State Water Resources Control Board

Executive Office

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Terry Tamminen
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

NOV 19 2003

Mr. Bill H. Tidwell
Manager, Operations and Maintenance
County of Orange Public Facilities and
Resources Department
300 North Flower Street
Santa Ana, California 93703

Dear Mr. Tidwell:

ORDER FOR TECHNICALLY-CONDITIONED WATER QUALITY CERTIFICATION:
ORANGE COUNTY OCEAN OUTLETS MAINTENANCE PROGRAM
(CORPS FILE #200200543-ESL)

This Order responds to your request for Water Quality Certification for Orange County Public Facilities and Resources Department's Ocean Outlets Maintenance Program, as described in the County's September 22, 2003 "Ocean Outlets Maintenance Manual" (OOM Manual).

ACTION

- [ ] Order for Standard Certification
- [x] Order for Technically Conditioned Certification
- [ ] Order for Waiver of Waste Discharge Requirements
- [ ] Order for Denial of Certification

STANDARD CONDITIONS:

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 Article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23).

2. This certification action is not intended and shall not be construed to apply to 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 subsection 3855(b) of Chapter 28, CCR 23, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. This certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23, and owed by the applicant.

ADDITIONAL CONDITIONS:

1. **Notification:** A "Pre-construction Notification" as described in Appendix G-2 of the OOM Manual shall be sent to the State Water Resources Control Board (SWRCB) and the Santa Ana and San Diego Regional Water Quality Control Boards (RWQCBs), addressed to:

   Program Manager
   401 Water Quality Certification Program
   Division of Water Quality
   State Water Resources Control Board
   P.O. Box 100
   Sacramento CA 95812-0100

   Program Manager
   401 Water Quality Certification Program
   (Address of appropriate RWQCB)

   Copies of the notification shall be provided to the above agencies no later than 30 days prior to commencing ocean outlet maintenance activity(ies), and a fee of $60 shall be provided by the applicant to each of the appropriate RWQCBs, pursuant to CCR 23, section 2200. If the applicant is not contacted by the RWQCB within 30 days of the postmarked date of the notification, the applicant may assume that the program meets the conditions of this Certification Order; will not violate State water quality standards; and may proceed with the maintenance program.

2. **Endangered Species:** The maintenance activity(ies) described in the OOM Manual shall not result in the taking of any endangered, threatened, or candidate species or the habitat of such species unless the activity is authorized pursuant to the State or federal Endangered Species Acts.

3. **Other State Permits:** The applicant shall comply with all applicable National Pollutant Discharge Elimination System permits and Waste Discharge Requirements.

4. **Toxic Substances:** The maintenance activity(ies) described in the OOM Manual shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.

5. **Hazardous Substances:** The maintenance activity(ies) described in the OOM Manual shall not discharge waste classified as "hazardous" as defined in Title 22 CCR section 66261 and California Water Code section 13173.

6. **Public Notification:** The applicant shall provide public notice of potential elevated levels of indicator bacteria on beaches as a result of maintenance activity(ies) described in the OOM Manual. The applicant shall also notify the Orange County Health Care Agency and other agencies responsible for issuing Beach Advisories 48 hours before any planned outlet maintenance activity(ies) described in the OOM Manual.

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that any discharge from the referenced programs 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 compliance with Orange County's OOM Manual and the enclosed "Program Information Sheet" (Enclosure), and (b) compliance with all applicable requirements of the RWQCB's Water Quality Control Plan.

We understand Orange County's OOM Manual is subject to revision. This Certification Order is issued based on the September 22, 2003 manual submitted by the County to the Water Quality Certification Unit, SWRCB, on September 26, 2003. Any proposed modification of the maintenance practices described in the OOM Manual will require separate approval by the SWRCB.

This Certification Order is good for five years from the date the U.S. Army Corps of Engineers, Los Angeles District, issues the program's Regional General Permit 200200543-ESL.

If you have any questions, please contact Ruben A. Guieb, Environmental Scientist, Water Quality Certification Unit, at (916) 341-5464 or email: guier@dwq.swrcb.ca.gov. You may also call Oscar Balaguer, Chief of the Water Quality Certification Unit, at (916) 341-5485 or email: balao@dwq.swrcb.ca.gov.

Sincerely,

Celeste Cantú
Executive Director

Enclosure

NOV 19 2003

cc: Ms. Corice Farrar
Regulatory Branch
Los Angeles District
U.S. Army Corps of Engineers
911 Wilshire Boulevard
Los Angeles, CA 90017

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

Mr. Robert S. Hoffman
Acting Assistant Regional Administrator
for Habitat Conservation
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, CA 90802-4213

Mr. Charles F. Raysbrook
Regional Manager
California Department of Fish and Game
Region 5 Headquarters
4949 Viewridge Avenue
San Diego, CA 92123

Ms. Anne L. Blemker
Coastal Program Analyst
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Mr. Chris G. Kubasek
Chief, Public Works/Regulatory Permit Section
Public Facilities and Resources Department
County of Orange
300 N. Flower Street
Santa Ana, CA 92703-4048

Ms. Jill Terp
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92009

Mr. Gerard J. Thibeault, Executive Officer
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3339

Mr. John H. Robertus, Executive Officer
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION:
ORANGE COUNTY OCEAN OUTLETS MAINTENANCE PROGRAM
(CORPS FILE #200200543-ESL)

