



Matthew Rodriguez
*Secretary for
Environmental Protection*

California Regional Water Quality Control Board Santa Ana Region

3737 Main Street, Suite 500, Riverside, California 92501-3348
(951) 782-4130 • FAX (951) 781-6288
<http://www.waterboards.ca.gov/santaana>



Edmund G. Brown Jr.
Governor

February 28, 2012

Jim Burror
Orange County Sanitation District
10844 Ellis Avenue
Fountain Valley, CA 92708

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE BITTER FORCE MAIN REHAB/PHASE 2 SANTA ANA
RIVER (SAR) LEVEE REPAIR PROJECT, COUNTY OF ORANGE, CALIFORNIA
(ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 302011-31)**

Dear Mr. Burror:

On November 15, 2011, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from Orange County Sanitation District for a project to finalize the stabilization and repair of the east and west levee slopes along the Santa Ana River in the cities of Newport Beach and Huntington Beach, adjacent to Orange County Sanitation District's Huntington Beach Treatment Plant. The stabilization repairs are necessary due to bank subsidence caused by the effects of a previous microtunneling project in 2008, where the Newport Trunk Sewer and Bitter Force Main realignment pipelines were installed. 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 will stabilize areas of the Santa Ana River levee where severe subsidence damage has occurred. Stabilization activities will be performed by first installing a cofferdam around the affected areas. Existing riprap covering the levee slope will be removed. A soil/cement/water mixture will be injected into and near the zone of the levee where settling and subsidence has occurred, and mixed with on-site soils. Soil mixing will be accomplished with an auger-type mixer mounted on a drill rig. The rotary auger will produce columns of the soil and soil/cement mixture five to twelve feet in diameter. The columns will be

constructed so that columns overlap throughout the portion of the levee banks that is to be stabilized. The rip rap removed from the project site will be replaced after soil mix injection processes have been completed. The work will take place within the Santiago De Santa Ana Land grant area of the Santa Ana River (33° 38' 12.55" N/ -117° 57' 12.08" W).

Receiving water: Santa Ana River
Fill area: 0.45 acres of temporary impact to streambed habitat
Dredge/Fill volume: N/A
Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 3 & 33

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.
- All temporary impacts created as a result of project activities will be mitigated and restored to pre-construction conditions through implementation of the project's Mitigation Monitoring & Reporting Program, dated November 2011.

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, including the preparation of a

Storm Water Pollution Protection Plan (SWPPP).

On December 27, 2011, Orange County Sanitation District, as the CEQA lead agency filed a Mitigated Negative Declaration for this project. Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an EIR OR Negative Declaration prepared by the lead agency in determining whether to approve project. A responsible agency has responsibility for mitigating and avoiding only the direct and indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve. Further, the responsible agency must make findings as required by Sections 15091 and, if necessary, 15093, for each and every significant impact of the project. Based on the mitigation proposed and the conditions set forth in this Certification, Board staff has concluded that the project's 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) Construction activities shall not cause dissolved oxygen (D.O.) in downstream receiving waters to be depressed below 5.0 mg/l, or if the background D.O. level is below 5 mg/l, the discharge shall not cause a further depression as a result of controllable factors. During installation and removal of coffer dams and during soil column mixing, monitoring for dissolved oxygen shall be conducted at least once daily. Monitoring shall be conducted on representative water samples collected immediately upstream and downstream of the project's construction area. D.O. shall be determined instantaneously, using properly calibrated instruments. D.O. test results shall be submitted to Regional Board staff in a timely manner.
- 4) Waters of the Region shall be free of changes in turbidity that adversely affect beneficial uses. During the construction activities, the turbidity upstream of the project and at the downstream end of the project in which sediment removal

activities are occurring shall be compared on a daily basis. There shall not be an increase in turbidity resulting from controllable factors at the downstream monitoring point when compared with turbidity monitored at the upstream (background) monitoring point that exceeds the following:

- a. If background turbidity is 0-50 NTU, not to increase more than 20%
- b. If background turbidity is 50-100 NTU, not increase more than 10 NTU
- c. If background turbidity is > 100 NTU, not to increase more than 10%

Turbidity test results shall be submitted to Regional Board staff in a timely manner.

- 5) Vegetative debris, including mulched material, leaves, and twigs/branches, and other trash which results from, or is uncovered by, the operations shall be removed from the channel as soon as possible. The objective of this condition is to prevent this debris from the project site into the channel and into the ocean.
- 6) 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.
- 7) An effective monitoring plan must be developed and implemented to document compliance with conditions 3, 4 and 6 above. Any suspected violation of these conditions must be reported to Regional Board staff in writing within 24-hours of discovery. The monitoring plan and records of monitoring activities must be maintained on site for the duration of the proposed discharge and be available for inspection by Regional Board staff.
- 8) 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.
- 9) 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.

- 10) 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.
- 11) 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.
- 12) 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

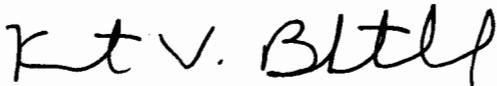
violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 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,



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

cc (via electronic mail):

U.S. Army Corps of Engineers, Los Angeles Office- Jason Lambert
State Water Resources Control Board, OCC- David Rice
California Department of Fish and Game - Russell Barabe
State Water Resources Control Board, DWQ-Water Quality Certification Unit Bill Orme
Environmental Science Associates – Managing Associate Water Resources – Kevin Smith – ksmith@esassoc.com

x:\401\certifications\302011-31_bitter_force_main_rehab_phase_2_sar_levee_28feb12.docx