



California Regional Water Quality Control Board

San Diego Region



Linda Adams
Secretary for
Environmental
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

file
Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

June 6, 2007

In reply refer to:

NWU:18-2006021.02:jhaas

CIWQS Msr: 324957

CIWQS Place ID: 650347

Nardy Drew
Chief of Regulatory Permits
Resources and Development Management
County of Orange
P.O. Box 4048
Santa Ana, CA 92702-4048

Dear Ms. Drew:

Poche Beach Urban Runoff Ultraviolet Treatment System (Clean Water Act Section 401 Water Quality Certification No. 06C-021)

Enclosed is an amended Clean Water Act Section 401 Water Quality Certification (Certification) from the California Regional Water Quality Control Board, San Diego Region (Regional Board), for the Prima Deshecha Outlet and Poche Beach Structural Best Management Practice Treatment System Project (Project). As amended, Condition A.3 and Condition F of the Certification:

1. No longer require an individual National Pollutant Discharge Elimination System (NPDES) Permit at this time for the discharge of the treated effluent to waters of the U.S.; and
2. Require water quality monitoring of the treated effluent and receiving waters.

The Regional Board will initially rely on the Municipal NPDES requirements for the discharge from this facility. The Regional Board intends to consider NPDES requirements for facilities such as this one that extract water from waters of the U.S./State, process the water, and discharge the treated effluent back to waters of the U.S. At that point, the County is likely to be required to obtain coverage under an individual or general NPDES permit for the continued discharge of the facility's effluent.

As owner and operator of the treatment facility, the County of Orange is responsible for effects of the discharge. The monitoring requirements are intended to characterize the quality of the discharged effluent and its effect on receiving waters. The data is necessary because the assumptions used to support your application for Certification were based on sparse data and may not represent the actual discharge characteristics.

California Environmental Protection Agency

Nardy Drew
Poche Beach UV System

- 2 -

June 6, 2007

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any questions or need further clarification, please contact Jeremy Haas directly at 858-467-2735 or jhaas@waterboards.ca.gov.

Respectfully,



JOHN H. ROBERTUS
Executive Officer

JHR:js:jch
File No. 18-2006021.02
CIWQS Msr: 324957
CIWQS Place ID: 650347

Enclosures:

1. Exhibit of amended conditions
2. Amended Clean Water Act Section 401 Water Quality Certification No. 06C-021

cc: **[all via email only]**

Forrest Vanderbilt; U.S. Army Corps of Engineers; Regulatory Branch; P.O. Box 532711; Los Angeles, CA 90053-2325;

State Water Resources Control Board; Division of Water Quality; 401 Water Quality Certification and Wetlands Unit; Attn: Bill Orme;

Tim Vendlinsky; Wetlands Regulatory Office; U.S. Environmental Protection Agency, Region 9; 75 Hawthorne Street; San Francisco, CA 94105

Laura Peters; State Water Resources Control Board; Division of Water Quality; Clean Beach Initiative Program

Jack Gregg, Water Quality Unit Supervisor; California Coastal Commission; 45 Fremont Street, Suite 2000; San Francisco, CA 94105

Tom Bonigut, City of San Clemente; 910 Calle Negocio, Suite 100, San Clemente, CA 92673

Larry McKenney, Manager; Resources and Development Management Dept.; Watershed & Coastal Resources; County of Orange; P.O. Box 4048; Santa Ana, CA 92702-4048

Donal S. Russell, General Manager; Capistrano Bay Community Services District; 35000 Beach Road; Capistrano Beach, CA 92624

Richard Gardner, South Coast Water District; 31592 West Street; Laguna Beach, CA 92652

Mike Dunbar, Executive Director, South Coast Water District; 31592 West Street; Laguna Beach, CA 92652

Eugene Bromley; U.S. Environmental Protection Agency, Region 9; 75 Hawthorne Street; San Francisco, CA 94105

California Environmental Protection Agency

Enclosure No. 1
Amended Conditions of Water Quality Certification No. 06C-021

1. Condition A.3 is amended as follows:

Waste discharge requirements are temporarily waived for the discharge of dredged and/or fill material necessary to construct the project infrastructure. ~~This waiver does not apply to the discharge of effluent from the treatment facility. The County of Orange must obtain an individual National Pollutant Discharge Elimination System (NPDES) Permit for the discharge of the treated effluent to waters of the U.S. from the proposed facility. The discharge of treated effluent is likely to be subject to future waste discharge requirements and/or National Pollutant Discharge Elimination System (NPDES) requirements.~~

