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1. Article Addressed to:

OC Parks  
 13042 Old Myford Rd  
 Irvine, CA 92602  
  
 Attn: Mark Estoque

2. Article Number

(Transfer from service label)

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PS Form 3811, February 2004

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OC Parks

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13042 Old Myford Rd

City, State, ZIP+4

Irvine CA 92602

PS Form 3800, August 2006

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# California Regional Water Quality Control Board San Diego Region



**Matt Rodriguez**  
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

**Edmund G. Brown Jr.**  
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)

July 22, 2011

**Certified Mail – Return Receipt Requested**  
Article Number: 7010 1060 0000 4952 8164

Mark Estoque  
Orange County Parks  
13042 Old Myford Rd  
Irvine, CA 92602

In reply refer to:  
758872: amonji

**Subject:** Action on Request for Clean Water Act Section 401 Water Quality Certification for the **Poche Beach and Capistrano Beach Outlet No. 1 Ocean Outlet Maintenance Project**, Water Quality Certification No. **10C-106**.

Dear Mr. Estoque:

Enclosed find Clean Water Act Section 401 Water Quality Certification for discharge to Waters of the United States and acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017-DWQ for the **Poche Beach and Capistrano Beach Outlet No. 1 Ocean Outlet Maintenance** project. A description of the project and project location can be found in the project information sheet, location map, and site maps which are included as Attachments 1 through 5.

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that you have accepted and will comply with all the conditions of this Certification.

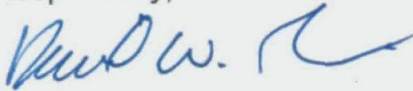
Failure to comply with all conditions of this Certification may subject you to enforcement actions by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

**California Environmental Protection Agency**

July 22, 2011

In the subject line of any response, please include the requested **"In reply refer to:"** information located in the heading of this letter. For questions pertaining to the subject matter, please contact Alan Monji at (858)-637-7140 or [amonji@waterboards.ca.gov](mailto:amonji@waterboards.ca.gov).

Respectfully,



DAVID W. GIBSON  
Executive Officer

Enclosures:

Clean Water Act Section 401 Water Quality Certification No. 10C-106 for Poche Beach and Capistrano Beach Outlet No. 1 Ocean Outlet Maintenance Project, with 5 attachments.

cc: Refer to Attachment 2 of Certification 10C-106 for Distribution List.

Tech Staff Info & Use	
File No.	10C-106
WDID	9000002178
Reg. Measure ID	376699
Place ID	758872
Party ID	524861



# California Regional Water Quality Control Board San Diego Region



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(858) 467-2952 • Fax (858) 571-6972  
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

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

**PROJECT:** Poche Beach and Capistrano Beach  
Outlet No. 1 Ocean Outlet Maintenance,  
Certification Number (10C-106), WDID:  
9000002178

**APPLICANT:** Mark Estoque  
Orange County Parks  
13042 Old Myford Rd  
Irvine, CA 92602

CIWQS Reg. Meas. ID: 37669 Place ID: 758872 Party ID: 524861
---

**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 type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

**PROJECT DESCRIPTION:**

The project consists of recurring maintenance activities at Poche Beach Outlet and Capistrano Beach Outlet No.1 along the Capistrano Beach shoreline adjacent to and in the City of Dana Point, CA. The Poche Beach Outlet is located southeast of the intersection of Camino Capistrano and the Pacific Coast Highway. Capistrano Beach Outlet No.1 is located southeast of the intersection of Palisades Drive and Pacific Coast Highway at the southern section of the beach parking lot.

The semi-annual maintenance activities will occur in the Fall and Spring and consists of moving sand deposits at the end of the outlet structures, redistributing the sand on the beach above the high tide line to match existing shoreline contours, and grading to prepare for recreational use. Some additional minor maintenance activities will occur as needed throughout the year. Both semi-

**California Environmental Protection Agency**

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annual and minor maintenance will require heavy machinery to move and redistribute sand and sediment from the outlets. Duration of construction for both types of maintenance activities is expected to be one day of heavy machinery work in the outlet and adjacent shoreline.

