



California Regional Water Quality Control Board

Santa Ana Region



Matthew Rodriguez
*Secretary for
Environmental Protection*

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Edmund G. Brown Jr.
Governor

September 6, 2011

Christen Kessler
Irvine Ranch Water District
3512 Michelson Drive
Irvine, CA 92612

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE CIENEGA INFILTRATION GALLERY & DISCHARGE
STRUCTURE PROJECT, IRVINE, COUNTY OF ORANGE, CALIFORNIA (ACOE
REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 302011-02)**

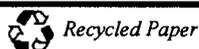
Dear Ms. Kessler:

On January 6, 2011, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from Irvine Ranch Water District (IRWD) for a project to construct the intake and discharge works for a treatment plant intended remove selenium and nitrate from water flowing in Peter's Canyon Wash. The proposed Cienega infiltration gallery and discharge structures will be constructed in Peter's Canyon Wash for IRWD's Cienega Selenium Treatment Facility. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) (Basin Plan) and subsequent Basin Plan amendments:

Project Description:

The proposed influent structure will be composed of twelve, 12-inch diameter slotted stainless steel well casings, installed horizontally in the bed of Peter's Canyon Wash. Each casing will be approximately 110 feet long. Casings will be installed in parallel, approximately 20 feet apart, perpendicular to the direction of flows. The casings will be placed in a three foot deep filter bed, below the design elevation of the bed of the wash. Two feet of ¼ ton rip rap will be placed above the filter bed. The twelve infiltration casings will be connected by a manifold (that will include four maintenance holes), into one common 24-inch PVC header pipe. Collected water will gravity flow into a wet well pump station, which will pump the water into the treatment facility for selenium and nitrate removal.

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The facility's discharge will be from an 18-inch diameter pipe that will discharge the treated water onto the rip rap side slope of the creek, approximately one foot above the creek bed. A concrete cutoff wall will be installed around the discharge pipe to prevent erosion of the rip rap slope. The terminal end of the discharge pipe will have a tide flex check valve, to prevent creek water from back-flowing up the discharge pipe during high creek flows. The work will take place within Section 61 of Township 5 South, Range 9 West, of the U.S. Geological Survey *Tustin* quadrangle map (33° 41.625' N/ 117° 49.170' W).

Receiving water: Peter's Canyon Wash

Fill area: 0.51 acres of permanent impact to riparian habitat (300 linear feet).

Dredge/Fill volume: 6,700 cu yds to be excavated and replaced

Federal permit: N/A

You have proposed to mitigate water quality impacts as described in your Certification application. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed:

- Standard water quality related best management practices (BMPs) will be employed during construction activities.
 - Installation of a temporary dam prior to construction to divert creek water around the construction area, returning the water to the creek downstream of the project site. This will allow work to be conducted in dry sediment. The temporary dam will be constructed of sandbags or clean gravel so as not to import any sediment into the creek. At all times water will be allowed to flow downstream through the diversion pipe to ensure that flowing water occurs in downstream areas below the work site.
 - Silt fencing and sand bags will be installed to ensure that no sediment or other debris can leave the construction area. This would ensure the no sediment or other debris could enter the creek downstream of the work area.

- After completion of the project the work area will be restored to pre-existing grade and water in the creek will be restored to the normal level.
- After project completion the applicant will prepare and implement a natural recruitment monitoring, maintenance and reporting plan to assess of progress of natural recruitment in the project site. The plan will be for 3 years and will include removal of non-native plant species from the site, annual monitoring and reporting.

Offsite Water Quality Standards Mitigation Proposed:

- None

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. Appropriate BMPs will be implemented to reduce construction-related impacts to Waters of the State according to the requirements of Order No. R8-2009-0030 (NPDES Permit No. CAS618030), commonly known as the Orange County Municipal Storm Water Permit, and subsequent iterations thereof. Order No. R8-2009-0030 requires that you substantially comply with the requirements of State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity.

In the issuance of this Certification, the Executive Officer has considered those sections of the District's Environmental Impact Report and its Addendum that relate to water quality. Board staff has concluded that the benefits that the project will have on water quality in the watershed, i.e., reduction in Se and Total N, significantly outweigh any adverse effects that project may have on other beneficial uses. Based on the mitigation proposed and the conditions set forth in this Certification, impacts to water quality will be reduced to a less than significant level and beneficial uses will be protected. The Regional Board independently finds that changes or alterations have been required or incorporated into the project that avoid or mitigate impacts to water quality to a less than significant level.

This 401 Certification is contingent upon the execution of the following conditions:

- 1) The applicant must comply with the requirements of the applicable Clean Water Act section 404 permit.
- 2) All materials generated from construction activities associated with this project shall be managed appropriately. This shall include identifying all potential pollution sources within the scope of work of this project, and incorporating all

necessary pollution prevention BMPs as they relate to each potential pollution source identified.

- 3) The project proponent shall utilize Best Management Practices during project construction to minimize the controllable discharges of sediment and other wastes to drainage systems or other waters of the state and of the United States.
- 4) Substances resulting from project-related activities that could be harmful to aquatic life, including, but not limited to, petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, portland cement concrete or asphalt concrete, and washings and cuttings thereof, shall not be discharged to soils or waters of the state. All waste concrete shall be removed.
- 5) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such a manner that petroleum products or other pollutants from the equipment may enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the state on-site, except as necessary to complete the proposed project. No equipment shall be operated in areas of flowing water.
- 6) This Water Quality Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any the conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.
- 7) A copy of this Certification and any subsequent amendments must be maintained on site for the duration of work as a denoted element of any project SWPPP or WQMP.
- 8) Construction de-watering discharges, including temporary stream diversions necessary for project construction may be regulated under Regional Board Order No. R8-2009-0003, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality. For more information, please review Order No. R8-2009-0003 at www.waterboards.ca.gov/santaana/

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.

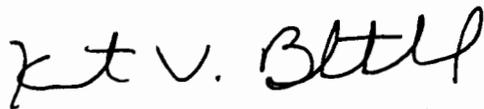
In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean 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. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. 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 (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 2003-0017-DWQ is available at: www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo_2003-0017.pdf

Should there be any questions, please contact Marc Brown at (951) 321-4584, or Mark Adelson at (951) 782-3234.

Sincerely,



Kurt V. Berchtold
Executive Officer
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

State Water Resources Control Board, Office of Chief Counsel-David Rice
State Water Resources Control Board, DWQ -Water Quality Certification Unit
California Department of Fish and Game-Russell Barabe
Irvine Ranch Water District – Malcom Cortez, cortez@irwd.com

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