2. Condition F, Water Quality Monitoring, is added as follows:

F. Water Quality Monitoring: The County of Orange must conduct a technical investigation and shall prepare and submit periodic monitoring and technical reports to the Regional Board. The technical reports shall contain, but not be limited to, the following information:

1. Water Quality Data and Assessment. Water quality monitoring reports must be submitted to the Regional Board annually to assess the quality of the treated effluent that is being discharged to surface waters. Each report must contain raw and summary data, an assessment of compliance with applicable water quality standards, and an assessment of the effects of the urban runoff treatment facility. Each report must include data in tabular and graphical form, and electronic data shall be submitted to the Regional Board upon request. If requested, the data shall be provided as a spreadsheet file that is consistent with the State of California Surface Water Ambient Monitoring Program (SWAMP) template, available at <http://mpsl.mlml.calstate.edu/swdataformats.htm>. A certified contract laboratory or municipal staff certified to conduct the specific analyses must perform all sampling, laboratory, and quality assurance procedures.
 - a. Annual Reporting Schedule. The County of Orange must submit monitoring results annually by **March 1** of each year. The reporting period shall be the calendar year. Annual reports must be submitted until written authorization from the Executive Officer of the Regional Board authorizes the County of Orange to cease or modify such reporting.
 - b. Report Contents. Each report must, at a minimum, contain the following items:
 - i. Monitoring results and a discussion of the results relative to the requirements of this Certification and water quality standards;
 - ii. A description of management measures implemented in response to the data;
 - iii. A general description of maintenance activities conducted between each monitoring event;

- iv. An estimation or calculation of creek flows that bypassed the treatment system during the reporting period and dates when bypass occurred;
 - v. Figures (e.g., photographs) depicting the monitoring locations and the condition of the pond/creek and its hydrological connection to the ocean at the time of sampling.
- c. Monitoring locations must include the following locations:
- i. Just upstream of the flow diversion within the channel (influent);
 - ii. Treatment facility discharge pipe outlet (effluent);
 - iii. Receiving water approximately halfway between the effluent discharge location and the seaward extent of the wooden bulkhead (pond receiving water);
 - iv. Within flowing water at the location where the pond/creek breaches the sand berm and flows directly to the surfzone. Samples from this location must be taken from water traveling out of the pond/creek toward the ocean, not from ocean tide water entering the pond/creek area.
- d. Water quality data must be obtained by grab samples at the following frequencies and reported for the following constituents:

Parameter	Reporting Unit	Monitoring Frequency and Location(s)
Flow	cfs or gpm	Flow must be measured weekly at the treatment facility discharge pipe outlet (effluent).
Fecal Coliform	MPN or CFU /100ml	Bacteria monitoring must be conducted weekly at each monitoring location.
<i>E. Coli</i> Or Enterococcus	MPN or CFU /100ml	
Total recoverable metals: Cadmium, Copper, and Zinc	µg/L	Monitoring for metals must be conducted weekly at the effluent monitoring location for the first two months of the discharge, then monthly. Following review of the first annual report, the Regional Board may reduce sampling frequency if the effluent metal concentrations display limited variability and are unlikely to cause adverse effects to beneficial uses in receiving waters.

Note: mg/L = milligrams per liter µg/L = micrograms per liter
 Cfs = cubic feet per second gpm = gallons per minute

MPN and CFU refer to most probable number and colony forming units, respectively, and refer to different methods for quantifying concentrations of bacteria.

- 2. Data Quality Assurance. All information submitted in the monthly and final reports must conform to a Quality Assurance Project Plan compatible with the Surface Water Ambient Monitoring Program (SWAMP) of the State of California.



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Amended Action on Request for
Clean Water Act Section 401 Water Quality Certification
and Waiver of Waste Discharge Requirements
for Discharge of Dredged and/or Fill Materials

PROJECT: Prima Deshecha Outlet and Poche Beach Structural Best Management Practice Treatment System Project
(401 Project No. 06C-021) (WDID no. 9 000001433)
(CIWQS Reg Msr 324957) (CIWQS Place ID 650347)

APPLICANT: Nardy Drew, Chief of Regulatory Permits
County of Orange, Resources and Development Management
P.O. Box 4048
Santa Ana, CA 92702-4048

ACTION:

- | | |
|---|--|
| <input type="checkbox"/> Order for Low Impact Certification | <input type="checkbox"/> Order for Denial of Certification |
| <input checked="" type="checkbox"/> Order for Technically-conditioned Certification | <input checked="" type="checkbox"/> Waiver of Waste Discharge Requirements |

STANDARD CONDITIONS:

The following three standard conditions apply to all Certification actions, except as noted under Condition 3 for denials (Action 3).

