



EDMUND G. BROWN, JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY OF WATER
PROTECTION AND CONTROL

Los Angeles Regional Water Quality Control Board

Captain Lawrence R. Vasquez
Naval Base Ventura County
311 Main Road, Suite 1
Pt. Mugu, CA 93042-5033

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7010 3090 0002 1021 9599

WATER QUALITY CERTIFICATION FOR PROPOSED NBVC PORT HUENEME TIDE GATE REPAIR PROJECT, PORT HUENEME TIDAL CHANNEL, NAVAL BASE VENTURA COUNTY PORT HUENEME, VENTURA COUNTY (File No. 12-027)

Dear Captain Vasquez:

Board staff has reviewed your request on behalf of Naval Base Ventura County (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on April 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.

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 Valerie Zara, Lead, Section 401 Program, at (213) 576-6759.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

July 17, 2012
Date

MARIA MEHRANIAN, CHAIR | SAM UNGER, EXECUTIVE OFFICER

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DISTRIBUTION LIST

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ATTACHMENT A

Project Information File No. 12-027

1. Applicant: Captain Lawrence R. Vasquez
Naval Base Ventura County
311 Main Road, Suite 1
Pt. Mugu, CA 93042-5033
Phone: (805) 989-7903
2. Applicant's Agent: Ms. Valerie Vartanian
Naval Base Ventura County
311 Main Road, Suite 1
Pt. Mugu, CA 93042-5033
Phone: (805) 989-4740 Fax: (805) 989-1011
3. Project Name: NBVC Port Hueneme Tide Gate Repair
4. Project Location: Naval Base Ventura County Port Hueneme, Ventura County

<u>Latitude</u>	<u>Longitude</u>
34.163889	119.208333
5. Type of Project: Tide gate repair
6. Project Purpose: The purpose of the proposed project is to repair and modify the PH-5035 tide gate at the Ventura County Naval Base (Port Hueneme).
7. Project Description: The project is intended to update an existing tide gate with modern control systems and replace weathered parts at the Naval Base Ventura County, Port Hueneme (PH-5035 tide gate). The project is expected to be completed by September 2012.

In order to repair and modify the existing tide gate, the project activities will consist of the following: replacing 2 of the 3 existing 75 horse power axial pumps, installing new stainless steel inlet grating, installing galvanized railing and roofing panels, replacing catwalk fencing, installing new 40-inch coupler and 40-inch ductile iron pipe, applying corrosion coating, and installing a new master control center with prefabricated weather enclosure.

In addition, silt and sediment will be excavated on the north side of the tide gate. The expected excavation depth will be 3 feet, and

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approximately 165 cubic yards will be excavated. Two temporary cofferdams will be installed to the north and south of the tide gate to isolate flow. The cofferdams will remain in place for a total of four weeks. In total, 30 linear feet of waters of the United States will be temporarily impacted by the project. The project area will be within 30 feet in length and 20 feet wide.

8. Federal Agency/Permit:
U.S. Army Corps of Engineers
Non-notify
9. Other Required
Regulatory Approvals:
California Coastal Commission
Negative Determination
NOAA
(Effect on Fish Habitat) No Adverse Effects
10. California
Environmental Quality
Act Compliance:
The proposed project is Categorically Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 (Existing Facilities).
Port Hueneme Tidal Channel (Hydrologic Unit No. 403.11)
11. Receiving Water:
PROC, NAV, REC-1, REC-2, COMM, MAR, WILD
12. Designated Beneficial
Uses:
Bay: 0.014 temporary acres (30 linear feet)
13. Impacted Waters of the
United States:
165 cubic yards of silt and sediment
14. Dredge Volume:
165 cubic yards of silt and sediment
15. 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.
16. Avoidance/
Minimization
Activities:
The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
 - Cofferdams will be placed above and below the tide gate to allow for complete access to the structure. They will be placed as close to the tide gate structure as possible to minimize the area of impact.

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- Work will occur immediately after cofferdams are in place and will be expedited as quickly as possible to completion to minimize the length of time tidal flow is altered.
- The cofferdams are not expected to remain in place any longer than four weeks.
- Dredged materials will be removed from the site and base and disposed of appropriately.
- No fill will be added.

17. Proposed
Compensatory
Mitigation:

Since the project impacts are temporary in nature, the Applicant has not proposed any compensatory mitigation.

18. Required
Compensatory
Mitigation:

The Regional Board will not require any additional compensatory mitigation as the proposed project impacts are temporary in nature, and within a very limited area of the tide gate.

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. 12-027

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 California Coastal Commission and NOAA. **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 or any other applicable permits.
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 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. 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. Please contact Dr. Wen Yang of the Land Disposal Unit at (213) 620-2253 for further information regarding the disposal of solid wastes.
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. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum 5-foot buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge (ROWD)** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.

15. All project/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. 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 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.

17. The Applicant shall restore the **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. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.

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18. The Applicant shall submit to this Regional Board a **Final Monitoring Report** by **January 1st** of the year following project completion. The Annual Reports shall describe in detail all of the project/construction activities performed and all restoration 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 and answered appropriately whether or not mitigation has been performed:
 - (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.
19. Prior to any subsequent maintenance activities within the subject drainages/basin, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the drainage's/basin's existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (d) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (e) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
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.

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(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.

21. 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)"

22. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number 12-027. Submittals shall be sent to the attention of the 401 Certification Unit.

23. 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.

24. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Ventura County and co-permittees under NPDES No. CAS004002 and Waste Discharge Requirements Order No. R4-2010-0108. This includes the Stormwater Quality Urban Impact Mitigation Plan (SQUIMP) 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.

25. 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

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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.

26. 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.

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.
29. If the Applicant intends to continue work in waters of the state or U.S. after expiration of the Certification, the Certification does not renew; therefore:
- (a) A new Clean Water Act 401 Water Quality Certification must be reviewed, signed, and authorized **before** work can continue; which requires:

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- (b) That a complete application as well as current application fees must be submitted at least 90 days prior to the expiration of the Certification.