



Los Angeles Regional Water Quality Control Board

Ms. Mary Jo Ivers
City of San Buenaventura
P.O. Box 99
Ventura, CA 93002-0099

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7011 2970 0000 0645 4943

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR VENTURA PIER: FIVE YEAR MAINTENANCE PROJECT (Corps' Project No. 2014-479-AJS), VENTURA MARINA, PACIFIC OCEAN, CITY OF VENTURA, VENTURA COUNTY (File No. 14-095)

Dear Ms. Ivers:

Board staff has reviewed your request on behalf of City of San Buenaventura (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on January 26, 2015.

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
Samuel Unger, P.E.
Executive Officer

Feb. 27, 2015
Date

DISTRIBUTION LIST

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

ATTACHMENT A

Project Information
File No. 14-095

1. Applicant: City of San Buenaventura
P.O. Box 99
Ventura, CA 93002-0099

Contact: Mary Joyce Ivers

Phone: (805) 652-4539 Fax: (805) 653-6655

2. Project Name: City of Ventura Pier Five-Year Maintenance

3. Project Location: City of Ventura, Ventura County

<u>Latitude</u>	<u>Longitude</u>
34.275317	-119.290795
34.272107	-119.292641

4. Type of Project: Pier repair and maintenance

5. Project Purpose: To repair and maintain the Ventura Pier within a five-year period.

6. Project Description: The Ventura Pier was originally constructed in 1872 and is one of the state's longest primarily wooden piers at approximately 1,620 feet. Under a 5-Year Maintenance Plan, the City of Ventura proposes to conduct routine maintenance of the pier within the existing foot print.

The work is scheduled to take place between September 2014 and December 2019.

2014/2015:

Five timber piles will be replaced: bent 65 pile C, bent 64 pile A, bent 58 pile D, bent 57 pile C, and bent 54 pile F (piles in each bent are designated by letters from east to west).

Timber Piles: Pile butt diameter will not be less than 16 inches and not greater than 18 inches and minimum pile tip diameter

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will be 10 inches. Timber pile will be treated with Creosote to a retention of twenty 20 pounds per cubic foot in conformance with American Wood Protection Association (AWPA) standards.

Pile Wrap: Piles will be protected with outer pile wrap of polyethylene sheeting formulated to provide maximum resistance to long-term exposure to marine organisms, rot and decay of timber piles.

Nails for Pile Wrap: Nails used for the wrap shall be four-inch aluminum nails. Foam seals shall be used with pile wrap, ¼" x 1 ½". Foam seals will be a type accepted by the California Department of Fish and Wildlife as being able to seal creosote within the piling cover.

Pile installation: The crane and pile driver will be placed on the pier during the pile replacement work. Piles to be replaced will be snapped at the mud line and all new pile will be driven adjacent to the existing deteriorated pile. Pile will be installed by driving hammer. The hammer will have a minimum ram weight of 4,000 pounds. Piles will be installed to an embedment specific depth or minimum practical refusal. Piles will be marked the entire length prior to driving in order to facilitate the determination of penetration elevations. After the pile is driven it will be cut off to true planes to receive and provide uniform bearing for the timber caps.

Pipe braces will be repaired or replaced: 77, 64A, 57C, 41C. Pipe braces are the horizontal metal braces running the length of the pier just above the waterline.

Inspection: After close examination of the pipe braces, it will be determined if repairs or replacement are appropriate.

Preparation: All surface preparation will be completed in a controlled environment prior to delivery to jobsite.

Primer: Primer will be "Dimetcote 9 HS Primer" as manufactured by PPG Protective & Marine Coatings, in accordance with manufacturer's instructions.

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Top Coat: Top Coat will be two (2) coats of "Amercoat 385" as manufactured by PPG Protective & Marine Coatings.

Hardware coating: Galvanized items will be liberally coated in the field after assembly with "Bitumastic" Super Service Black as manufactured by Carboline.

Bracing will be replaced: Sash, sway, longitudinal and horizontal braces are the timber braces crisscrossing below the pier deck. Timber brace, sash and sway brace will be replaced at Bent 54A-E, sash brace at Bent 53 F-G, longitudinal brace at Bent 52 to 53 pile A, longitudinal brace at Bent 51 to 52 pile A, and horizontal brace at Bent 47 pile A to E. Replacements will be new like kind timber braces. All new braces will be treated with ACZA, (Ammoniacal Copper Zinc Arsenate) preservative and conform to AWWA standards for coastal use.

Electrical Repairs will be made: The electrical conduit will be repaired and electrical wiring will be replaced as necessary. Replacement PVC conduit will be secured in place with stainless steel hangers.

2015/2016

Steel will be recoated: Steel sections of pier from Bent 38 to Bent 18 will be recoated.

Surface Preparation: Rust will be removed by abrasive blast. Mechanical barriers or closed blasting systems will be utilized to recover 100% of the blasting media. At no time will any media from the blasting process be allowed to enter the ocean.

Primer: On freshly exposed bare metal, PPG "Dimetcote 9 HS Primer," or equal, will be used at minimum four (4.0) mils dry film thickness (dft) in accordance with manufacturer's instructions.

Top Coat: Two (2) coats of 6.0 mils minimum dry film thickness each of PPG "Amercoat 385," or equal, will be applied to match existing color over freshly primed areas.

