



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Ms. Heather Tomley
Port of Long Beach
4801 Airport Plaza Drive
Long Beach, CA 90815

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7014 2870 0001 4613 6196

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED PIER D, BERTH D48 FLOATING DOCK FACILITY PROJECT (Corps' Project No. SPL-2015-00878-LM), LONG BEACH HARBOR, CITY OF LONG BEACH, LOS ANGELES COUNTY (File No. 16-013)

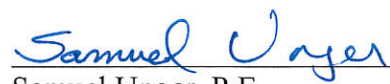
Dear Ms. Tomley:

Board staff has reviewed your request on behalf of Port of Long Beach (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed June 13, 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

11-01-16

Date

DISTRIBUTION LIST

Janna Watanabe
Port of Long Beach
4801 Airport Plaza Drive
Long Beach, CA 90815

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

Lisa Mangione
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

California Coastal Commission
200 Ocean Gate, 10th Floor
Long Beach, CA 90802

ATTACHMENT A

**Project Information
File No. 16-013**

1. Applicant: Ms. Heather Tomley
Port of Long Beach
4801 Airport Plaza Drive
Long Beach, CA 90815

Phone: (562) 283-7100 Fax: (562) 283-7148
2. Applicant's Agent: Janna Watanabe
Port of Long Beach
4801 Airport Plaza Drive
Long Beach, CA 90815

Phone: (562) 283-7100 Fax: (562) 283-7148
3. Project Name: Pier D, Berth D48 Floating Dock Facility
4. Project Location: Long Beach, Los Angeles County
- | <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 33.770178 | 118.212620 |
| 33.770125 | 118.212623 |
| 33.769975 | 118.211902 |
| 33.769901 | 118.211946 |
5. Type of Project: Installation of floating docks and associated infrastructure
6. Project Purpose: The Applicant will construct a floating dock facility at Pier D, Berth D48 which will include two floating docks and associated infrastructure such as gangways, walkways, piles, mooring, berthing hardware, and utility infrastructure. The floating dock facility will be used by the Port Maintenance Dive Team which provides underwater inspection and debris removal services including surveys of piles and seabed conditions; installation of fender systems' the repair of safety ladders, pile wrappings, and steel bulkheads; salvage operations; the cleaning of vessels and docks; and corrosion control.

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7. Project Description: The project will be broken up into two phases:

Phase 1

Approximately fifteen, 100-foot long, 24-inch-diameter octagonal pre-stressed concrete piles will be placed to construct a 165-foot long by 22-foot wide concrete floating dock. A 10-foot wide aluminum gangway landing platform dock will be installed that will be supported on two of the ten piles restraining the floating dock. A 4-foot wide by 60-foot long gangway will be installed to access the dock from the landing platform.

The associated infrastructure and mooring and berthing hardware such as cleats, ladders, fenders, will be installed, including the utility infrastructure such as potable water service lines, Class 1 fire protection system, electrical services, lighting, and alarm system.

A 3-ton jib crane supported on a 12-foot by 12-foot mat foundation will be placed at the west end of the existing wharf. The arm of the jib crane will be extended out over the water to raise and lower vessels into the water. Minor modifications in methods and construction activities may include driving up to four additional temporary piles and up to four permanent piles and the use of temporary aids to navigation such as floating buoys.

Phase 2

An existing 30-foot wide by 48-foot long floating dock currently at Pier G, Berth G242, will be relocated to Pier D, Berth D48. Piles, either in their entirety or the portion of piles located above the seafloor, and associated infrastructure will be removed. The relocated dock will be restrained by up to ten, 24-inch-diameter pre-stressed concrete piles. A six-foot wide by 30-foot long side walkway connecting this dock to the Phase 1 dock will be installed along with the associated infrastructure and utilities such as potable water service lines, Class 1 fire protection system, electrical services, lighting, and alarm system. Minor modifications in methods and construction activities may include driving up to four additional temporary piles and up to four permanent piles and the use of temporary aids to navigation such as floating buoys.

