

Los Angeles Regional Water Quality Control Board

Mr. Antonio V. Gioiello  
Port of Los Angeles  
425 South Palos Verdes St.  
San Pedro, California 90731

**WATER QUALITY CERTIFICATION FOR PROPOSED BERTH 239 MOORING PROJECT (Corps' Project No. 2011-00300-TS), CITY OF SAN PEDRO, LOS ANGELES COUNTY (File No. 11-049)**

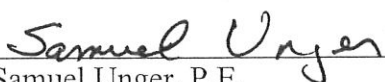
Dear Mr. Gioiello:

Board staff has reviewed your request on behalf of Port of Los Angeles (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on October 16, 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.

**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, Lead, Section 401 Program, at (213) 576-5733.

  
\_\_\_\_\_  
Samuel Unger, P.E.  
Executive Officer

11-7-12  
\_\_\_\_\_  
Date

## DISTRIBUTION LIST

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ATTACHMENT A

Project Information  
File No. 11-049

1. Applicant: Antonio V. Gioiello  
Port of Los Angeles  
425 S. Palos Verdes St.  
San Pedro, California 90731

Phone: (310) 732-3877 Fax: (310) 519-0178

2. Applicant's Agent: Hugo A. Cisneros  
Port of Los Angeles  
425 S. Palos Verdes St.  
San Pedro, California 90731

Phone: (310) 732-3877 Fax: (310) 519-0178

3. Project Name: Berth 239 Mooring

4. Project Location: San Pedro, Los Angeles County

| <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 33.732611168    | -118.272267450   |
| 33.732151831    | -118.272107331   |
| 33.732061261    | -118.272129014   |
| 33.73254219     | -118.272281354   |
| 33.732550257    | -118.272238564   |
| 33.732082739    | -118.272075450   |
| 33.732121063    | -118.272167331   |
| 33.732605887    | -118.272287070   |

5. Type of Project: Reconstruct and strengthen the Mooring Structure at Mooring Point # 1.

6. Project Purpose: The proposed project (Project) will reconstruct and strengthen the mooring structure at Mooring Point #1 in order to improve load capacity and operations for barge traffic at Berth 239.

7. Project Description: The Project will remove the existing timber walkway (Catwalk) which is approximately 168 feet long. The Catwalk supports, four

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timber piles along with ten steel piles will be removed. The existing mooring dolphin structure, consisting of steel sheet piles, steel H-piles, will be removed. The concrete infill will also be removed.

Two new concrete piles will be installed with a new concrete cap for the Catwalk support. Twenty new concrete piles will be installed and a new concrete deck will be constructed for the new Mooring Point #1. Two additional pre-fabricated Catwalks will be installed. One will be placed from the new Mooring Point #1 to the new pile catwalk support. The other catwalk will be placed from the catwalk support to the shore.

The removal activities will be performed with a barge-mounted crane or land based crane and small watercrafts. Hard hat divers may assist with the demolition using small handheld equipment suitable for underwater use for the removal of the underwater structures. The removed material will be taken to a legal point of disposal.

The new concrete piles will be driven using a diesel hammer mounted on a barge or land based crane. The new catwalks will be placed using a barge-mounted cranes or land based crane. A land based crane may possibly be used for staging and assisting with placing materials on the barge.

The total project area is approximately 3,300 square feet (0.076 acres) or 431 linear feet.

- |  |  |
|--|--|
| 8. Federal Agency/Permit:                                  | U.S. Army Corps of Engineers<br>Letter of Permission (LOP)<br>File # 2011-00300-TS   |
| 9. Other Required<br>Regulatory Approvals:                 | None   |
| 10. California<br>Environmental Quality<br>Act Compliance: | The proposed project was determined to be Categorical Exempt from CEQA by the Los Angeles Harbor Department pursuant to the CEQA Guidelines, Article 19, Section 15301(d) Existing Facilities: |

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11. Receiving Water: Los Cerritos Channel (Hydrologic Unit No. 405.12)
12. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, EST, MAR, WILD, RARE, MIGR, SPWN, SHELL
13. Impacted Waters of the United States: Ocean/Estuary/Bay: 0.076 permanent acres (431 linear feet)
14. Related Projects Implemented/to be Implemented by the Applicant:
- Project Title:  
Berth 238 Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) Upgrade
- Scope of Work:  
Construct approximately 8,400 square feet of new concrete wharf extension north of the existing concrete wharf at Berth 238. Construct two new pile-supported concrete mooring anchors and four new pile-supported breasting dolphins.
- Permits and Approvals:  
Separate permits/approvals for the above project will be obtained prior to the start of construction from the following:
1. The Department of Army
  2. Section 401 Water Quality Certification from California Water Quality Control Board, Los Angeles Region
15. Avoidance/Minimization Activities:
- The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- The Applicant will conduct a pre-construction survey of the maintenance project area for *Caulerpa taxifolia* (Caulerpa) in accordance with the Caulerpa Control Protocol.
  - No Dredging will be performed for or on this project.
  - Earth, construction materials, sediments, trash, construction-related wastes, other potential pollutants, or stockpiles of these materials shall not be transported by wind or blower.
  - Handle hazardous materials in conformance with the Occupational Safety and Health Administration (OSHA).

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- Retain concrete wastes on-site until they can be appropriately be disposed or recycled.
- On-site washout shall be allowed only in designated areas away from drains, ditches, and streets.
- Deposited trash and construction-related solid wastes in covered receptacles.
- Handle and dispose of hazardous waste in conformance with the “Hazardous Waste” Article.
- Prevent tracking of sediment and other materials from the site by vehicle traffic.
- Stabilize construction entrance roadways to inhibit sediments from being deposited into the public ways.
- Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the Project site.

16. Proposed  
Compensatory  
Mitigation:

None.

17. Required  
Compensatory  
Mitigation:

Impacts to waters of the state are determined to be minimal if the best management practices above are implemented. Therefore, this Regional Board will not require compensatory mitigation for this project. See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above.

## ATTACHMENT B

### Conditions of Certification File No. 11-049

#### 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. On August 16, 2011 the Applicant submitted to this Regional Board a copy of the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit (SPL-2011-00300-TS LOP), issued July 21, 2011.
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. 16, 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 Applicant use any vehicle or equipment which leaks any substance that may impact water

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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 and/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. Please contact the Land Disposal Unit, at the Regional Board for further information.
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. 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.
14. 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:



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- 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 2005 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.

15. 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 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. The Annual Reports shall describe the status of other agreements or any delays. 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 work;
  - (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

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- (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
16. 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.
17. 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)”

18. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **11-049**. Submittals shall be sent to the attention of the 401 Certification Unit.
19. 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.
20. 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

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implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment.

21. 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. 99-08-DWQ.
22. 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.
23. 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.
24. *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.

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25. 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.