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 must 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) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.



ADDITIONAL CONDITIONS:

In addition to the three standard conditions, the County of Orange must satisfy the following:

A. GENERAL CONDITIONS

1. The County of Orange must construct the project as proposed by the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (Regional Board), with the application for Clean Water Act Section 401 Water Quality Certification (Certification) and all subsequent submittals required as part of this Certification, and as generally described in Attachment 1. The conditions within this Certification supersede conflicting provisions within such plans submitted prior to the Certification action.
2. This Certification does not apply to discharges of dredged or fill material associated with maintenance dredging or excavation activities within the tidal or pond areas. Current maintenance dredging and excavation activities are conducted pursuant to a Certification from the State Water Resources Control Board (State Water Board) dated November 19, 2003.
3. Waste discharge requirements are temporarily waived for the discharge of dredged and/or fill material necessary to construct the project infrastructure. The discharge of treated effluent is likely to be subject to future waste discharge requirements and/or National Pollutant Discharge Elimination System (NPDES) requirements.
4. The County of Orange must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.
5. The County of Orange must permit the Regional Board or its authorized representative at all times, upon presentation of credentials:
 - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b. Access to copy any records required to be kept under the terms and conditions of this Certification.
 - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
 - d. Sampling of any discharge or surface water covered by this Order.
6. The County of Orange must notify the Regional Board within 24 hours of any unauthorized discharge to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and



additional best management practice (BMPs) or other measures that will be implemented to prevent future discharges.

7. The County of Orange must, at all times, maintain appropriate types and sufficient quantities of materials onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the U.S. and/or State.
8. This Certification is not transferable to any person except after notice to the Executive Officer of the Regional Board. The County of Orange must notify the Regional Board of any change in ownership of the project area. Notification must include, but not be limited to, a statement that the property owner has provided the purchaser with a copy of the Certification and that the purchaser understands the permit requirements and must implement them; the seller and purchaser must sign and date the notification. Notification must be provided within five days of the sale of the property.
9. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must 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.
10. In response to a suspected violation of any condition of this Certification, the 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, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
11. 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.

B. PROJECT CONSTRUCTION CONDITIONS

1. The placement of dredged or fill material below the mean tidal high water mark, in the ocean, or seaward of the existing wooden bulkhead is prohibited without an addendum issued by the Executive Officer of the Regional Board to this Certification.



2. Personnel Education: Prior to the start of the project, The County of Orange must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
3. Storm Drain Identification. All storm drain inlet structures within the project boundaries must be clearly marked prior to construction activities with appropriate language prohibiting non-storm water discharges.
4. Construction Notification. The County of Orange must notify the Regional Board in writing or email at least 10 days prior to actual start date for project construction.
5. Municipal Storm Water Permit. The County of Orange must comply with the requirements of Regional Board Order No. R9-2002-01 (and as reissued), the National Pollutant Discharge Elimination System Permit for Municipal Storm Water Discharges.
6. Construction BMPs. BMPs must be planned and implemented to prevent the discharge of materials related to the construction activity into waters of the U.S./State and the municipal storm sewer system. A construction-phase Pollution Prevention Plan shall be prepared for the project, kept on site and implemented at all times. Non-stormwater discharges of construction waste and materials into waters of the U.S./State and the municipal storm sewer system are prohibited. Stormwater and non-stormwater BMPs shall specifically address, but not be limited to, the following activities.
 - a. No activity may be conducted within ponded or flowing water, other than water extraction as proposed. Surface water within the stream channel shall be diverted around each project construction area;
 - b. Adequate containment must be provided for all stockpiles of construction-related materials to prevent discharges during dry and wet weather;
 - c. No runoff from equipment and vehicle washing shall be allowed to enter the stream channel or storm sewer system; and
 - d. Debris from demolition and trench activities conducted within or adjacent to the stream channel shall be prevented from entering the channel, unless an adequate stream diversion system is in place, in which case the debris shall be removed at the end of each working day or sooner if rain is predicted.
 - e. BMPs must be inspected in place prior to commencement of daily activities.
 - f. Storage and maintenance of equipment and materials must be outside of waters of the U.S./State and the channel banks.