For the Poche Beach Outlet, the semi-annual maintenance activities are the recurring grading of approximately 0.179 acres and the excavation of not more than 1,152 cubic yards of sediment per year from the Poche Beach Channel Outlet to establish and maintain flow from the pond to the surf zone. Disposal of excavated sand and related earth work would occur on Poche Beach just south and adjacent to the outlet in an approximate 0.576 acre area above the high tide line.

At Capistrano Beach Outlet No. 1, the Fall semi-annual maintenance activities are the recurring grading of an approximate 0.103 acre area and the excavation of not more than 583 cubic yards of sediment per year from the Capistrano Beach channel outlet to establish and maintain flow from Capistrano Beach Outlet No. 1 to the surf zone. The Spring semi-annual maintenance is filling the channel west of the Capistrano Beach Outlet No. 1 to allow for public recreation. Disposal of excavated sand and related earthwork would occur on Capistrano Beach just north and adjacent to the outlet in an approximate 0.230 acre area above the high tide line.

Minor maintenance activities will be conducted based on inspections by Orange County Parks to determine the outlet conditions and identify potential maintenance needs. These maintenance activities consist of re-establishing the flow of the channels as necessary when ponding occurs and public beach access is impaired. Minor maintenance consists of the excavation of a notch in a naturally forming sand berm and mechanized grading to move the excavated sediment above the high tide line.

Collectively, the project would result in recurring temporary impacts to 0.282 acres of Ocean waters of the United States and/or State. No mitigation is proposed. With the expectation that the activities not result in exceedances of *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan) objectives, it is anticipated that the maintenance activities will improve recreational uses by improving beach access.

TABLE OF CONTENTS

I. STANDARD CONDITIONS: .....	4
II. ADDITIONAL CONDITIONS: GENERAL .....	4
III. ADDITIONAL CONDITIONS: CONSTRUCTION BEST MANAGEMENT PRACTICES .....	6
IV. ADDITIONAL CONDITIONS: POST CONSTRUCTION BEST MANAGEMENT PRACTICES .....	8
V. ADDITIONAL CONDITIONS: COMPENSATORY MITIGATION .....	8
VI. MONITORING REQUIREMENTS: .....	8
VII. NOTIFICATION REQUIREMENTS: .....	11
VIII. REPORTING REQUIREMENTS: .....	12
VIII. CEQA FINDINGS: .....	14
IX. PUBLIC NOTIFICATION OF PROJECT APPLICATION: .....	14
X. SAN DIEGO WATER BOARD CONTACT PERSON: .....	14
XI. WATER QUALITY CERTIFICATION: .....	15

## I. STANDARD CONDITIONS:

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

- A. 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).
- B. 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.
- C. 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.

## II. ADDITIONAL CONDITIONS: GENERAL

- A. This Water Quality Certification No. 10C-106 (Certification) will expire within 5 (five) years from the date of issuance. If Orange County Parks (OC Parks) wants to request renewal of this Certification after five years, OC Parks must submit an amendment request to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) prior to expiration.
- B. OC Parks must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification*. These General Waste Discharge Requirements are accessible at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/generalorders/go\\_wdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf).
- C. OC Parks shall comply with the requirements of the San Diego Water Board Order No. R9-2009-0002, the National Pollutant Discharge Elimination System Permit of Municipal Storm Water Discharge.

- D. OC Parks must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to San Diego Water Board to support this Certification and all subsequent submittals required as part of this Certification and as described in Attachment 1. The conditions within this Certification must supersede conflicting provisions within such plans submitted prior to the Certification action. Any modifications thereto, would require notification to the San Diego Water Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.
- E. During construction, OC Parks must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.
- F. OC Parks must permit the San Diego Water Board or its authorized representative at all times, upon presentation of credentials:
1. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
  2. Access to copy any records required to be kept under the terms and conditions of this Certification.
  3. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
  4. Sampling of any discharge or surface water covered by this Order.
- G. 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.
- H. In response to a suspected violation of any condition of this Certification, the San Diego Water Board may, pursuant to California Water Code (CWC) sections 13267 and 13383, require the holder of any permit or license subject to this Certification to investigate, monitor, and report information on the violation. The only restriction is that the burden, including costs of preparing the reports, must bear a reasonable relationship to the need for and the benefits to be obtained from the reports.



