pump machine will be positioned on land adjacent to the pier construction area. The landside concrete transfer area between the ready mix trucks and pump machine shall be protected with a plastic sheet cover laid on top of the existing pavement to contain materials that might spill during the transfer process.

After the concrete cures, miscellaneous steel curb and hardware shall be installed to finish the pier construction work. The project work shall be completed with replacement of the short section of floating timber dock that was damaged by the fishing boat impact.

The damaged floating docks and guide piles have previously been removed. They shall be replaced by a local dock manufacturer. The timber docks with precast concrete pontoons shall be pre-assembled landside and lifted into the water using a small crane. The four precast, prestressed concrete guide piles shall be replaced in kind using a small barge mounted crane. Guide piles shall be driven using methodology similar to that outlined above.

Construction staging and storage shall be within a small fenced enclosure inside the Ventura Harbor Boatyard adjacent to the project site. Construction equipment shall be limited to use of a 110-ton crawler crane during the demolition and pile driving work. A smaller 30-ton rubber tire all terrain hydraulic crane shall likely be used thereafter. Additional equipment shall consist of a front end loader, air compressors, and miscellaneous small tools.

The duration of the finger pier project is estimated to be 10 to 12 weeks. The estimated construction start date is June 2016. All work on the finger pier project is estimated to be complete by August 2016. All timber dock work is estimated to be complete within one month thereafter.

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7. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP No. 3 (Permit No. SPL-2015-844-AJS)
8. Other Required Regulatory Approvals: California Coastal Commission  
Coastal Development Permit
9. California Environmental Quality Act Compliance: The proposed project was found to be Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Class 1(d), Section 15301 *Existing Facilities*. A Notice of Exemption was filed by the Ventura Port District on November 25, 2015.
10. Receiving Water: Ventura Marina (Hydrologic Unit Code: 180701010904)
11. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, MAR, WILD, SHELL
12. Impacted Waters of the United States: Ocean/Estuary/Bay: 0.26 permanent acres (190 linear feet)
13. Dredge Volume: None
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:
- Water conservation measures will be implemented for the duration of the job.
  - Water equipment will be kept in good working condition and water leaks repaired promptly.

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- Vehicles and equipment will not be washed at the job site.
- The Applicant shall require the contractor to inspect the job site daily to ensure that no illegal dumping has occurred.
- All trucks and similar equipment shall be refueled offsite.
- The off road and track mounted equipment will be on the job site throughout the eight month project duration; as such the off road and track mounted equipment will be refueled and maintained (Maintenance Area) within a level ground area that is located at the most landward area of the job site parking lot near Spinnaker Drive and at least 50 feet away from any storm drain.
- Drip pans and absorbent pads will be used under all power and the off road and track mounted equipment.
- Run-on, runoff, and spills will be contained within the Maintenance Area, and any discharges will be prevented from entering the Ventura Marina waters or storm drains.
- Fuel containers will have secondary containment.
- A spill kit will be kept at the fueling area(s).
- All equipment on or for the job site will be maintained and in working order and kept leak free.
- Cast-in-place concrete and curing compounds will be cured within the existing formwork, and not over sprayed.
- Spill contingency and emergency plans will be overseen by personnel trained in response procedures.
- Concrete slab material will be cut and removed in large pieces to the maximum extent practical to prevent discharge of material into the Ventura Marina waters.
- All demolition work will be performed within the confines of a silt curtain to prevent discharge of sediment and waste

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- Demolition and waste materials will be designated to specific stockpiled areas away from drainage areas, and taken to a legal point of disposal as soon as possible.
- Adequate storage sheds and containment methods for chemical products will be provided.
- Materials delivery and storage areas will be designated.
- Workers on site will hold regular safety meetings regarding the storage and stockpiling of materials per specified BMPs, and responsible individuals designated for enforcement.
- Watertight dumpsters will be utilized and covered.
- If a contained concrete washout area is designated it will not discharge onto surrounding pavement, soil, or waters.
- Temporary sanitary facilities at the job site will be maintained by licensed personnel.

16. Proposed  
Compensatory  
Mitigation:

None

17. Required  
Compensatory  
Mitigation:

The impact footprint will not change from the existing facility footprint; and impacts to waters of the state and U.S. will not occur if the measures incorporated within this Certification are followed. Therefore, this Regional Board will not require compensatory mitigation.

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. 15-164

#### 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, and the California Coastal Commissions' (CCC) 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, or the CCC's 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. 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, 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. 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. Bank stabilization and grading may require additional Certification action.
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 at a minimum of two locations. 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 or enforcement actions, including increased monitoring and sample collection.

17. 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.
18. 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 until project completion has been achieved and documented.

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The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts. At a minimum the Annual Reports shall include the following documentation:

- (a) Color photo documentation of the pre- and post-project site conditions;
  - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project areas;
  - (c) The overall status of project including whether or not work has begun on the Project and a detailed schedule;
  - (d) Copies of all permits revised as required in Additional Condition 1;
  - (e) Water quality monitoring results for each reach (as required) compiled in a spreadsheet format;
  - (f) A certified Statement of "no net loss" of wetlands associated with this project;
  - (g) Discussion of any monitoring activities and exotic plant control efforts; and
  - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
19. 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.
20. 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

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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)"

21. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **15-164**. Submittals shall be sent to the attention of the 401 Certification Unit.
22. 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.
23. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Ventura County and co-permittees under NPDES No. CAS004002 and Waste Discharge Requirements Order No. R4-2010-0108. This includes the Stormwater Quality Urban Impact Mitigation Plan (SQUIMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment.
24. 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.
25. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
26. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to

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reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

#### 27. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
  - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
28. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application at least 90 days prior to termination of this Certification if renewal is requested.