7. Any temporary dam or other artificial obstruction constructed shall only be built from materials that will cause little or no siltation or increase in suspended sediments in waters of the U.S./State.

C. POST CONSTRUCTION PROJECT CONDITIONS

1. Shoreline Discharge. The direct discharge of treated effluent to the shoreline, below the mean tidal high water mark, to the ocean, or seaward of the existing wooden bulkhead must comply with NPDES Permit requirements.
2. Initial Inspection. The County of Orange must inspect the facility and adjacent water body during or promptly after the first storm event forecasted to exceed 0.2 inch of precipitation in order to assess whether materials installed during project construction are negatively affecting visible water quality (e.g., turbidity, color, and debris).
3. Post-construction Storm Inspections. The County of Orange must inspect the facility and adjacent water body during or promptly after the first storm event of the rainy season (October through April) forecasted to exceed 0.2 inch of precipitation in order to assess whether materials installed during project construction are negatively affecting visible water quality (e.g., turbidity, color, and debris).
4. Downtime Inspections and Debris Removal. The County of Orange must inspect the adjacent water body during each period that the facility is shut down and the diversion berm is in place in order to determine whether the berm is causing ponding conditions (e.g, stagnant water) that threatens to cause a condition of pollution or nuisance in the downstream waters (e.g., beach pond and ocean). If the accumulated debris and organic matter covers more than 50 percent (50%) of the surface of the water extending 20 feet upstream from the berm, then the County of Orange shall remove as much of the debris and organic matter as feasible.
5. Operation and Maintenance. The County of Orange, or their designated party, must inspect and maintain the urban runoff treatment facility (including in-stream components) in order to prevent the discharge of waste or facility materials to waters of the State in a manner causing, or threatening to cause a condition of pollution, contamination, or nuisance as defined in California Water Code Section 13050.
 - a. Records must be kept regarding inspections and maintenance in order to assess the performance of the system and determine whether adaptations are necessary to protect receiving waters.
 - b. The County of Orange is responsible for inspection and maintenance of the urban runoff treatment facility, including in-stream components, until such responsibility is legally transferred to another entity.



- c. At the time maintenance responsibility for post-construction maintenance is legally transferred, the County of Orange must submit to the Regional Board a copy of such documentation.
 - d. At the time maintenance responsibility for post-construction maintenance is legally transferred, the County of Orange must provide the transferee with a copy of a long-term maintenance plan that complies with manufacturer specifications and this Certification.
6. If post-project water quality data at either the shoreline or pond/lagoon (collected pursuant to Condition D or otherwise) indicates the facility discharges or facility infrastructure (e.g., berm, sump, etc.) are significantly raising the bacteria concentrations and/or causing a violation of water quality objectives, the County of Orange shall promptly modify its operations and maintenance activities to abate such effects.

D. COMPENSATORY MITIGATION FOR LOSS OF WATERS OF THE U.S./STATE

Compensatory habitat mitigation for permanent impacts to 22 linear feet (0.005 acre) and temporary impacts to 200 linear feet (0.005) acre, will be achieved by the restoration of 200 linear feet of sand within waters of the U.S./State that is temporarily disturbed in order to construct the project.

E. REPORTING

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.
2. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."



3. The County of Orange must submit reports required under this Certification, or other information required by the Regional Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification; Project No. 06C-021
9174 Sky Park Court, Suite 100
San Diego, California 92123

F. WATER QUALITY MONITORING

The County of Orange must conduct a technical investigation and shall prepare and submit periodic monitoring and technical reports to the Regional Board. The technical reports shall contain, but not be limited to, the following information:

1. Water Quality Data and Assessment. Water quality monitoring reports must be submitted to the Regional Board annually to assess the quality of the treated effluent that is being discharged to surface waters. Each report must contain raw and summary data, an assessment of compliance with applicable water quality standards, and an assessment of the effects of the urban runoff treatment facility. Each report must include data in tabular and graphical form, and electronic data shall be submitted to the Regional Board upon request. If requested, the data shall be provided as a spreadsheet file that is consistent with the State of California's Surface Water Ambient Monitoring Programs (SWAMPs) template, available at <http://mpsl.mlml.calstate.edu/swdataformats.htm>. A certified contract laboratory or municipal staff certified to conduct the specific analyses must perform all sampling, laboratory, and quality assurance procedures.
 - a. Annual Reporting Schedule. The County of Orange must submit monitoring results annually by **March 1** of each year. The reporting period shall be the calendar year. Annual reports must be submitted until written authorization from the Executive Officer of the Regional Board authorizes the County of Orange to cease or modify such reporting.
 - b. Report Contents. Each report must, at a minimum, contain the following items:
 - i. Monitoring results and a discussion of the results relative to the requirements of this Certification and water quality standards;
 - ii. A description of management measures implemented in response to the data;
 - iii. A general description of maintenance activities conducted between each monitoring event;



