



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Ms. Denis Radde
City of Avalon
410 Avalon Canyon Road, P.O. Box 707
Avalon, CA 90704

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7008-1140-0002-8671-9264

REVISED WATER QUALITY CERTIFICATION FOR PROPOSED AVALON HARBOR PIER REPLACEMENT PROJECT (Corps' Project No. SPL-2014-0050), PACIFIC OCEAN, CITY OF AVALON, LOS ANGELES COUNTY (FILE NO. 13-159)

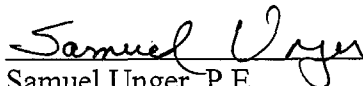
Dear Ms. Radde:

Board staff has reviewed your request on behalf of City of Avalon (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on May 22, 2015.

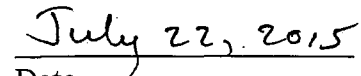
I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), 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 Valerie Carrillo Zara, Section 401 Program, at (213) 576-5733.



Samuel Unger, P.E.
Executive Officer



Date

DISTRIBUTION LIST

Timothy Bazley (via electronic copy)
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Elizabeth Goldmann (via electronic copy)
U.S. Environmental Protection Agency, Region 9
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213-244-1817

G. Mendel Stewart
Johnathan Snyder
U.S. Fish and Wildlife Service
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Carlsbad, CA 92008

ATTACHMENT A

**Project Information
File No. 13-159**

1. Applicant: Denis Radde
City of Avalon
P.O. Box 707
Avalon, CA 90704

Phone: (310) 510-0220 Ext:122 Fax: (310) 510-2478
2. Applicant's Agent: Timothy Bazley
BLUE Water Design Group
2500 Via Cabrillo-Marina #200
San Pedro, CA 90731

Phone: (310) 548-3132 Fax: (310) 548-1924
3. Project Name: Avalon Harbor Pier Replacement
4. Project Location: City of Avalon, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
33.3484	118.3254
33.3485	118.3254
33.3486	118.3253
33.3486	118.3251
33.3486	118.3250
33.3485	118.3250
33.3484	118.3250
33.3484	118.3252

5. Type of Project: Pier replacement and fueling facility upgrade
6. Project Purpose: The project purpose is to upgrade the deteriorated Casino Pier and replace fueling facilities.
7. Project Description: The proposed project was issued a Clean Water Act Section 401 Certification on October 22, 2009 (File No. 09-070 Casino Fuel Dock Replacement Project). The original project proposed to replace 108 feet of fueling pier, add state-of-the-art fuel dispensers, replace the fuel sales concession and restaurant building, and add new public restrooms facilities. The proposed replacement pier materials were reinforced concrete, supported by coated-steel pipes, installed on existing bedrock and secured with rock anchors. Cost

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estimates the City received revealed costs for the concrete pier exceeded the budget for the project and the project was not undertaken.

This certification (File No. 13-159 Avalon Harbor Pier Replacement) revises the project and proposes to replace the pier and pilings with timber instead of concrete and to construct the buildings with timber frame and stucco. No other changes to the project were proposed as part of this revision.

The project location is on Santa Catalina Island. The project site is situated in the southeast portion of the island in Avalon Bay, and overlooks the Avalon Harbor on a small peninsula referred to as Casino Point. The existing Avalon Harbor Fuel Facilities consists of: (1) a fixed timber frame pier from which fueling operations are conducted, (2) a fuel concessions building complete with café and patio area, located on the topside of the pier (3) a fair-weather removable floating fuel dock located just west of the pier, and (4) a small dinghy dock for small vessel access located just east of the pier. These existing pier facilities are essential in providing the only waterborne vessel fueling facilities located in Avalon Harbor.

The existing wooden pier is approximately 80 years old, is 36" x 108" and has 74 existing timber piles, all of which will be removed as part of the replacement. While the pier has undergone various repairs over the years, it has significantly deteriorated over time and the structural integrity of the pier has greatly diminished. Presently there are many missing, deteriorated and broken bearing piles, and a recent inspection revealed that 80% of the existing piles are failing.

The proposed replacement includes replacing the existing timber pier with an in-kind timber pier structure and supporting facilities. Replacements will include: (1) replacing all timber pier pilings, deck support members, and decking (2) replacing pier-side building structure which will act as concessions building (3) replacing all pier side utilities (including electrical, potable water, fire protection, sewer, and fuel supply systems, as required); (4) construction of new public restroom facilities; and (5) protect in place existing fair-weather removable floating fuel dock located just west of the pier and small dinghy dock for small vessel access located just east of the pier. All replacement work will be completed by both waterside barge operations and land-based support equipment as necessary.