The dock sections will be trucked in by approximately 12 modules to Berth D48. Module size runs approximately 11-feet wide by 30-feet in length. They will then be lowered by crane from land to

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water and assembled in the water, as assembling on land may stress or damage connections when lifted and moved to water.

Standard pile driving techniques will be used to install the pilings for the docks using either an impact diesel (such as a Delmag D80) or hydraulic hammer. It is expected that pile driving will last about 5 days. Pile driving and removal activities will likely cause some turbidity in the water.

The Project was issued a Harbor Development Permit (HDP), approved by the Port of Long Beach on December 3, 2015. The HDP *Standard Conditions* state that the Applicant shall comply with this Regional Board.

- | | |
|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| 8. Federal Agency/Permit: | U.S. Army Corps of Engineers
Letter of Permission (File No. 2015-00878-LM) |
| 9. Other Required
Regulatory Approvals: | None |
| 10. California
Environmental Quality
Act Compliance: | The Port of Long Beach determined the project is Categorically Exempt from CEQA pursuant to the CEQA Guidelines, Section 15303 New Construction. |
| 11. Receiving Water: | Long Beach Harbor, Marinas (Hydrologic Unit Code: 180701060703) |
| 12. Designated Beneficial
Uses: | IND, NAV, COMM, MAR, RARE, SHELL, REC-1, REC-2 |
| 13. Impacted Waters of the
United States: | Ocean/Estuary/Bay: 0.13 permanent acres (243 linear feet) |
| 14. Dredge Volume: | None |

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15. Related Projects
Implemented/to be
Implemented by the
Applicant:

Inner Harbor Turning Basin dredging
Maintenance dredging within the harbor.

16. Avoidance/
Minimization
Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- Prior to project construction, the Applicant will perform a pre-project eelgrass survey at the Berth G242 project site in accordance with the California Eelgrass Mitigation Policy (CEMP).
- All landside and water equipment will be maintained in good proper running order to prevent leaking or spilling of hydraulic fluid, diesel, gasoline and other petroleum products into coastal waters.
- Any leaking equipment will be promptly repaired, leaks contained, including the removal of equipment from the project site.
- Fuels for construction and operation will be stored in enclosed storage containers and away from storm drain inlets and drainage systems.
- The Applicant will ensure that all appropriate personnel will have emergency spill equipment and cleanup material available whenever working near or on the water and that current hazardous material spill prevention and cleanup plans are maintained and kept on site.
- The Applicant will use only clean construction materials suitable for use in the oceanic environment. All installed piles will be concrete.
- The Applicant will ensure that no debris, soil, silt, sand, sawdust, rubbish, cement or wet concrete, oil or petroleum projects from construction will be allowed to enter into or placed where it may be washed by rain or runoff into waters.

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- Should any construction debris inadvertently enter the ocean, the debris will be removed immediately and placed in designated trash containment areas on land. Upon completion of the Project, all excess materials or debris will be completely removed from the work area and taken to a legal point of disposal.

17. Proposed
Compensatory
Mitigation:

None

18. Required
Compensatory
Mitigation:

The applicant will conduct a pre-project eelgrass survey at the Berth G242 project site and conduct eelgrass mitigation, if warranted, in accordance with the California Eelgrass Mitigation Policy.

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

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Conditions of Certification File No. 16-013

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. **The 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 HDP, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification on site at all times and shall be familiar with all conditions set forth.
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

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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, and minimize runoff from the site.
15. All project and 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.
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. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

17. The Applicant shall restore **all 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.
18. 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 project completion has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities

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performed during the previous year and all restoration and mitigation efforts. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking) or any delays in the mitigation process. 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

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**Conditions of Certification
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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)"

21. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **16-013**. 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 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.
24. 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.
25. 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.
26. *Enforcement:*

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- (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.
27. 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.