- iv. An estimation or calculation of creek flows that bypassed the treatment system during the reporting period and dates when bypass occurred;
 - v. Figures (e.g., photographs) depicting the monitoring locations and the condition of the pond/creek and its hydrological connection to the ocean at the time of sampling.
- c. Monitoring locations must include the following locations:
- i. Just upstream of the flow diversion within the channel (influent);
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 - iii. Receiving water approximately halfway between the effluent discharge location and the seaward extent of the wooden bulkhead (pond receiving water);
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- d. Water quality data must be obtained by grab samples at the following frequencies and reported for the following constituents:

Parameter	Reporting Unit	Monitoring Frequency and Location(s)
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Fecal Coliform	MPN or CFU /100ml	Bacteria monitoring must be conducted weekly at each monitoring location.
<i>E. Coli</i> Or Enterococcus	MPN or CFU /100ml	
Total recoverable metals: Cadmium, Copper, and Zinc	µg/L	Monitoring for metals must be conducted weekly at the effluent monitoring location for the first two months of the discharge, then monthly. Following review of the first annual report, the Regional Board may reduce sampling frequency if the effluent metal concentrations display limited variability and are unlikely to cause adverse effects to beneficial uses in receiving waters.

Note: mg/L = milligrams per liter µg/L = micrograms per liter
 Cfs = cubic feet per second gpm = gallons per minute
 MPN and CFU refer to most probable number and colony forming units, respectively, and refer to different methods for quantifying concentrations of bacteria.

2. Data Quality Assurance. All information submitted in the monthly and final reports must conform to a Quality Assurance Project Plan compatible with the Surface Water Ambient Monitoring Program (SWAMP) of the State of California¹

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On March 21, 2006 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

¹ The State Water Resource Control Board has prepared an electronic template for Quality Assurance Project Plans (QAPP) to assist in QAPP development, to provide a common format that will allow for review to be expedited, and to provide information on SWAMP consistency. Additional information and the template are available on-line at <http://www.waterboards.ca.gov/swamp/qapp.html>.



REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Jeremy Haas
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-467-2735, jhaas@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the **Prima Deshecha Outlet and Poche Beach Structural Best Management Practice Treatment System Project** (Project No. 06C-021) 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. This discharge is also regulated under California Regional Water Quality Control Board, San Diego Region, Waiver of Waste Discharge Requirements (Waiver Policy) No. 17. Please note that this waiver is conditional and, should new information come to our attention that indicates a water quality problem, the Regional Board may issue waste discharge requirements at that time.

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/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



JOHN H. ROBERTUS
Executive Officer
Regional Water Quality Control Board

6 June 2007
Date

Attachments:

1. Project Information
2. Distribution List
3. Location Map
4. Site Map
5. Site Photographs



**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: Nardy Drew, Chief of Regulatory Permits
County of Orange, Resources and Development Management
P.O. Box 4048
Santa Ana, CA 92702-4048
714-834-2340
nardy.drew@rdmd.ocgov.com

**Applicant
Representatives:** n/a

Project Name: **Prima Deshecha Outlet and Poche Beach Structural Best
Management Practice Treatment System Project** (Project No.
06C-021)

Project Location: The proposed project is located at the mouth of Prima Deshecha
Creek at Poche Beach in the Cities of San Clemente and Dana Point
(Attachment 3).
Lat 33°26'37" Long 117°38'38"

Type of Project: Urban runoff treatment facility

Project Description: The project would collect, filter, and disinfect dry-weather flows in
Prima Deshecha Creek at Poche Beach (Attachment 4). Treated
effluent would be discharged to the existing lagoon at Poche Beach.
Three to ten percent of the effluent would be discharged to the
sanitary sewer as filter backwash. The facility is sized to process a
peak flow of 800 gallons per minute (1.78 cfs, 1.15 MGD).

