

Santa Ana Regional Water Quality Control Board

April 22, 2013

Shawn Ziaie
Caltrans – District 12
3347 Michelson Drive, Suite 380
Irvine, CA 92612

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE SHORECLIFF MOBILE HOME PARK 36-INCH PIPE
PROJECT, HUNTINGTON BEACH, COUNTY OF ORANGE, CALIFORNIA (ACOE
REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 302013-07)**

Dear Mr. Ziaie:

On February 26, 2013, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from Caltrans – District 12, for a project in Huntington Beach, Orange County. Specifically, the project is located adjacent to the west side of Beach Boulevard (State Route 39) between Indianapolis Avenue and Mermaid Street. The purpose of the project is to accommodate runoff flows from the upstream drainage and alleviate potential flooding issues associated with potential runoff overflow from SR 39 into an adjacent mobile home community. 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: Project activities include the installation of a 36-inch reinforced concrete pipe culvert in an existing v-ditch next to the Shorecliff Mobile Home Park. The existing v-ditch that is currently occupying the culvert's proposed location will be over-excavated to facilitate installation of the 36-inch culvert pipe and accompanying proposed earthen bioswale over the newly installed culvert. Five drain inlets with 6' x 6' concrete aprons and curb opening inlets will be installed along the 1,801 foot length of the culvert. Activities will also include the removal of an existing asphalt/concrete berm, regarding the slope, hydroseeding and constructing a six-foot wide sidewalk adjacent to Beach Boulevard along the entire length of the project.

CAROLE H. BESWICK, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

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The work will take place within Section 12, Township 6 South, Range 11 West, of the U.S. Geological Survey *Orange* quadrangle map (33.661562° N/ -117.988629° W).

Receiving water: Unnamed tributary (road side drainage ditch) to Huntington Beach Channel, Talbert Channel, and the Pacific Ocean

Fill area: 0.11 acre of permanent impact to wetland habitat (1250 linear feet) and 0.06 acre of permanent to streambed habitat

Dredge/Fill volume: 850 cubic yards

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 14

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.

Offsite Water Quality Standards Mitigation Proposed:

- Compensatory mitigation will be by participation in an in-lieu fee program conducted by Inland Empire Natural Resources Conservation District and Santa Ana Watershed Association (IERCD and SAWA). The mitigation will consist of a total of 0.5 acres of removal of invasive riparian vegetation and riparian restoration on waters of the U.S. within Deer Canyon Park, at an estimated cost of \$60,000. The compensatory habitat site is located in the Anaheim Hills, south of the Santa Ana River, within the lower Santa Ana Watershed.

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 Wildlife 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. 2012-0011-DWQ (NPDES Permit No. CAS000003), commonly known as the CalTrans Storm Water Permit, and subsequent iterations thereof.

On February 21, 2013, Caltrans filed a NEPA/CEQA Re-validation form. Pursuant to the California Environmental Quality Act ("CEQA"), Caltrans and the Regional Board have independently determined that the proposed project is categorically exempt from

provisions of CEQA under Guidelines Section 15301(c) for class 1 projects. The project has been determined not to have a significant effect on the environment because the project will not change the existing function of the affected drainage.

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) Proposed mitigation shall be timely implemented. Materials documenting the purchase of necessary mitigation credits or payment of in-lieu fees shall be provided to this office prior to the discharge of fill to, or the dredging or excavation of material from, waters of the state.
- 3) 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.
- 4) The project proponent shall utilize BMPs 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.
- 5) 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.
- 6) 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.
- 7) 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.

- 8) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 9) 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/
- 10) Applicant shall ensure that all fees associated with this project shall be paid to each respective agency prior to conducting any on-site construction activities.
- 11) Prior to any grading for the project in areas slated to be impacted, functional assessments of these proposed areas of wetland and riparian habitats and riparian mitigation sites shall be conducted using the California Rapid Assessment Method, February 2012.
- 12) Site mitigation assessments shall be conducted from October through December, until success criteria are met for consecutive years. This information shall be reported to <http://www.californiawetlands.net/tracker/>

Applicant shall ensure that all fees associated with this project shall be paid to each respective agency prior to conducting any on-site construction activities. 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.

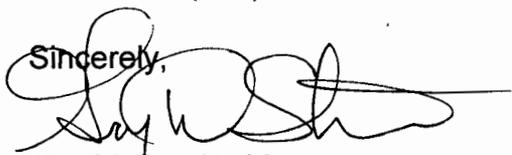
In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean 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,



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

cc (via electronic mail):

Caltrans, District 12 - Arianne Preite, Arianne_Preite@dot.ca.gov
U.S. Army Corps of Engineers, Los Angeles Office - Stephen Estes
State Water Resources Control Board, OCC - David Rice
California Department of Fish and Wildlife – Russell Barabe
State Water Resources Control Board, DWQ-Water Quality Certification Unit - Bill Orme