- I. In response to any violation of the conditions of this Certification, the San Diego Water Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.

### **III. ADDITIONAL CONDITIONS: CONSTRUCTION BEST MANAGEMENT PRACTICES**

- A. Prior to the start of the project, and annually thereafter, OC Parks must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and Best Management Practices (BMPs) implementation and maintenance.
- B. OC Parks must, at all times, maintain appropriate types and sufficient quantities of materials on-site 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 United States and/or State.
- C. The treatment, storage, and disposal of wastewater during the life of the project must be done in accordance with waste discharge requirements established by the San Diego Water Board pursuant to CWC § 13260.
- D. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or the State or placed in locations that may be subjected to storm flows. Pollutants discharged to areas within a stream diversion area must be removed at the end of each work day or sooner if rain is predicted.
- E. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.
- F. Sediment shall be removed, disposed, and handled in a manner that will not cause sustained, significant turbidity increases in the pond and ocean.
- G. Maintenance activities shall not be conducted during times when sewage is present in the ponded water at the Poche Beach Outlet and Capistrano Beach Outlet #1 and/or its tributaries. Prior to conducting any maintenance activities, the project manager shall communicate with the Orange County Public Health Agency to verify that no known sewage spills have recently occurred that could affect the project area. On-site personnel shall cancel operations if site conditions indicate sewage is present in the project area.

- H. Maintenance activities shall not be conducted if existing conditions indicate such activity would cause a violation of water quality standards for total coliform, fecal coliform, or enterococcus at the surf zone. Planned activities shall be postponed until the threat of causing a violation of water quality standards has been abated.
- I. No activities authorized under this Certification will be conducted within 500 yards of a Western Snowy Plover breeding colony from May 1 through September 30.
- J. If the maintenance takes place between March 1 and August 31, OC Parks must determine beach habitat suitability for grunion spawning. If surveys indicate the beach conditions are suitable for grunion activity, OC Parks must check the Department of Fish and Game's predicted grunion runs before the start of any maintenance activity. The survey area must include the maintenance areas by the outlets and the surf zone areas impacted by the vehicles. All maintenance activities are limited to no later than 24 hours before a predicted grunion run. Beach maintenance activities will not be allowed during and immediately following a run until the area is clear of grunion eggs. Grunion run schedule can be found at: <http://www.dfg.ca.gov/marine/grunionschedule.asp>
- K. The excavated material and ponded water associated with berm maintenance and breaching will be free of trash and man-made debris. OC Parks will be responsible for the collection and disposal of trash and debris during the semi-annual and minor maintenance activities. Trash and debris will be disposed in compliance with local, State, and Federal regulations.
- L. All vehicles used for semi-annual and minor maintenance must be inspected for fluid leaks prior to the start of beach operations and regularly inspected thereafter until beach maintenance activities are completed. Vehicles with leaks must not enter the beach area.
- M. Vehicles and equipment shall be cleaned, repaired (other than emergency repairs), and stored at least 500 feet from the high tide line. All contaminated water, sludge, spill residue, and other hazardous compounds will be disposed of at a lawfully authorized designation.
- N. All maintenance activities will be scheduled to minimize negative impacts to Contact Water Recreation (REC 1) and Non-contact Recreation (REC 2) beneficial uses at Poche and Capistrano Beaches designated by the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan).

- O. Discharges must comply with the *Water Quality Control Plan Ocean Waters of California, California Ocean Plan (Ocean Plan)* and the Basin Plan.
- P. Sediment shall not be deposited in a location that may cause significant adverse effects to aquatic life, fish, shellfish, or wildlife or may harm the beneficial uses of the receiving waters, or does not create maximum benefit to the people of the State.