The Regional Board will initially rely on the Municipal NPDES
requirements for the discharge from this facility. The Regional
Board intends to consider NPDES requirements for facilities such as
this one that extract water from waters of the U.S./State, process the
water, and discharge the treated effluent back to waters of the U.S.
At that point, the County is likely to be required to obtain coverage
under an individual or general NPDES permit for the continued
discharge of the facility's effluent.

The project purpose is to reduce concentrations of fecal indicator
bacteria at the beach. The County of Orange is concerned that
regrowth of bacteria may occur within the lagoon to an extent that
would threaten the REC-1 objective at the shoreline. This threat
may be lessened by a concurrent proposal by the County of Orange
to routinely excavate sand material that forms a berm across the
lagoon mouth. Elimination of the berm may decrease residence
time and regrowth in the lagoon. The State Water Board is currently
processing that application for 401 Certification.



If fecal indicator bacteria levels at the Poche Beach shoreline continue to exceed REC-1 water quality objectives because of bacteria regrowth within the lagoon, then the County of Orange intends to request an addendum, if necessary, to discharge treated effluent to the shoreline at the mean high tide line (Attachment 5, Figure 1).

Current data indicates that treated effluent may contain metal concentrations substantially higher than the six-month median numeric criteria in the Ocean Plan. As amended, this Certification includes water quality monitoring requirements. At a future date, an individual NPDES permit is expected to establish water quality monitoring requirements. Pursuant to the amended Certification, the County will monitor for certain metals. Those results may be used to evaluate the expected quality of a future proposal to discharge effluent to the shoreline.

The treatment facility will be located on a newly constructed concrete pad on uplands within the railroad right-of-way adjacent to the creek. The project will install an inflatable rubber dam within the creek, between Coast Highway (a.k.a. El Camino Real) and the railroad bridge, to direct water from the channel into a newly-constructed wet well (see Attachment 4). The dam will also prevent sea water from entering the treatment system. The dam will be deflated when rain is anticipated.

A wet well will be constructed adjacent to the existing concrete channel wall. Two submersible pumps will be located within the wet well. Water will be pumped from the wet well to media filtration tanks located on the concrete pad. Filtered water will then pass through ultraviolet disinfection and discharged through the effluent pipe.

Maintenance is expected to be intensive and cost approximately \$250,000 per year. Bi-weekly maintenance will consist of removing algae and trash from screens within the channel and wet well.

The project has received funding from the State Water Resources Control Board Clean Beach Initiative program (agreement no. 06-130-550)

Federal Agency/Permit:	U.S. Army Corps of Engineers §404 NWP 7 for outfall structures, NWP 33 for Temporary Construction, Access, and Dewatering, and NWP 18 for Minor Discharges. The permit will expire two years from issuance.
Other Required Regulatory Approvals:	California Coastal Commission coastal development permit is expected to be considered at the Commission's June 2006 meeting.



California Environmental Quality Act (CEQA) Compliance: The County of Orange issued a Mitigated Negative Declaration for the proposed project on December 17, 2002. SCH No. 2002091129

Receiving Water: Prima Deshecha Channel and Pacific Ocean (HSA 901.30)

Impacted Waters of the United States: Temporary:
Streambed: 200 linear feet (0.005 acre)
Permanent:
Streambed: 22 linear feet (0.005 acre)

Dredge Volume: Up to 20 cubic yards

Related Projects Implemented/to be Implemented by the Applicant(s):

1. The County of Orange currently conducts excavation and dredging activities at the mouth of the creek to lower water levels in the lagoon and protect adjacent property. A 401 Certification was issued by the State Water Board for that activity. (Regional Board file no. 02C-077)
2. The County of Orange has applied to the State Water Board to renew the berm dredging and excavation activities. That application is pending.
3. The Regional Board issued a 401 Certification (no. 02C-124) on February 11, 2003 for a previous version of the ultraviolet disinfection project proposal.

Compensatory Mitigation: Streambed: restoration of temporary impacts

Best Management Practices (BMPs): The County will implement a construction storm water management plan in accordance with its local ordinances. Water will be diverted around active construction areas. No stockpiles will be located on-site.

