

Los Angeles Regional Water Quality Control Board

Mr. Edward Andrews
Los Angeles County Department of Public Works
900 South Fremont Avenue
Alhambra, CA 91803

WATER QUALITY CERTIFICATION FOR PROPOSED MARINA DEL REY BOAT HOUSE REFURBISHMENT PROJECT (Corps' Project No. SPL-2011-00704-SLP), MARINA DEL REY HARBOR, MARINA DEL REY, LOS ANGELES COUNTY (File No. 11-128)

Dear Mr. Andrews:

Board staff has reviewed your request on behalf of Los Angeles County Dept. of Public Works(Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on July 6, 2012.

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

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

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

Samuel Unger

Samuel Unger, P.E.
Executive Officer

Sept. 12, 2012

Date

DISTRIBUTION LIST

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ATTACHMENT A

Project Information
File No. 11-128

1. Applicant: Mr. Edward Andrews
Los Angeles County Department of Public Works
900 South Fremont Avenue
Alhambra, CA 91803

Phone: (626) 300-2319 Fax: (626) 979-5320

2. Project Name: Marina del Rey Boat House Refurbishment Project

3. Project Location: Marina del Rey, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
33.97720	118.44381
33.97711	118.44375
33.97721	118.44350
33.97731	118.44357
33.97714	118.44384
33.97716	118.44360
33.97730	118.44347
33.97726	118.44368

4. Type of Project: Structure refurbishing

5. Project Purpose: The goal of the Project is to refurbish the Marina del Rey Boat House, an existing 6,257 sq. ft. three-story structure, to comply with Americans with Disabilities Act (ADA) and provide seismic upgrades to the building.

6. Project Description: The Project will include the installation of a ADA-compliant elevator, complete with machine room and utilities, a roofed elevator penthouse, storage area, and ramp access to the elevator; remodel of two existing toilet facilities for ADA compliance; remodel and expansion (within the footprint of the building) of an existing bathroom/shower room for ADA compliance; installation of two new ADA compliant drinking fountains; installation of a new electrical system for support of the renovated areas; and seismic retrofit throughout the building consisting of adding interior shear walls, strengthening the roof diaphragm, and strengthening the existing foundation support piles.

All improvements are within the existing footprint of the building.

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The proposed schedule was to start September 2011 and finish October 2012. The total project size is 0.11 acres.

7. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 3 (Permit No. SPL-2011-00704-SLP)
8. Other Required Regulatory Approvals: California Coastal Commission – South Coast Region
Coastal Development Permit 5-11-209
9. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 (Existing Facilities).
10. Receiving Water: Marina del Rey, Pacific Ocean (Hydrologic Unit No. 405.13)
11. Designated Beneficial Uses: NAV, REC-1, REC-2, COMM, MAR, WILD, SHELL
12. Impacted Waters of the United States: Temporary impacts to 0.21 acres of ocean, bay or estuary.
13. Dredge Volume: None
14. Related Projects Implemented/to be Implemented by the Applicant: The Applicant repaired approximately 1,585 linear feet of sea wall within the Marina del Rey Harbor in January 2007 (File No. 06-081). Repairs were limited to re-establishing rock rip rap slope and filling voids under sea wall panels with grout.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Storm Drain Inlet Protection – Sediment trapping devices such as sandbags and filter fabric will be installed at all storm drains to prevent sediment from entering into the storm drain system or watercourses.
 - Material and Equipment Use Over Water – Procedures will be implemented to prevent any discharge of potential pollutants to the harbor to include proper storage of construction materials and equipment; and installation of watertight curbs, silt screens, and containment structures.
 - Material Delivery and Storage – All construction materials will be secured in storage areas in appropriate containers as

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necessary to prevent any discharge of potential pollutants to the harbor.

- Spill Prevention and Control – Procedures and equipment will be in place during the entire construction period to prevent any discharge of potential pollutants to the harbor.
- Solid Waste Management – Procedures and equipment will be in place to safely secure all construction waste and prevent any discharge of potential pollutants offsite, to the ground, drainage systems or watercourses.
- Hazardous Waste Management - Procedures and equipment will be in place to safely secure, store, and dispose of all hazardous waste to an authorized disposal site.
- The contractor will monitor for turbidity plumes, hydrocarbons, floating debris, or heavy items which fall in the water.
- The Contractor will deploy hydrocarbon and trash booms as required by the permit conditions and the Engineer's specifications.
- The Contractor will recover all the items which fall into the water including those that require a diver to retrieve.

16. Proposed
Compensatory
Mitigation:

The Applicant has not proposed any compensatory mitigation.

17. Required
Compensatory
Mitigation:

Since the project impacts are temporary in nature, the Regional Board will not require any additional compensatory mitigation. 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. 11-128

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. This documents shall be submitted prior to any discharge to waters of the State.
2. The Applicant shall adhere to the most stringent conditions indicated with either this Certification or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and 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.
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. 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.
10. 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.
11. 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.
12. The Applicant shall submit to this Regional Board Annual Reports (Annual Reports) by **January 1st** of each year for a minimum period of five (5) years following this issuance of 401 Certification project completion. 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;

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15. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **11-128**. Submittals shall be sent to the attention of the 401 Certification Unit.
16. 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.
17. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 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.
18. 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.
19. 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.
20. *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.
21. 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.