#### IV. ADDITIONAL CONDITIONS: POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. OC Parks shall inspect and maintain the Poche Beach Outlet and Capistrano Beach Outlet #1 for the life of the Certification. OC Parks must:
  - 1. Inspect the outlets no less than 10 times per year;
  - 2. Identify any necessary corrective measures and implement and complete the measures; and
  - 3. Maintain a log documenting all inspections and maintenance activities.

#### V. ADDITIONAL CONDITIONS: COMPENSATORY MITIGATION

- A. The project is considered self-mitigating as the project will restore sand-based marine habitat and recreational opportunities. No additional compensatory mitigation is required.

#### VI. MONITORING REQUIREMENTS:

OC Parks must develop and implement a five-year Monitoring Plan for the Poche Beach Outlet and Capistrano Beach Outlet No. 1 to evaluate potential project impacts from proposed maintenance activities and pollutants/stressors to the Poche Beach and Capistrano Beach surf zone in the San Clemente Hydrologic Area. The Monitoring Plan must be developed and submitted to the San Diego Water Board for approval **within 30 days from certification**. The Monitoring Plan must assess conditions before and after impacts have occurred by measuring changes in water quality at the surf zone of Poche Beach Outlet and Capistrano Beach Outlet No. 1. The monitoring will begin prior to the start of project construction, and the data and analysis must be submitted with **the Annual Progress Reports**.

##### A. **Water Quality Assessment**

1. Monitoring Locations: Monitoring locations for the Poche Beach Outlet, at a minimum, will include one station close to the middle of the ponded water behind the berm, one station 25 yards up coast in the surf zone from where the stream drains into the surf zone, and one station 25 yards down coast in the surf zone from where the stream drains into the ocean. Monitoring locations for the Capo Beach Outlet No. 1, at a minimum, will include one station close to the middle of the ponded water behind the berm, one station 25 yards up coast in the surf zone from where the stream drains into the surf zone, and one station 25 yards down coast in the surf zone from where the stream drains into the surf zone.
2. Surf Zone Monitoring: Sampling and analyses will, at a minimum, include: temperature, salinity, pH, total coliform, fecal coliform, enterococcus, turbidity<sup>1</sup>, and dissolved oxygen. Sampling will be conducted with each semi-annual maintenance event and each minor maintenance event that uses mechanized equipment. Pre-maintenance and post-maintenance samples shall be collected and analyzed. The results of the water quality assessment must be submitted each year **with the Annual Progress Report**.
3. Pond Monitoring: Sampling and analyses in the ponded water behind the outlets will, at a minimum, include: total phosphorus, cadmium, nickel, pH, temperature, salinity, dissolved oxygen, turbidity<sup>2</sup>, total coliform, fecal coliform, and enterococcus. Sampling will be conducted with each semi-annual maintenance event and for each minor maintenance event that uses mechanized equipment. Pre-maintenance and post-maintenance samples shall be collected and analyzed. The results of the water quality assessment must be submitted each year **with the Annual Progress Report**.
4. Bacteria Monitoring: All maintenance events, the pre-maintenance bacteria sample shall be collected and analyzed 36 -72 hours prior to conducting the maintenance activity. If the ponded water bacteria concentrations exceed objectives for REC 1 but are below 10,000 MPN (or CFU) per 100 ml for fecal coliform and/or enterococcus, then the OC Parks shall notify the Orange County Public Health Care Agency and post appropriate public health warning signs at the beach prior to commencing maintenance activities. If the pre-maintenance ponded water bacteria samples show concentrations of above 10,000 MPN (or CFU) per 100 ml for fecal coliform and/or enterococcus, then the OC Parks shall not commence the maintenance activities until a

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<sup>1</sup> Turbidity monitoring is only required for the semi-annual maintenance.

<sup>2</sup> Turbidity monitoring is only required for the semi-annual maintenance.

pre-maintenance sample shows levels under 10,000 MPN (or CFU) per 100 ml.