Biomass Removal: Biomass will be removed on all pile; 90% of

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marine growth will be removed to the basal plate or the maximum allowable remaining deposits on the pile will be ¼ to ½ inch. Marine growth will be mechanically removed by divers utilizing scrapers or other hand tools and or hydraulic cutting rings. Divers will use best standard practices for each method of removal. After completion of biomass removal diver will conduct a thorough inspection of all underwater portions of the pier.

2016/2017

Fiberglass jacket system will be installed: Jacket system will be installed on 6 (six) piles 77E, 77D, 77A, 75D, 74C, 50B.

Pile Preparation: The repair area will be free of marine growth, laitance, grease, oil, and debris that could inhibit bond.

Fiberglass jacket system: FX-70 Inert Corrosion-Free System with Jack spacers will be installed as manufactured by Fox Industries.

Installation: 1/8" interlocking fiberglass jacket will be installed per manufacturer's instructions ensuring the jacket extends 24" above and below the damaged area. Stainless steel, self-tapping machine screws will be installed every 6" along the tongue and groove to secure jacket. The jacket will be filled with 6" of FX-70-6 hydro-ester multipurpose marine epoxy grout to create bottom seal. The grout will be allowed to cure overnight and the void filled with FX-225 non-shrink non-metallic underwater grout leaving 4" open at head of jacket. The remaining 4" void will be filled with FX-70-6 grout. FX-763 hydro-ester trowel grade epoxy will be installed at the head of the jacket and finish to a 45 degree taper creating a water and chemical resistant barrier.

2017/2018

Timber pile bracing will be inspected and replaced or repaired as required. Handrail will be inspected and damaged timber will be replaced with like kind, as necessary.

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2018/2019

Handrail sections will be replaced as necessary and approximately 5 (five) timber piles and associated bracing will be replaced based on prior year condition assessment. Install method will conform with the installation procedures outlined in year 2014/2015.

Preparation for operations and storage of materials will be in the area between the bike path and the parking lot on the east side of the pier. This space will be kept clean and orderly at all times. The contractor's construction equipment and one day's use of materials may be stored in the affected area of the pier and enclosed with a chain link fence. When not in use, the large equipment will be stored at the City of Ventura's Maintenance Yard.

The contractor will be licensed to perform the work for this project. All work will be free of defects and per industry standard practices. All work will be performed by experienced, skilled craftsmen in accordance with the industries best standard practices. Contractor's employees, contractors, and all work will comply with all Federal, State and local codes and regulations and local safety procedures at all times while on City property, and will comply with the requirements of all permits this work is performed under.

Temporary fencing will be used to route foot traffic around construction site and remain in place until after final job site inspection. Work will be performed with the least amount of interruption to the public. Contractor will provide a work schedule detailing the tasks and time schedule to perform this work. The City prohibits any products containing asbestos. Contractor will be responsible for all field measurements.

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| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
Permit No. SPL-2014-479-AJS |
| 8. Other Required
Regulatory Approvals: | Coastal Development Permit |
| 9. California
Environmental Quality
Act Compliance: | The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302 Replacement or Reconstruction. |

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10. Receiving Water: Pacific Ocean, nearshore (Hydrologic Unit Code: 180701010202)
11. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, MAR, WILD, BIOL, RARE, MIGR, SPWN, SHELL
12. Impacted Waters of the United States: Ocean/Estuary/Bay: 0.0119 temporary acres (459 linear feet) and 0 permanent acres
13. Dredge Volume: None
14. Related Projects Implemented/to be Implemented by the Applicant: Maintenance of the Ventura Pier has been previously permitted under Water Quality Certifications File Nos. 05-021 and 09-014.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- NS-11, Pile Driving Operations and NS-14, Material Over Water; Equipment that is operated on the pier will have drip pans placed under them to catch any leaks. Equipment will be inspected daily for drips/leaks and repaired as necessary. Spill kits will be available during this project.
 - WM-2, Material Use, WM-3, Stockpile Management, and WM-5. Solid Waste Management; All materials will be stored in a staging area adjacent to the pier on dry land. All stored liquids will be stored in a manner as to have secondary containment. Creosote treated liquids will be covered and stored off the ground. Creosote treated waste materials will be placed in a marked waste bin and disposed of in an approved and traceable manner.
 - WM-4, Spill Prevention and Control; Contractor will have a written spill control response plan that includes actions to be taken in the event of a spill and contact information for required reports.

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- When rust is removed by abrasive blast, mechanical barriers or closed blasting systems will be utilized to recover 100% of the blasting media. At no time will any media from the blasting process be allowed to enter the ocean.

16. Proposed
Compensatory
Mitigation:

None

17. Required
Compensatory
Mitigation:

The City of Long Beach will comply with the NOAA Fisheries California Eelgrass Mitigation Policy and Implementing Guidelines.

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. 14-095

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 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, the ACOE Section 404 Permit or the 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. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water

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Resources Control Board Water Quality Order Nos. 2011-0003-DWQ, for Aquatic Animal Invasive Species Control; 2011-0004-DWQ, for Spray Applications; 2011-0002-DWQ, for Vector Control; and 2013-0002-DWQ, for Weed Control.

14. 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.
15. All project/construction/maintenance 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 prior to each separate period of maintenance activity. 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 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.

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18. The Applicant shall comply with the NOAA Fisheries California Eelgrass Mitigation Policy and Implementing Guidelines.
19. 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 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 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.
20. 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.

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Conditions of Certification

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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.

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.