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All newly placed timbers including piles shall be treated with an ACZA (Ammoniacal Copper Zinc Arsenate) and the treaded wood piles will be wrapped with a fiberglass and epoxy resin composite. This chemical preservative will act as a waterborne wood preservative. No other pier components will be wrapped, as the piles are the only portion of pier subject to constant submersion. The contractor will deploy a silt curtain while removing or replacing the pier foundation piles.

The contractor will be required to have fuel containment equipment on hand when testing or making the fuel system operational. The installation of the fuel system does not include any modifications to the existing USTs. Therefore, the only time fuel will be in the system is during testing and when making the system operational. At that time all the containment sumps, sensors and alarms will be in place as required in the operational system.

This facility serves as the only in-water fuel facility within the Avalon Harbor, and when this facility is out of service during the approximately six month construction period, the City proposes to implement an interim plan for providing fuel to boaters. The interim plan includes the use of the City-owned Pump-a-Head waste disposal dock located on Casino Point, about two hundred feet east of the proposed pier. Fuel will be provided to the dispensers on the floating dock through a fuel hose attached to land-based fuel storage tanker trucks. Safety equipment and a small office will be contained inside an 8'x 16' portable trailer placed temporarily in the Casino Point parking lot.

The interim fuel dock and the proposed new pier are both located within the protected waters of Avalon Bay. The south facing shoreline in the project area is comprised of an engineered rock shoreline which will not be altered as part of the proposed project. The sloping bay bottom at the project site is comprised of loose rocks.

On October 31, 2008, marine biologists Rick Ware and Stephen Whitaker surveyed the project area and found no eelgrass (*Zostera marina*) or noxious algae (*Caulerpa taxifolia*). Low underwater lights beneath the existing pier contribute to low biological diversity.

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The proposed project, as described in Water Quality Certification File No. 09-070, has previously received the approval of, or permits from, the City of Avalon Planning and Building Commission, California Coastal Commission, United States Army Corps of Engineers, and Regional Water Quality Control Board.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
Letter of Permission (Permit No. SPL-2014-0050)
9. Other Required Regulatory Approvals: California Coastal Commission
Coastal Development Permit
10. California Environmental Quality Act Compliance: The City of Avalon prepared a Negative Declaration for the proposed project, which was approved on October 17, 2014.
11. Receiving Water: Avalon Harbor, Pacific Ocean (Hydrologic Unit Code. 180701070002)
12. Designated Beneficial Uses: NAV, REC-1, REC-2, COMM, MAR, WILD, BIOL, RARE, SPWN, SHELL
13. Impacted Waters of the United States: Ocean: 0.24 temporary acres
14. Dredge Volume: None
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:
- Implement Best Management Practices to contain and minimize the spread of any construction-related turbidity plume resulting from the project, including, but not limited to sand bagging, runoff diversions, and silt curtains where applicable.
 - Prohibit the discard of construction and trash debris into the

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intertidal zone or the near shore waters.

- Maintain all construction-related equipment and fuel pier operation equipment in good working order to minimize the potential for hazardous waste spills. Maintain current hazardous material spill prevention and cleanup plans on site.
- Pre-and-post construction surveys for eelgrass and invasive algae will take place, as well as construction-period water quality monitoring to ensure that water quality is being maintained during the construction period.

17. Proposed
Compensatory
Mitigation:

The proposed project results in a small net gain of ocean habitat. Fewer piles will be installed with the upgraded pier facility, than are currently in place.

18. Required
Compensatory
Mitigation:

The Regional Board will not require any compensatory mitigation due to the limited temporary impacts and because this project provides a net gain in ocean habitat. The project will comply with the provisions of the National Marine Fisheries Southern California Eelgrass Mitigation Policy.

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. 13-159

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. **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 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, 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. 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.
8. 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.
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 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.
13. All project/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.

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Conditions of Certification

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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 on both sides of silt curtains at a minimum of two locations (4 locations total). 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.

15. The Applicant shall restore **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.
16. The project will comply with the provisions of the National Marine Fisheries Southern California Eelgrass Mitigation Policy.
17. The Applicant shall submit to this Regional Board a **Final Monitoring Report** by **January 1st** of the year following project completion. The Final Report shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. The Final Report 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:

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Conditions of Certification File No. 13-159

- (a) Color photo documentation of the pre- and post-project 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.
18. 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.
19. 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.

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Executed on the _____ day of _____ at _____.

(Signature)

(Title)"

20. All communications regarding this project and submitted to this Regional Board shall identify the Project **File Number 13-159**. Submittals shall be sent to the attention of the 401 Certification Unit.
21. 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.
22. The project shall comply with the requirements of the State Water Board's **Stormwater Discharges from Small Municipal Separate Storm Sewer Systems Permit** (MS4 Phase II) and Waste Discharge Requirements issued under NPDES No. CAS000004. 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. 2012-0011-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.
23. 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.
24. 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.
25. *Enforcement:*

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Conditions of Certification

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- (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.
26. 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.

