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GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

February 3, 2014

Ray Parker
California Department of Transportation,
District 12
13571 Central Avenue
Brea, CA 92621

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE STATE ROUTE 91 COAL CANYON DEBRIS BASIN MAINTENANCE PROJECT, COUNTY OF ORANGE, CALIFORNIA (ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 302013-23)

Dear Mr. Parker:

On December 1, 2013, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the California Department of Transportation for a project to remove accumulated sediment and debris within the Coal Canyon Sediment Basin and restore the basin capacity to its "as built" conditions. The applicant has submitted a filing fee of \$2,291.00, which satisfies this project's fee requirement for obtaining a 401 Certification. This fee amount was determined using the Dredge and Fill Fee Calculator on the State Water Resources Control Board (SWRCB) web site, which is based on the most current iteration of California Code of Regulations, Division 3, Chapter 9, Article 1, section 2200 (a) (3). 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 project consists of two separate activities. The first involves a single event to remove approximately 16,000 cubic yards of sediment and debris from the Coal Canyon Sediment Basin. Following the removal of these materials, Caltrans will initiate a maintenance plan for the basin that is expected to remove a total 16,000 cubic yards of sediment and debris over the course of the following five-year period. The project will maintain the original design for the basin and will not impact additional areas that were not already disturbed during construction of the basin.

WILLIAM RUH, VICE-CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

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Sediment and debris will be removed to approximately 300 feet upstream from the existing headwall.

Existing roads will be used to access the project site. A loader will stockpile the excavated material at the bottom of a short unpaved road that leads down to the basin. A second loader will then transport the excavated material up the short dirt road to the partly paved and partly dirt site access road and load the awaiting dump trucks. The dump trucks will transport the excavated material from the site via the existing access road and to a Caltrans storage site. All work will be conducted within the existing Caltrans right-of-way. Access and staging activities will be limited to the minimum amount necessary to complete the project activities in order to minimize potential impacts to potentially jurisdictional areas. Best Management Practices will be implemented to avoid the discharge of sediment to downstream areas.

The work will take place within Section 31 of Township 3 South, Range 8 West, of the U.S. Geological Survey *Black Star Canyon* quadrangle map (33.870692° N/ -117.687965° W).

Receiving water: Coal Canyon Creek

Fill area:

Temporary Impact to Streambed Habitat	0.6 acre
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Dredge/Fill volume: 16,000 cubic yards

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 43

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:

- 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 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. CAS618036), commonly known as the Statewide CalTrans Storm Water Permit, and subsequent iterations thereof.

Pursuant to the California Environmental Quality Act ("CEQA"), the California Department of Transportation and the Regional Board independently have determined that the proposed project is categorically exempt from provisions of CEQA according to Guidelines Section 15301(b) for the maintenance of an existing facility.

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 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.

- 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) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 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/
- 9) Prior to conducting any activities authorized by this Certification, the applicant shall submit a filing fee of \$2,291 to his office, payable to the State Water Resources Control Board, to satisfy this project's fee requirement for obtaining a 401 Certification. Applicant shall ensure that all fees associated with this project have been paid to each agency requiring such a fee 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

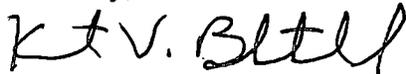
Ray Parker
California Department of Transportation
District 12
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- 6 -

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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):

California DOT District 12 – Kedesst Ketsela, kedesst.ketsela@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
SWRCB, DWQ-Water Quality Certification Unit - Bill Orme