



Los Angeles Regional Water Quality Control Board

Mr. Eric Lopez  
City of Long Beach  
Tidelands CIP Division  
333 W. Ocean Boulevard, 9th Floor  
Long Beach, CA 90802

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7009 2820 0001 6537 7252

**TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED PINE AVENUE PIER PUBLIC FLOATING DOCK PROJECT (Corps' Project No. 2014-00617-PKK), LONG BEACH HARBOR, LONG BEACH, LOS ANGELES COUNTY (File No. 14-126)**

Dear Mr. Lopez:

Board staff has reviewed your request on behalf of the City of Long Beach (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on December 16, 2014.

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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Zach Rehm  
California Coastal Commission  
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ATTACHMENT A

Project Information  
File No. 14-126

1. Applicant: Mr. Eric Lopez  
City of Long Beach  
Tidelands CIP Division  
333 W. Ocean Boulevard, 9th Floor  
Long Beach, CA 90802  
  
Phone: (562) 570-5690
2. Applicant's Agent: Rafael Holcombe  
Tetra Tech, Inc.  
401 E. Ocean Blvd, Suite 420  
Long Beach, CA 90802  
  
Phone: (562) 257-1589 Fax: (562) 495-5029
3. Project Name: Pine Avenue Pier Public Floating Dock
4. Project Location: Long Beach, Los Angeles County
- | <u>Latitude</u> | <u>Longitude</u> |
|-----------------|------------------|
| 33.7608         | 118.1932         |
| 33.7608         | 118.1927         |
| 33.7616         | 118.1927         |
| 33.7616         | 118.1932         |
5. Type of Project: Dock and gangway replacement
6. Project Purpose: The proposed project (Project) will improve passenger access to and from passenger vessels, and promote recreational transient boating activities in the Rainbow Harbor in Long Beach, California.
7. Project Description: The Project will install a 15-foot by 180-foot (2,700 square foot) concrete public floating dock (Dock) with an 80-foot long gangway (Gangway) on the eastern side of the existing Pine Avenue Pier. This dock will be designated by the City as a transient dock for

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temporary guest docking. The Dock will be supported by six new 24-inch diameter concrete piles. The Gangway will be supported by the existing seawall. The proposed utilities will include potable water, fire protection, lighting, and shore power.

The Dock will be manufactured at an offsite facility, and will be delivered by truck to a launch facility in the vicinity of the project. The Dock will be launched by crane and floated to the project site with assistance from work vessels. Dock items such as rub rails, pile guides, and bull rail will be installed prior to arriving at the project site.

Concrete piles will also be manufactured offsite, and delivered by barge. The piles will likely be driven through pile guides using a vibratory or diesel hammer supported by a crane and barge platform system. The concrete piles will be equipped with a jet tube. Jetting may be necessary to install piles that can no longer penetrate by hammering in a hard soil strata. In such case, the geotechnical engineer of record will be contacted to determine the best methods to install the pile to tip elevation, including changing the hammer settings, changing hammer types or use of a driving shoe. Jetting will be recommended only if the hammering of the piles does not work.

The Gangway will also be manufactured offsite and brought to the launch site by truck. The Gangway will be loaded onto a barge and floated to the site. A barge crane will be used to install the Gangway at the designated location. The Gangway landing will be located on top of the existing Rainbow Harbor seawall. The existing seawall guardrail will be removed to access the seawall cap. The seawall cap will be modified and reinforced to support the Gangway. Utilities such as potable water, firewater, and electrical will be installed after the dock has been permanently installed.

- |  |  |
|--|--|
| 8. Federal Agency/Permit:                  | U.S. Army Corps of Engineers<br>Letter of Permission (Permit No. 2014-00617-PKK) |
| 9. Other Required<br>Regulatory Approvals: | California Coastal Commission<br>Coastal Development Permit                      |

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10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 *Existing Facilities*. The City of Long Beach, Department of Development Services filed a Notice of Exemption with the Los Angeles County Clerk on September 16, 2014.
11. Receiving Water: Los Angeles - Long Beach Harbor Marinas  
Hydrologic Unit Code: 180701040602
12. Designated Beneficial Uses: IND, NAV, POW, COMM, MAR, BIOL, RARE, SHELL
13. Impacted Waters of the United States: Ocean/Estuary/Bay: 0.07 permanent acres (180 linear feet)
14. Related Projects Implemented/to be Implemented by the Applicant: Docks 9 and 10 were replaced (Regional Board File No. 13-058).
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Heavy equipment will not leak deleterious substances.
  - Contamination of waters by mechanical hammers and other hydraulic attachments will be prevented by placing the heavy equipment on plywood and covering them with plastic or a comparable material prior to the onset of rain.
  - Spill kits and cleanup materials will be available at all locations of pile driving.
  - Drip pans will be placed under all vehicles and equipment placed on docks, barges, or other structures over water bodies when the vehicle or equipment is idle for one hour.

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- An adequate supply of spill cleanup materials will be available.
- All BMPs subject to non-stormwater discharges will be inspected daily while non-stormwater discharges occur.
- Watertight curbs or toe boards will be provided to contain spills and prevent materials, tools and debris from leaving the barge, platform, or dock.
- Materials will be secured to prevent discharges via wind.
- Sandbag barriers will be placed around the construction and staging areas to control run-off.
- Ensure that employees and subcontractors implement the appropriate measures for storage and use of materials and equipment.
- Debris curtains and floating debris booms will be utilized to control turbidity and debris.

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. 14-126

#### 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 California Coastal Commission (CCC) 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 CCC's Coastal Development Permit, or the ACOE Section 404 Letter of Permission.
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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### Conditions of Certification

File No. 14-126

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. 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.



## ATTACHMENT B

### Conditions of Certification File No. 14-126

14. 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. Bank stabilization and grading, as well as any other ground disturbances may require additional Certification action.
15. The Applicant shall comply with the National Marine Fisheries Service's Caulerpa Control Protocol and Southern California Eelgrass Mitigation Policy.
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 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 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 City of Long Beach will comply with the NOAA Fisheries California Eelgrass Mitigation Policy and Implementing Guidelines.
18. 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

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### Conditions of Certification File No. 14-126

performed during the previous year and all restoration and mitigation 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:

- (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 a spreadsheet 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. 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.
20. 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

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Conditions of Certification  
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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)"

21. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **14-126**. Submittals shall be sent to the attention of the 401 Certification Unit.
22. 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.
23. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to the City of Long Beach under NPDES No. CAS004003 and Waste Discharge Requirements Order No. R4-2014-0024.
24. The project shall 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.
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 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.

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### Conditions of Certification File No. 14-126

#### 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.