



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

May 21, 2015

Daniel Bott
Principal Planner
Orange County Water District
18700 Ward Street
Fountain Valley, CA 92708

NOTICE OF APPLICABILITY (NOA) FOR COVERAGE UNDER THE STATE WATER RESOURCES CONTROL BOARD GENERAL 401 WATER QUALITY CERTIFICATION ORDER NO. SB12002GN FOR US ARMY CORPS OF ENGINEERS 2012 CERTIFIED NATIONWIDE PERMITS.

CARBON CANYON DIVERSION CHANNEL PIPELINE CONNECTION PROJECT, CITY OF ANAHEIM, COUNTY OF ORANGE, CALIFORNIA (OUR FILE NO. 302015-07)

Dear Mr. Bott:

On April 3, 2015, Regional Board staff received an application for Clean Water Act (CWA) Section 401 Water Quality Standards Certification (401 Certification) for the Carbon Canyon Diversion Channel Pipeline Connection project. You had submitted the application and associated material assuming the proposed project would be certified by the Regional Board. Instead this project will be certified under the State Water Resources Control Board General 401 Water Quality Certification Order (General 401 Certification Order) for USACE 2012 certified Nationwide Permits, subject to certain conditions and notifications requirements.

You have stated in the application that the proposed project meets the definition and conditions of the Nationwide Permit 12 (NWP12). The eligibility requirements for a project to be completed under NWP 12 is included in the General 401 Certification Order. According to the General 401 Certification Order, the activities authorized by a NWP 12 are exempt from California Environmental Quality Act (CEQA) review since these activities should not have a significant effect on the environment, either individually or cumulatively. Regional Board Staff have determined that the proposed project meets the eligibility requirements for coverage under the General 401 Certification Order.

1. Project description:

The proposed project involves the construction of 73 feet of pipeline that would extend 32 feet under Waters of the U.S. jurisdictional area in the Carbon Canyon Diversion Channel in the City of Anaheim, CA. It is proposed that a trench would be dug across the Channel to allow placement of the pipeline. The pipeline would then be connected to the Orange County Water District's (OCWD) existing Groundwater Replenishment System Pipeline to allow flows into the proposed La Palma Recharge Basin. Once construction activities are completed, the disturbed portions of the Channel would be backfilled with native soil and returned to pre-project condition. The channel is a seasonal water body with the bottom of the channel noted to contain fragmented amounts of vegetation with little riparian vegetation. The application stated that the channel is in a disturbed vegetated condition as a result of scouring from high velocity flows as well as from ongoing routine maintenance activities.

2. Location: Longitude: 117°51'20.924" West, Latitude 33°51'19" North, Section 9, Township 4 South, Range 9 West, USGS Lake Orange Quadrangle
3. Receiving water: Carbon Canyon Diversion Channel, tributary to the Santa Ana River, Pacific Ocean
The beneficial uses of Carbon Canyon Creek as listed in the Basin Plan are: MUN, GWR, REC1, REC2, WILD, WARM, and RARE.
4. Fill Area: 0.012 acre of temporary impacts to wetland Waters of the United States and 0.017 acre of temporary impacts to streambed "Water of the United States".
5. Dredge volume: 656 cubic yards
6. Federal permit: NWP-12
7. Mitigation: No mitigation is proposed.

Construction de-watering discharges 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 Minimis) Threat to Water Quality or subsequent revisions thereof. For more information, please review Order No. R8-2009-0003, NPDES No. CAG 998001, at the Regional Board's website: www.waterboards.ca.gov/santaana.

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 that 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 the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity and Order No. R8-2009-0030 as amended by R8-2010-0062 (NPDES Permit No. CAS618030), commonly known as the General Construction Storm Water Permit, and subsequent iterations thereof.

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.

Regional Water Board staff has determined that the proposed activities may proceed under the General 401 Order, if all relevant conditions identified in General 401 Water Quality Certification Order No. SB12002GN for 2012 Nationwide Permits are followed during the proposed activities. The following conditions from General 401 Order are applicable to your project:

- 1) All activities shall comply with all requirements of California's Porter-Cologne Water Quality Control Act (Wat. Code, §13000, et seq.) and applicable State or Regional Water Quality Control Plans. (SB12002GN Condition #4).
- 2) Water may not diverted for project activities. (SB12002GN Condition #6).
- 3) The proposed project shall not result in the taking of any species listed as threatened or endangered or as a candidate for threatened or endangered listing under either the federal or California Endangered Species Act. (SB12002GN Condition #8).
- 4) Project activities may not take place in a Hazardous Waste site listed in section 65962.5 of the Government Code (i.e., Cortese List"). (SB12002GN Condition #10).
- 5) Total area of ground disturbance is limited to a maximum of five acres and utility line length is limited to a maximum of five miles. (SB12002GN Condition #14b).
- 6) Temporary impacts to waters of the state are limited to one-half acre and 400 linear feet. (SB12002GN Condition #14c).

- 7) Temporary impacts permitted by the General Certification shall be as short as practicable, and in no case more than 90 days from the beginning of construction. Site restoration for temporary impacts to waters of the state shall be completed as soon as possible after completion of construction. These restoration activities will be completed no more than 30 days after end of construction. (SB12002GN Condition #14c).
- 8) Placement of work areas, including pull sites, laydown yards and staging areas, in waters of the state is prohibited. (SB12002GN Condition #14e).
- 9) After construction, hydrologic functions of the site will be restored. (SB12002GN Condition #14e).
- 10) Trenching across streams with flowing water is prohibited. (SB12002GN Condition #14e).
- 11) No drilling compounds, fluids, or "muds" may be discharged to waters of the State of California or United States. (SB12002GN Condition #14e).
- 12) Only minor trimming of existing vegetation is allowed. No removal or substantial alteration of riparian vegetation is allowed. (SB12002GN Condition #14e).
- 13) No new or expanded hardscape channel lining or bank armor is authorized. (SB12002GN Condition #14e).
- 14) For any excavation, including utility line trenches, during construction, the top 6 to 12 inches of topsoil shall be removed and stockpiled separately. Following construction, the topsoil shall be replaced and seeded with native vegetation. (SB12002GN Condition #14f).
- 15) New road construction is prohibited. Maintenance of utility line access roads under this NWP shall be confined to the previously existing road prism. Grading of throughcut roads, including any road having a running surface lower than the surrounding terrain on both sides of the road, is prohibited. (SB12002GN Condition #14f).
- 16) Any waiver of the U.S. Army Corps of Engineers conditions or regional conditions shall disqualify this project from enrollment under the General Certification. (SB12002GN Condition #16).

If you have any questions, please call Dave Woelfel at (951) 782-7960.

Sincerely,



Kurt V. Berchtold
Executive Officer

cc: U.S. Army Corps of Engineers – Steve Estes
U.S. Environmental Protection Agency, Supervisor of the Wetlands Regulatory
Office – Tim Vendlinski (WTR-8)
State Water Resources Control Board, DWQ - Water Quality Certification Unit
State Water Resources Control Board, OCC – David Rice
California Department of Fish and Wildlife – Kevin Hupt