



# California Regional Water Quality Control Board

## Santa Ana Region



Linda S. Adams  
Secretary for  
Environmental Protection

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Arnold Schwarzenegger  
Governor

June 10, 2008

Nardy Khan  
Public Works Department  
County of Orange  
300 North Flower Street  
Santa Ana, CA 92702

### **CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE GREENVILLE-BANNING CHANNEL REPAIR PROJECT, CITY OF COSTA MESA (ACOE REFERENCE NO. 2008 – 00454)**

Dear Ms. Khan:

On April 4, 2008, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification) for proposed repairs in the Greenville-Banning flood control channel near the City of Costa Mesa. 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) and subsequent Basin Plan amendments:

**Project Description:** Placement of un-grouted rip-rap along an approximately 1,095-foot long reach of the Greenville-Banning flood control channel between Interstate 405 and California Street. Currently, this channel reach is earth-banked and trapezoidal and maintained in a generally un-vegetated condition by the Flood Control District. The proposed rip-rap armoring will repair the eroded banks of the channel and prevent additional future erosion. The project is located within Section 33 of Township 5 South, Range 10 West, of the U.S. Geological Survey *Newport Beach, California*, 7.5-minute topographic quadrangle map (33 deg. 41 min. 30 sec. N/ -117 deg. 55 min. 50 sec. W).

**Receiving water:** Greenville-Banning Channel.

**Fill area:** 0.13 acre of permanent impact, and 0.16 acre of temporary impact to an earthen, perennial flood control channel (1,265 linear feet).

**Dredge/Fill volume:** N/A

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Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 3.

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 Best Management Practices will be implemented to reduce construction-related impacts to Waters of the State according to the requirements of Order No. R8-2002-0010, commonly known as the Orange County Municipal Storm Water Permit. Order No. R8-2002-0010 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, Water Quality Order 99-08 DWQ, including the preparation of a SWPPP.

The affected reach of the Greenville-Banning Channel was originally constructed in 1958 and is grossly under-sized to convey flows from the 100-year storm event, according to the current design standards of the Orange County Hydrology Manual. While the 1958 design capacity is approximately 1,500 cubic feet per second (cfs), the current design standard is approximately 3,450 cfs of a 100-year storm event. The Orange County Flood Control District intends to further study the channel for a future, more permanent solution to the erosion and capacity issues. The current proposal to armor the eroded bank areas with rip-rap will not increase the Channel's capacity, but will reduce the risk of erosion and failure of the Channel's levees. Channel reaches upstream and downstream of the proposed project site are currently concrete-armored and have sufficient hydraulic capacity.

You have applied for a Nationwide Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. Pursuant to the California Environmental Quality Act (CEQA), the County of Orange and the Executive Officer have determined that the project qualifies for a Categorical Exemption from provisions of CEQA under Guidelines Section 15301 for restoration or rehabilitation of an existing facility.

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

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

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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.

Although we anticipate no further regulatory involvement, 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, we may formulate Waste Discharge Requirements.

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.

In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (Regional Board) 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 Regional Board deems appropriate. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance. Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. Please notify our office five (5) days before construction begins on this project.

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

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Certification. Order No. 200-0017-DWQ is available at  
[www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf](http://www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf)

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT  
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Mark Durham  
State Water Resources Control Board, OCC – Dave Rice  
State Water Resources Control Board, DWQ-Water Quality Certification Unit – Bill Orme  
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini and David Srnith

APF:401/certifications/Greenville-banning ch repairs 302008-08