Public Notice: On March 21, 2006 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

Inspection: Site inspections were conducted on April 27, 2007

Fees: Total Due: \$1,600
Total Paid: \$1,600 (Check Nos.01-8069328 and 007275)



**ATTACHMENT 2
DISTRIBUTION LIST**

Forrest Vanderbilt **[email only]**
U.S. Army Corps of Engineers
Regulatory Branch
P.O. Box 532711
Los Angeles, CA 90053-2325

State Water Resources Control Board **[email only]**
Division of Water Quality
401 Water Quality Certification and Wetlands Unit
Attn: Bill Orme
P.O. Box 100
Sacramento, CA 95812-0100

Tim Vendlinsky **[email only]**
Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Laura Peters **[email only]**
State Water Resources Control Board
Division of Water Quality
Clean Beach Initiative Program

Donal S. Russell, General Manager **[email only]**
Capistrano Bay Community Services District
35000 Beach Road
Capistrano Beach, CA 92624

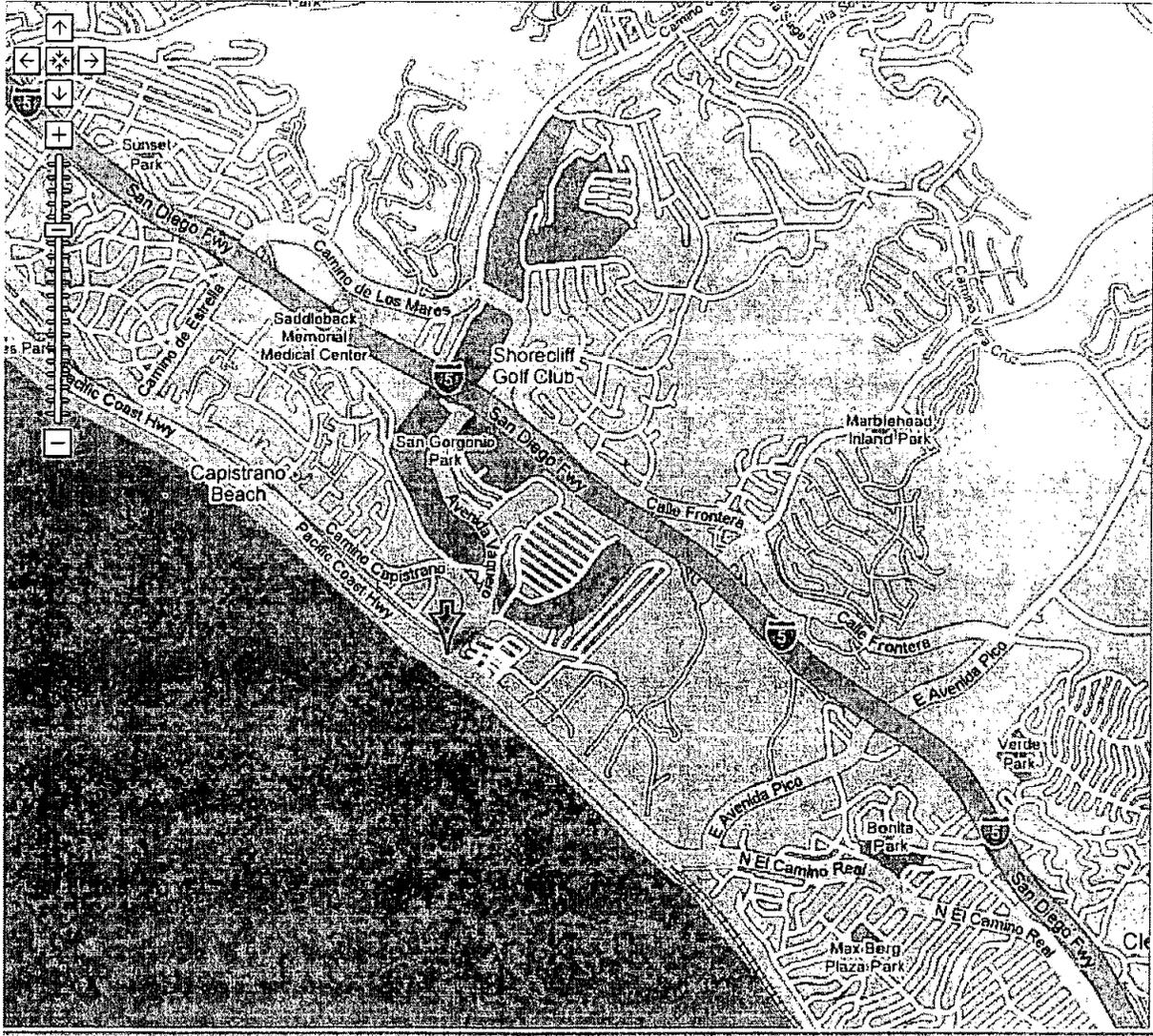
Richard Gardner, Director, **[email only]**
South Coast Water District; 31592 West Street; Laguna Beach, CA 92652

