



Los Angeles Regional Water Quality Control Board

Mr. Sean Guthrie
MCL Marina Corporation
212 Yacht Club Way, Suite A-3
Redondo Beach, CA 90277

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7010 3090 0002 1021 9629

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED APARTMENTS AT KING HARBOR –MARINA STRUCTURAL SUPPORT IMPROVEMENTS PROJECT (CORPS’ PROJECT NO. 2011-1171-SP), PACIFIC OCEAN-KING HARBOR, REDONDO BEACH, LOS ANGELES COUNTY (File No. 11-204)

Dear Mr. Guthrie:

Board staff has reviewed your request on behalf of MCL Marina Corporation (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on March 11, 2013.

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 CarrilloZara, P.G., Lead, Section 401 Program, at (213) 576-6759.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

June 9, 2014
Date

DISTRIBUTION LIST

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ATTACHMENT A

**Project Information
File No. 11-204**

1. Applicant: Sean Guthrie
MCL Marina Corporation
212 Yacht Club Way, Suite A-3
Redondo Beach, CA 90277

Phone: (310) 376-6926 x. 127 Fax: (310) 374-6067
2. Project Name: Apartments at King Harbor Marina Structural Support Improvements
3. Project Location: Redondo Beach, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
33.850930	118.397500
33.850810	118.397457
33.850700	118.397412
33.850611	118.397379
33.850518	118.397346
33.850407	118.397300
33.850210	118.397220
33.850210	118.397220

4. Type of Project: Pile removal and replacement
5. Project Purpose: The purpose of the project is to reinforce the vertical pile support system of the existing Apartments at King Harbor building to significantly improve the safety of its inhabitants, adjacent tenants, and the general public should an earthquake occur.
6. Project Description: Due to the age of the existing piles, the Applicant proposes to remove five existing piles and add sixteen new vertical support piles that will be driven approximately 40 feet into the marina seabed. Currently, the over-water portion is supported by fourteen existing structural piles driven approximately 40 to 60 feet into the seabed. The installation of these new support piles will include removing five existing marina dock guide piles and reconfiguring the existing marina dock below to maintain the current quantity and sizes of existing boat slip spaces. The pylons to be installed are 14 inch wide and span a length of 18.7 feet.

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Pile removal and driving

Pile removal and driving will be conducted with a floating barge. Pile driving will be conducted using a combination of jetting and driving with a diesel hammer in swinging pile leads. The new piles will be transported to the project site on a barge with the removed piles transported out in the same manner.

The project will be completed in approximately 12 to 14 weeks.

7. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 03 (Permit No. 2011-1171-SP)
8. Other Required Regulatory Approvals: California Coastal Commissions
Coastal Development Permit
9. California Environmental Quality Act Compliance: A Mitigated Negative Declaration was finalized for the proposed project on March 11, 2013.
10. Receiving Water: Pacific Ocean, King Harbor (Hydrologic Unit Code: 180701040601)
11. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, MAR, WILD, RARE.
*Conditional beneficial use
12. Impacted Waters of the United States: Ocean/Estuary/Bay: 0.00015 temporary and 0.00033 permanent acres
13. Dredge Volume: None
14. 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.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
 - All demolition/construction machinery, materials and debris (except for when safely secured on barge) will be staged and stored on impervious surfaces landward of the marina bulkhead,

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and protected from wind/rain erosion and dispersion.

- All demolition/construction machinery will be maintained and inspected daily for leaks, and any necessary repairs will be made immediately or the machinery will be removed from over the water.
- Drip pans and/or plastic sheeting shall be placed under all demolition/construction machinery placed on docks, barges, or other structures over or near coastal waters when the machinery is expected to be idle for more than one hour.
- Floating booms will be used to contain all buoyant debris discharged into coastal waters and such debris will be removed as soon as possible but no later than the end of each day (when transporting barge booms need not to be used). Divers will be used to retrieve all non-buoyant debris discharged into coastal waters as soon as possible.
- A spill response plan and properly stocked spill kits with clean up materials including oil absorbent floating boom will be maintained onsite and on barge at all times during the demolition/construction process. In the event of a spill, proper authorities will be immediately notified.
- Silt curtains will be used to control turbidity during the removal/placement of all piles.
- All demolition/construction debris will be disposed of in a timely manner and in accordance with all laws and regulations.
- All associated BMP's and perimeter controls will be inspected and maintained to ensure continuous protection of coastal waters.

16. Proposed
Compensatory
Mitigation:

The Applicant has not proposed any additional compensatory mitigation, as the project impacts are to replace existing dock structures.

17. Required

The Regional Board will require the Applicant to provide

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Compensatory Mitigation: compensatory mitigation for any impacts to surfgrass or rocky habitat at a ratio of 1:1 and eelgrass in compliance with the National Marine Fisheries Services' Southern California Eelgrass Mitigation Policy.

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

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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. 15, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

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6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. 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. The Applicant shall implement a post-construction survey for surfgrass, eelgrass, *Caulerpa taxifolia*, and rocky habitat. Surfgrass or rocky habitat lost due to project impacts will be mitigated at a ratio of 1:1 and eelgrass in compliance with the National Marine Fisheries Services' Southern California Eelgrass Mitigation Policy. Surveys shall be performed for *Caulerpa taxifolia* within the project area shall be in accordance with the Caulerpa Control Protocol.
15. 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.
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 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 **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.

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18. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation success has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. 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 and mitigation site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation 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.
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.

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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 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 11-204**. 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 Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. R4-2012-0175. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) 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. 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.
24. 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.
25. 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

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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.

26. *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.

27. 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.