



# California Regional Water Quality Control Board

## Colorado River Basin Region



Linda S. Adams  
Secretary for  
Environmental Protection

73-720 Fred Waring Drive, Suite 100, Palm Desert, California 92260  
(760) 346-7491 • Fax (760) 341-6820  
<http://www.waterboards.ca.gov/coloradoriver>

Arnold Schwarzenegger  
Governor

July 22, 2009

Mr. Christopher M. Wallis  
U.S. Bureau of Reclamation  
7301 Calle Agua Salada  
Yuma, AZ 85364

**RE: ORDER FOR TECHNICALLY-CONDITIONED CLEAN WATER ACT SECTION 401  
WATER QUALITY CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR  
FILL MATERIALS**

**PROJECT:** U.S. Bureau of Reclamation - Laguna Settling Basin Maintenance Dredging  
Project

**APPLICANT:** U.S. Bureau of Reclamation

- ACTION:**
1.  Order for Standard Certification
  2.  Order for Technically-Conditioned Certification
  3.  Order for Denial of Certification

**STANDARD CONDITIONS:**

The following standard conditions apply to all certification actions, except as noted above under Action 3 for denials.

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and Section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action (Actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR Section 3833, unless otherwise stated in writing by the certifying agency.

***California Environmental Protection Agency***

4. 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 Clean Water Act (CWA) section 401(d), 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 Water Quality Certification (WQC).
  - a. In response to a suspected violation of any condition of this WQC, the Regional Water Quality Control Board (Regional Water 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 Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - b. In response to any violation of the conditions of this WQC, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

**ADDITIONAL CONDITIONS:**

The following additional conditions apply to this certification:

1. This WQC applies towards the proposed project as described in the 401 application received by the Regional Water Board on April 13, 2009. The Applicant shall provide the Regional Water Board and other interested agencies with written notification of any significant modifications made to the project prior to implementation of the modifications.
2. This WQC does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
3. This WQC does not authorize the Applicant or any associated party to trespass on any land or property unless the applicant has obtained written authorization or acquired a special use authorization permit from the land or property owner.
4. A copy of this WQC shall be provided to the appropriate onsite Supervisor for the Project. All personnel performing work on the proposed project shall be familiar with the content of this WQC. Copies of the WQC shall be readily available at the project site at all times during periods of active work and shall be presented to regulatory agency representatives upon request.
5. The Applicant shall grant Regional Water Board staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to enter the project site at reasonable times, to ensure compliance with the terms and conditions



of this WQC and/or to determine the impacts the project may have on waters of the United States.

6. The proposed projects shall not be enlarged or extend beyond the proposed project impact area. The Applicant shall delineate the project boundaries and staging areas with stakes, flags and/or temporary construction fencing.
7. The area of vegetation and soil disturbance shall be restricted to the smallest extent possible.
8. Projects shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.
9. Projects shall not discharge waste classified as "hazardous" as defined in Title 22 CCR section 66261 and the California Water Code section 13173.
10. No oil, petroleum products, or rubbish shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the United States.
11. No equipment maintenance will be done within or near any stream channel where petroleum products or other pollutants from the equipment may enter waters of the United States.
12. Equipment refueling shall not occur within waters of the United States.
13. Any oil or grease leaks shall be immediately cleaned up.
14. The Applicant shall ensure that all contaminated material and/or contaminated soil removed or excavated from the Project site is properly loaded, transported, and disposed of in accordance with Federal, State, and local regulations.
15. Staging/storage areas for equipment and materials shall be located outside of waters of the United States.
16. The Applicant shall ensure that all disturbed and filled areas are adequately stabilized and protected from erosion and siltation by implementing appropriate soil stabilization, sedimentation and silt control measures.
17. Any flow diversion used during construction shall be designed in a manner to prevent pollution, minimize siltation, and shall provide flows to downstream reaches. Flows shall be maintained to support existing aquatic life and riparian wetlands and habitat that may be located upstream and downstream from any temporary diversion.
18. The Applicant shall restore drainages, to the greatest extent possible, to the original bank configuration, stream bottom width, and channel gradient.



19. All temporary facilities and impacts shall be removed and restored to the preexisting conditions and contours to the extent practicable.
20. Construction related materials and wastes shall be removed from the project site upon completion of the project.
21. The Applicant shall submit Notice to the Regional Water Board within 60-days of completion of the Project. The Notice shall include: 1) a detailed summary of the mitigation and restorations activities implemented during the project and 2) provide photographic documentation that supports the information summarized in the Notice.
22. The Regional Water Board reserves the right to suspend, cancel, or modify and reissue this WQC, after providing notice to the Applicant and/or responsible Site-Supervisor, if the Regional Water Board determines that the project fails to comply with any of the terms or conditions of this WQC.
23. The Applicant shall orally notify the Regional Water Board of any noncompliance that may impact the beneficial uses of waters of the United States, as soon as notification is possible and notification can be provided without substantially impeding measures necessary to stop and contain the unauthorized discharge.

**REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:**


If you have any questions, please contact Jay Mirpour, Water Resources Control Engineer, at (760) 776-8981 or [jmirpour@waterboards.ca.gov](mailto:jmirpour@waterboards.ca.gov).



**WATER QUALITY CERTIFICATION:**

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.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).

  
ROBERT PERDUE  
Executive Officer

JJM/

cc: Marjorie Blaine, U.S. Army Corps of Engineers, Tucson Field Office  
Bill Orme, SWRCB, Division of Water Quality, Water Quality Certification Unit  
David Smith, U.S. Environmental Protection Agency, Region 9  
Thomas A. Vandenberg, Office of Chief Counsel, SWRCB

File: 401 CA U.S. Bureau of Reclamation, WDID No. 7B133021001



Mailing List:

Marjorie Blaine  
Tucson Field Office  
U.S. Army Corps of Engineers  
5205 E. Comanche St.  
Davis Monthan AFB, AZ 85707

Bill Orme (\*)  
Water Quality Certification Unit  
Division of Water Quality  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

David Smith  
Wetlands Regulatory Office  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Thomas A. Vandenberg (\*)  
Staff Counsel  
Office of Chief Counsel  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

Note: (\*) will e-mail electronic copy



**PROJECT INFORMATION**

**Application Date:** Received on April 13, 2009

**Applicant:** U.S. Bureau of Reclamation  
7301 Calle Agua Salada  
Yuma, AZ 85364

**Applicant Representative:** NA

**Project Name:** U.S. Bureau of Reclamation Laguna Settling Basin - Maintenance Dredging Project

**Project Start and Completion:** Project start – September 1, 2009  
Project completion – September 30, 2011

**Project Description (purpose/goal):**

The purpose for conducting reoccurring maintenance dredging of the Laguna Settling Basin (LSB) is to alleviate sediment aggradations problems in the Laguna, Yuma and Limitrophe Divisions of the lower Colorado River. The LSB was created to intercept the incoming sediment (collected from the All-American Canal de-silting works and incoming sediment from above Imperial Dam) and store it until the sediment could be dredged for disposal on dry land. It is less expensive and environmentally less damaging to periodically empty one settling basin than to remove the sediment from various locations along the lower Colorado River where sediment would otherwise collect.

Control of the sediment load of the river is necessary for Reclamation to meet obligations to which it committed in a Memorandum of Understanding between the United States Section of the International Boundary and Water Commission and Reclamation, dated August 28, 1961. Reclamation agreed to attempt to reduce the amount of sediment arriving at Morelos Dam (Mexico) to "the portion of the total quantity of sediment above Imperial Dam at Adobe Ruins carried by the portion of waters diverted by Mexico at Morelos Dam." The LSB was established between 1963 and 1965. The settling basin typically needs to be dredged every 3 to 5 years, based on the amount of sediment in the basin and the remaining capacity for sediment. The LSB was last dredged in 2003.

**Project Location:**

City or Area: Colorado River's Laguna Division  
Longitude/Latitude: N 32° 51' 12.82" W114° 28' 43.22"



Laguna Dam Quadrangle: Sections 20 and 21, T.15 S., R. 24 E.

**County:** Imperial County

**Receiving Water(s):** Colorado River

**Fill/Excavation  
Area (acres):** None

**Dredge Volume (cy):** 1,500,000 cubic yards

**Mitigation:**

- Materials to absorb small toxic material spills will be present on site for the duration of this project.
- The proposed 2009/2011 maintenance of the LSB will result in no net loss of wetland vegetation.
- All dredging will occur in previously dredged open water areas, approximately 25 feet below the normal high water surface elevation of 149.4.
- During the Yuma clapper rail nesting season (March 15 to July 10), dredging would not impact the area along the old river channel (Arizona).
- Dredge pipelines will be laid along an existing route, with limited removal of vegetation.
- Existing earthen dikes are located in areas to prevent impacts from dredged material on any sensitive habitats, and to prevent return flows back to the river from the upland disposal area.
- Stringent spill prevention practices will be used during equipment operations to prevent lubricants and other petroleum containing materials or debris from entering the watercourse.
- Dredges are equipped with containment booms and appropriate spill response equipment. In the event of an accidental release, Reclamation will immediately contain released materials and implement cleanup procedures.

**Federal Permit(s):** U.S. Army Corps of Engineers Section 404 Permit, File No. 2000-01901-MB - Pending

**Status of CEQA:** USBR determined that this activity is Categorically Excluded by USBR under NEPA. The Regional Water Board determined that the proposed project is categorically exempt from CEQA per CEQA Guidelines §15301 (Existing facilities). In accordance with CEQA Guidelines Section 15062, the Regional Water Board shall file a Notice of Exemption with the Office of Planning and Research upon approval of the CWA Section 401 WQC.

**Reference No.:** WDID No. 7B133021001

