

Los Angeles Regional Water Quality Control Board

Mr. Dennis Loput
Abbey Company
14770 Firestone Blvd, #206
La Mirada, CA 90638

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7009 2820 0001 6537 9355

WATER QUALITY CERTIFICATION FOR PROPOSED CATALINA EXPRESS LONG BEACH TERMINAL PROJECT (Corps' Project No. 2013-00244-BLR), LOS ANGELES RIVER, CITY OF LONG BEACH, LOS ANGELES (File No. 13-047)

Dear Mr. Dennis Loput:

Board staff has reviewed your request on behalf of Abbey Company (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on May 13, 2013.

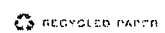
I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance),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

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

Should you have questions concerning this Certification action, please contact Dana Cole, Section 401 Program, at (213) 576-6759.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

May 24, 2013
Date



DISTRIBUTION LIST

Greg Bombard
Catalina Channel Express
400 Oceangate, #300
Long Beach, CA 90802

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

Jack Gregg
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Bonnie Rodgers
U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2325

Paul Amato (via electronic copy)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Jim Bartel
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011

ATTACHMENT A

Project Information
File No. 13-047

1. Applicant: Mr. Dennis Loput
Abbey Company
14770 Firestone Blvd, #206
La Mirada, CA 90638

Phone: (562) 435-2100

2. Applicant's Agent: Catalina Channel Express
400 Oceangate, #300
Long Beach, CA 90802

Phone: (310) 519-7971 ext. 1000 Fax: (562)485-3201

3. Project Name: Catalina Express Long Beach Terminal

4. Project Location: Long Beach, Los Angeles County

<u>Latitude</u> (decimal degrees)	<u>Longitude</u> (decimal degrees)
--------------------------------------	---------------------------------------

33.760070	-118.199879
-----------	-------------

5. Type of Project: Minor sediment transport

6. Project Purpose: The proposed project (Project) will move an approximate one-foot thickness of sediment to a lower portion within the project area to make sure that ferry boats do not become grounded, or endanger ferry boats or passengers.

7. Project Description: Federal Channel is part of the Los Angeles River Estuary, and is located near the entrance of the terminal boat basin. Sediment build-up currently interferes with ferry boats which travel from the Catalina Landing Terminal to Catalina Island. Further build-up or shifting of sediment is expected. The current depth to sediment is approximately 9.9 feet.

ATTACHMENT A

Project Information

File No. 13-047

The Project area is approximately 120 feet by 150 feet (18,000 square feet). The Project will move approximately 800 cubic yards of sediment from an area approximately 9.9 ft. deep, 200 feet southeast to a deeper portion of the Project area which is approximately 14.5 feet deep.

The Project will use a diver with a suspended, 6-inch hydraulic suction dredge. The predetermined boundaries of each worksite will be marked off with buoys and allow the diver to systematically dredge between the markers removing only the sediment designated. The submerged hose and diver will direct the sediment to the deeper area.

Work is expected to take about three days.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
Individual Permit (Permit No. 2013-00244-BLR)
9. California Environmental Quality Act Compliance: This Regional Board made the determination that the Project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15304 Minor Alterations to Land, for "minor public or private alterations in the condition of land, water..."
10. Receiving Water: Los Angeles River Estuary (Hydrologic Unit No. 405.12)
11. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, EST, MAR, WILD, RARE, MIGR, SPWN, SHELL, WET
12. Impacted Waters of the United States: Ocean/Estuary/Bay: 0.413 temporary acres
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.

ATTACHMENT A

Project Information
File No. 13-047

15. Avoidance/
Minimization
Activities:

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

- The scuba diver will control the suction dredge in a precise and careful manner to minimize disturbance.

16. Proposed
Compensatory
Mitigation:

None.

17. Required
Compensatory
Mitigation:

The impacts created are minor and 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. 13-047

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, **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 CDFG's
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, the approved and all other regulatory approvals for this project 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

ATTACHMENT B

Conditions of Certification File No. 13-047

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.
9. 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.
10. 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.
11. 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.
12. Ocean water quality monitoring shall be performed by the Applicant. Baseline sampling may be conducted at one location within the project boundary. All other sampling shall take place at a minimum of two locations. Monitoring for the following shall be included:
 - pH
 - temperature
 - dissolved oxygen
 - turbidity
 - 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 until the work is complete. Monitoring shall ensure compliance with all water quality objectives specified in the 2005 Ocean Plan.

Results of the analyses shall be submitted to this Regional Board by the 15th day of the subsequent 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

ATTACHMENT B

Conditions of Certification

File No. 13-047

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.

13. 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 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 a detailed schedule of whether or not work has begun on the Project;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret 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.

14. 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.

ATTACHMENT B

Conditions of Certification
File No. 13-047

15. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

"I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

(Signature)
(Title)"

16. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **13-047**. Submittals shall be sent to the attention of the 401 Certification Unit.
17. 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.
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:*

ATTACHMENT B

Conditions of Certification

File No. 13-047

- (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.
21. 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.