Mike Dunbar, Executive Director, **[email only]**
South Coast Water District; 31592 West Street; Laguna Beach, CA 92652

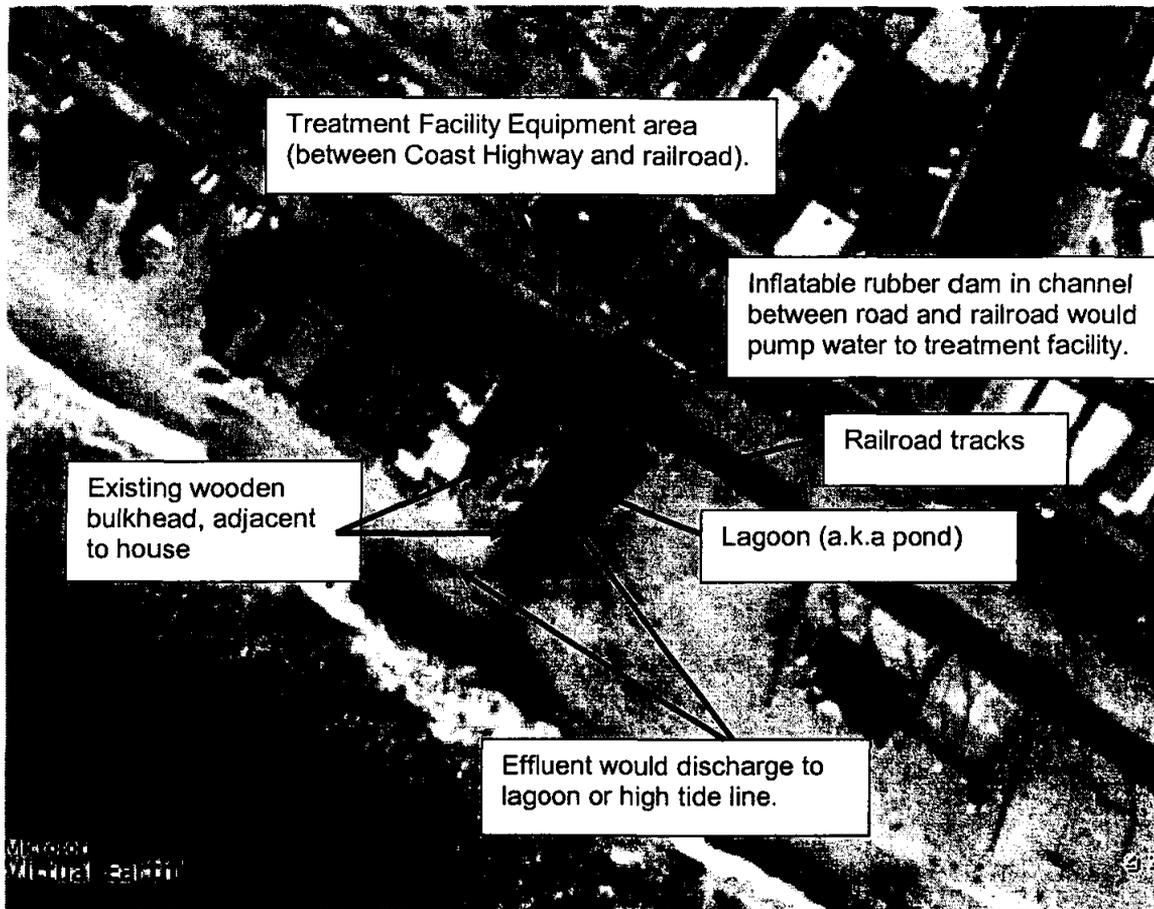


ATTACHMENT 3 PROJECT LOCATION

The proposed project is located (arrow) in the County of Orange at the border of the Cities of San Clemente and Dana Point near the intersection of Camino Capistrano and Pacific Coast Highway. The location is where Prima Deshecha Channel reaches Poche Beach.



ATTACHMENT 4 SITE MAP



ATTACHMENT 5 SITE PHOTOGRAPHS

Figure 1. Looking upcoast at the Poche Beach lagoon and the approximate location of where a proposed future effluent pipe would discharge to the high tide line.



Figure 2. Looking downstream at Poche Beach. The facility will be located in the dirt area adjacent to the railroad tracks. The initial effluent discharge would be to the rear or middle of the lagoon.