5. Turbidity: The ponded water station shall be monitored prior to semi-annual maintenance activities and approximately 30 minutes following completion of the maintenance. If post-maintenance turbidity is 50 percent less than pre-maintenance conditions, measurements shall be taken every 30 minutes until transparency of the lagoon water returns to pre-maintenance conditions. If post-project turbidity is increased in the lagoon for more than one hour over pre-project turbidity, or if visual monitoring indicates that a sediment plume is persisting in the ocean longer than 30 minutes following maintenance activity, OC Parks shall modify its activities to include appropriate management measures prior to the next maintenance dredging or excavation activities.
- B. Where procedures are not otherwise specified for the Monitoring Program, sampling, analysis, and quality assurance/quality control must be conducted in accordance with the Surface Water Ambient Monitoring Program (SWAMP) Quality Assurance Program Plan (QAPrP)<sup>3</sup> for the State of California's Surface Water Ambient Monitoring Program, adopted by the State Water Resources Control Board.
  - C. A certified contract laboratory or municipal staff certified to conduct the specific analyses shall perform all sampling, laboratory, quality assurance, and analytical procedures.
  - D. The San Diego Water Board may make revisions to the monitoring program at any time during the five year monitoring term, and may include a reduction or increase in the number of parameters to be monitored, locations monitored, the frequency of monitoring, or the number and size of samples collected.
  - E. Water quality monitoring reports shall be submitted to the San Diego Water Board with the Annual Reports to assess the effects of the ocean outlet maintenance activities. Each report shall contain raw and summary data, an assessment of compliance with applicable water quality standards, and an assessment of the effects of the ocean outlet maintenance activities. Each report shall include data in tabular and graphical form and electronic data shall be submitted to the San Diego Water Board upon request.

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<sup>3</sup> The Quality Assurance Program Plan is available on the State Water Board's SWAMP website at [http://www.waterboards.ca.gov/water\\_issues/programs/swamp/docs/qapp/qaprp082209.pdf](http://www.waterboards.ca.gov/water_issues/programs/swamp/docs/qapp/qaprp082209.pdf)

## VII. NOTIFICATION REQUIREMENTS:

- A. OC Parks must notify the San Diego Water Board within **24 hours** of any unauthorized discharge, including hazardous or toxic materials, to waters of the United States 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 practices (BMPs) or other measures that will be implemented to prevent future discharges.
- B. This Certification is not transferable in its entirety or in part to any person except after notice to the Executive Officer of the San Diego Water Board in accordance with the following terms.
1. **Transfer of Property Ownership:** OC Parks must notify the San Diego Water Board of any change in ownership of the project area. Notification of change in ownership must include, but not be limited to, a statement that OC Parks has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the Executive Officer of the San Diego Water Board **within 10 days of the transfer of ownership.**
  2. **Transfer of Certification Responsibility:** Any notification of transfer of responsibilities to satisfy the requirements set forth in Section V of this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**
- Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to OC Parks will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve OC Parks of this Certification in the event that a transferee fails to comply.
- C. OC Parks must notify the San Diego Water Board in writing **at least 5 days prior to** the actual commencement of dredge, fill, and discharge activities.

- D. To protect rare, threatened, or endangered species OC Parks must implement all Conservation Measures included in the United States Fish and Wildlife Service Section 7 Consultation.

### VIII. REPORTING REQUIREMENTS:

- A. OC Parks must submit annual progress reports describing status of compliance with all requirements of this Certification to the San Diego Water Board prior to **August 1** of each year following the issuance of this Certification until the project has reached completion. OC Parks must submit a Final Project Annual Report to the San Diego Water Board **prior to expiration of the Certification**. The reports must include the following:
1. Date(s) of maintenance initiation.
  2. Date(s) of maintenance completion.
  3. Status of BMPs for the project.
  4. Photodocumentation, including all areas of permanent and temporary impact, prior to and after project maintenance and construction. Photo documentation must be conducted in accordance with guidelines posted at [http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/401\\_certification/docs/StreamPhotoDocSOP.pdf](http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf). In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced.
  5. Visual Observations shall also be made daily, recorded, and submitted for each period of maintenance activities. The following observations shall be made and recorded;
  6. Speed and direction of the currents;
    - i. Tidal stage;
    - ii. Appearance of rubbish, trash, or any other solid waste;
    - iii. Appearance of oil or other materials of petroleum origin;
    - iv. Discoloration and extent of any visible turbidity plume; and
    - v. Odors.
- B. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the San Diego Water Board for failure to furnish requested information pursuant to CWC section 13268.
- C. All reports and information submitted to the San Diego Water Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.

D. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

1. For a corporation, by a responsible corporate officer of at least the level of vice president.
2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
4. A duly authorized representative may sign applications, reports, or information if:
  - i. The authorization is made in writing by a person described above.
  - ii. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
  - iii. The written authorization is submitted to the San Diego Water Board Executive Officer.

E. All applications, reports, or information submitted to the San Diego Water 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."*

F. OC Parks must submit reports required under this Certification, or other information required by the San Diego Water Board, to:

Executive Officer  
California Regional Water Quality Control Board  
San Diego Region  
Attn: 401 Certification; Project No. 10C-106  
9174 Sky Park Court, Suite 100  
San Diego, California 92123



**VIII. CEQA FINDINGS:**

- A. OC Parks is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and promulgated a Notice of Exemption on October 26, 2010 under CEQA Guidelines Title 14, California Code of Regulations. OC Parks has determined the project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301.
- B. A Notice of Exemption was filed by OC Planning on October 26, 2010. The San Diego Water Board has reviewed the lead agency's Notice of Exemption and also finds that the project is categorically exempt and will not have a significant effect on the environment.

**IX. PUBLIC NOTIFICATION OF PROJECT APPLICATION:**

- A. On November 23, 2010, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. General comments from numerous members of the public were received concerning Poche Beach access. None of the commenters requested to be designated as interested parties or to receive a copy of the Certification.

**X. SAN DIEGO WATER BOARD CONTACT PERSON:**

Alan Monji  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123  
(858) 637-7140  
amonji@waterboards.ca.gov

**XI. WATER QUALITY CERTIFICATION:**

I hereby certify that the proposed discharge from the **Poche Beach and Capistrano Beach Outlet No. 1 Ocean Outlet Maintenance** (Project No. 10C-106) 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 State Water Board Order No. 2003-0017-DWQ, "*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)*," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water 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 Water Quality Control Plan for the San Diego Basin Region (9) (Basin Plan).

  
\_\_\_\_\_  
DAVID W. GIBSON  
Executive Officer  
Regional Water Quality Control Board

7-22-2011

\_\_\_\_\_  
Date

Attachments:

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

**ATTACHMENT 1  
PROJECT INFORMATION**

Applicant: Orange County Parks  
 Attention: Mark Estoque  
 13042 Old Myford Road  
 Telephone: 714-973-3338  
 Email: mark.estoque@ocparks.com

Applicant Representatives: ICF International  
 Attention: Megan Jameson  
 1 Ada Road, suite 100  
 Irvine, CA 92618  
 Telephone: 949-333-6600  
 Email: mjameson@icfi.com

Project Name: Poche and Capistrano Beach Outlet No. 1 Ocean Outlet Maintenance

Project Location: Latitude: 33° 26' 82.02N Longitude: 117° 38' 42.46W  
 Latitude: 33° 26' 14.00N Longitude: 117° 39' 59.31W

Type of Project: Beach maintenance, sand removal.

Need for Project: Prepare and maintain beach area access for public use and maintain outlet flow to the Pacific Ocean.

Project Description: The project consists of recurring maintenance activities at Poche Beach Outlet and Capistrano Beach Outlet No.1 along the Capistrano Beach shoreline adjacent to and in the City of Dana Point, CA. The Poche Beach Outlet is located southeast of the intersection of Camino Capistrano and the Pacific Coast Highway. Capistrano Beach Outlet No.1 is located southeast of the intersection of Palisades Drive and Pacific Coast Highway at the southern section of the beach parking lot.

The semi-annual maintenance activities will occur in the Fall and Spring and consists of moving sand deposits at the end of the outlet structures, redistributing the sand on the beach above the high tide line to match existing shoreline contours, and grading to prepare for recreational use. Some additional minor maintenance activities will occur as needed throughout the year. Both semi-annual and minor maintenance will require heavy machinery to move and redistribute sand and sediment from the outlets. Duration of construction for both

types of maintenance activities is expected to be one day of heavy machinery work in the outlet and adjacent shoreline.

For the Poche Beach Outlet, the semi-annual maintenance activities are the recurring grading of approximately 0.179 acres and the excavation of not more than 1,152 cubic yards of sediment per year from the Poche Beach Channel Outlet to establish and maintain flow from the pond to the surf zone. Disposal of excavated sand and related earth work would occur on Poche Beach just south and adjacent to the outlet in an approximate 0.576 acre area above the high tide line.

At Capistrano Beach Outlet No. 1, the Fall semi-annual maintenance activities are the recurring grading of an approximate 0.103 acre area and the excavation of not more than 583 cubic yards of sediment per year from the Capistrano Beach channel outlet to establish and maintain flow from Capistrano Beach Outlet No. 1 to the surf zone. The Spring semi-annual maintenance is filling the channel west of the Capistrano Beach Outlet No. 1 to allow for public recreation. Disposal of excavated sand and related earthwork would occur on Capistrano Beach just north and adjacent to the outlet in an approximate 0.230 acre area above the high tide line.

Minor maintenance activities will be conducted based on inspections by Orange County Parks to determine the outlet conditions and identify potential maintenance needs. These maintenance activities consist of re-establishing the flow of the channels as necessary when ponding occurs and public beach access is impaired. Minor maintenance consists of the excavation of a notch in a naturally forming sand berm and mechanized grading to move the excavated sediment above the high tide line.

Collectively, the project would result in recurring temporary impacts to 0.282 acres of Ocean waters of the United States and/or State. No mitigation is proposed. With the expectation that the activities not result in exceedances of *Water Quality Control Plan for the San Diego Basin (9) (Basin Plan)* objectives, it is anticipated that the maintenance activities will improve recreational uses by improving beach access.

Federal  
Agency/Permit:

U.S. Army Corps of Engineers §404, NWP 3, Stephen Estes

Other Required Regulatory Approvals:	California Department of Fish and Game Streambed Alteration Agreement, Marilyn Fluharty
California Environmental Quality Act (CEQA) Compliance:	Notice of Exemption, October 26, 2010, Orange County Parks
Receiving Water:	901.31, San Juan HU, San Clemente HA, Prima Deshecha HSA
Affected Waters of the United States and/or State:	Temporary: Ocean 0.282 acres
Dredge Volume:	Not more than 1,735 cubic yards per year
Related Projects Implemented/to be Implemented by the Applicant(s):	Poche Beach Clean Beach Project. 11C-015
Compensatory Mitigation:	None Proposed
Best Management Practices (BMPs):	<p><u>Construction:</u> The excavated material and ponded water associated with berm maintenance and breaching will be free of trash and man-made debris.</p> <p>Substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State.</p> <p>Vehicles and equipment shall be cleaned, repaired (other than emergency repairs), and stored at least 500 feet from the high tide line.</p> <p>Maintenance activities at Poche Beach Outlet and Capistrano Beach Outlet No. 1 are prohibited when sewage is present in the ponded water and/or in its tributaries.</p> <p>Maintenance activities shall not be conducted if existing conditions indicate such activity would cause a violation of</p>

water quality standards for fecal coliform, total coliform, or enterococcus concentrations in the surf zone. Planned activities shall be postponed until the threat of causing a violation of water quality standards has been abated.

Pre and post-maintenance water quality monitoring at Poche Beach Outlet and Capistrano Beach Outlet No. 1 is required in the surf zone for pH, temperature, dissolved oxygen, salinity, turbidity, and bacteria,

Pre and post-maintenance water quality monitoring at Poche Beach Outlet and Capistrano Beach Outlet No. 1 is required in the ponded water for pH, temperature, phosphorus, dissolved oxygen, salinity, turbidity, bacteria, cadmium, and nickel.

Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to Ocean waters of the United States and/or the State.

All maintenance activities will be scheduled to minimize negative impacts to Contact Water Recreation (REC 1) and Non-contact Recreation (REC 2) beneficial uses at Poche and Capistrano Beaches designated by the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan).

Post-Construction:

A minimum of 10 outlet inspections per year is required with corrective measures identified, logged, and implemented.

Public Notice:

November 23, 2010

Fees:

Total Due: None

Total Paid: \$1,416.00 (check No.002171 and 002218)

CIWQS:

Regulatory Measure ID: 37669

Place ID: 758872

Party ID: 524861

**ATTACHMENT 2  
DISTRIBUTION LIST**

Stephen Estes  
U.S. Army Corps of Engineers  
[Stephen.M.Estes@usace.army.mil](mailto:Stephen.M.Estes@usace.army.mil)

U.S. Department of the Interior  
Fish and Wildlife Service  
6010 Hidden Valley Road  
Carlsbad, CA 92011

U.S. EPA, OWOW, Region 9  
75 Hawthorne St.,  
San Francisco, CA 94105  
[R9-WTR8-Mailbox@epa.gov](mailto:R9-WTR8-Mailbox@epa.gov)

State Water Resources Control Board, Division of Water Quality  
401 Water Quality Certification and Wetlands Unit  
P.O. Box 100  
Sacramento, CA 95812-0100  
[Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov)

Megan Jameson  
ICF International  
[MJameson@icfi.com](mailto:MJameson@icfi.com)

Marilyn Fluharty  
Department of Fish and Game  
[MFluharty@ dfg.ca.gov](mailto:MFluharty@dfg.ca.gov)

ATTACHMENT 3  
LOCATION MAP






**Figure 2**  
**USGS Local Vicinity Map**  
**Poche Beach and Capistrano Beach Outlet**  
**No. 1 Ocean Outlet Maintenance**

**ATTACHMENT 4  
SITE MAPS**



**Legend**

-  Maximum Excavation Area (0.103 acres)\*
-  Maximum Fill or Disposal Area (0.230 acres)\*

\*Location and dimensions of area may change, but the total maximum acreage will not be exceeded.  
 Source: AirPhoto USA (2008)






CAPISTRANO BEACH OUTLET NO. 1 OCEAN OUTLET MAINTENANCE PROJECT



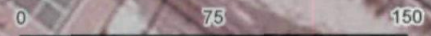
**Figure 3b**  
**Project Impact Map**  
**Capistrano Beach Outlet No. 1**  
**Ocean Outlet Maintenance**



**Legend**

-  Outlet Outline
-  Maximum Excavation Area (0.179 acres)\*
-  Maximum Fill or Disposal Area (0.576 acres)\*

\*Location and dimensions of area may change, but the total maximum acreage will not be exceeded.  
 Source: ESRI USA Imagery (2009)



Feet  
 1 inch = 75 feet

**Figure 3a**  
**Project Impact Map**  
**Poche Beach Outlet**  
**Ocean Outlet Maintenance**

## Attachment 5 Checklist of Required Reports and Notifications

### Required Reports and Submittals

Due Date	Required Report	Required Condition(s) To Be Met	Report Received
30 Days from Certification Date	Monitoring Plan	VI	
August 1 <sup>st</sup> , Annually	Monitoring Reports	VIII	
August 1 <sup>st</sup> , Annually	Project Annual Report	VIII.A	
Prior to Certification Expiration	Final Project Report	VIII.A	

### Required Notifications

Notification Requirement	Required Notification Period	Required Condition(s) To Be Met	Date Notified
Unauthorized Discharge	Within 24 Hours of Discharge	VII.A	
Transfer of Certification Responsibility	Within 10 Days of Transfer	VII.B	
Dredge or Fill Commencement	5 Days Prior to Commencement	VII.C	
Consultation for Rare, Threatened, or Endangered Species.	Prior to Construction Activities	VII.D	