PROJECT INFORMATION SHEET

1.	Applicant & Agent	Orange County Public Facilities and Resources Department 300 North Flower Street Santa Ana, California 93703 Mr. Chris Kubasek Chief, Public Works/Regulatory Section
2.	Project Purpose and Description	**Purpose:** Continued maintenance of the ocean outlets of eight coastal drainages in Orange County, by the Orange County Public Facilities and Resources Department (PFRD). **Description:** The Orange County Public Facilities and Resources Department will carry out bi-annual (fall and spring) routine maintenance activities of eight ocean outlets, as described in the County's September 22, 2003 "Ocean Outlets Maintenance (OOM) Manual." The eight drainage outlets are: Segunda Deschecha (San Clemente); Prima Deschecha/Poche Beach, Capistrano Beach/Outlets #1 & #2, and Salt Creek (Dana Point); North Doheny Creek State Beach (Doheny); Santa Ana River and Talbert Channel (Huntington). Enclosure 1-A presents a table excerpted from the County's OOM Manual, Appendix G-1.
3.	Receiving Water(s) Name	See Enclosure 1-A
4.	Latitude/Longitude	
5.	Dredge Volume (CY)	
6.	Water Body Types/ Area of Filled/Excavated (Acres)	Ocean: 12.75 temporary acres
7.	Federal Permit(s)	U.S. Army Corps of Engineers, Los Angeles District Regional General Permit (File #200200543-ESL).
8.	Non-Compensatory Mitigation	The applicant shall implement the mitigation measures and monitoring plan described in the Orange County's September 22, 2003 OOM Manual. These include pre-construction surveys to ensure avoidance of sensitive species and their habitats; pre-construction notification of regulatory agencies; water quality monitoring during and post-program construction; implementation of best management, etc.
10.	Compensatory Mitigation	None
11.	Optional Additional Information	**California Environmental Quality Act (CEQA) Compliance:** Categorical Exemption (Section 15301 – Class 1, Existing Facilities) Lead Agency: Orange County Planning & Development Services Where Filled: County Clerk Record Office, Orange County Date Filed: November 4, 2003 File Number: 200385001422

THIS SUMMARY TABLE WAS EXCERPTED FROM ORANGE COUNTY'S SEPTEMBER 22, 2003 OCEAN OUTLETS MAINTENANCE (OOM) MANUAL (APPENDIX G-1 OF THE OOM MANUAL)

OCEAN OUTLET MAINTENANCE GUIDELINE SUMMARY TABLE

Ocean outlet name, city location, & UTM Coordinates [Zone11]	Maintenance description and type of equipment to be used	Outlet type & dimension (feet)	Purpose and criteria that triggers maintenance activity	Excavation area (acres)	Fill or disposal area (acres)	Volume of excavated material (CY)	Construction schedule & duration (days)	Other Requirements
Segunda Deschecha (M02), San Clemente [N3699312.64983m E441181.58985m]	Retrieve and re-establish displaced rock materials used for channel outlet's revetment; dispose excavated sediments to adjacent beach above MHHW: bulldozer and Backhoe.	Concrete trapezoidal channel outlet w/ reinforced concrete box, concrete wings and rock revetment (25ft[length] x 4ft[depth] x16ft[width])	**Fall:** Remove any accumulated sediment in the outlet before October 15th to the 4 ft design depth to maintain hydraulic capacity. **Spring:** Re-establish outlet channel to as-built location: prepare beach area for recreational use after April 15.	0.060	0.021	26+-4	bi-annual (fall/spring); approximately one day per maintenance event	Submit Pre-construction Notification & Monitoring Report Coordinate maintenance with grunion runs.
Prima Deschecha-Poche Beach (M01), Dana Point [N3700372.32876m E440032.15557m]	Excavate and re-establish channel outlet's shape and alignment; dispose excavated sediments to adjacent beach above MHHW: bulldozer and backhoe.	Concrete trapezoidal channel outlet w/ rock revetment (115ft/length x 5ft/depth x 50ft/width)	**Fall:** Remove any accumulated sediment in the outlet before October 15th. to the 5 ft design depth to maintain hydraulic capacity. **Spring:** Re-establish outlet channel to as-built location: prepare beach area for recreational use after April 15. **Summer:** As needed, re-establish outlet channel to as-built location when stream course meanders over the beach southward towards existing private recreational facilities.	0.312	0.576	1,384+-140	bi-annual (fall/spring); approximately one day per maintenance event	Submit Pre-construction Notification & Monitoring Report Coordinate maintenance with grunion runs.
Capistrano Beach Outlet #1, Dana Point [N3701793.3800m E438050.44095m]	Excavate and re-establish channel outlet's shape and alignment; dispose excavated sediments to adjacent beach above MHHW: Backhoe and front loader.	Soft bottom trapezoidal ditch; (105ft[length] x 5ft[depth] x 10ft[width])	**Fall:** Remove any accumulated sediment in the outlet before October 15th. to the 5 ft design depth to maintain hydraulic capacity. **Spring:** Re-establish outlet channel to as-built location: prepare beach area for recreational use after April 15.	0.069	0.230	389+-40	bi-annual (fall/spring); approximately one day per maintenance event	Submit Pre-construction Notification & Monitoring Reports Coordinate maintenance with grunion runs.

Ocean outlet name, city, & UTM Coordinates (Zone11]	Maintenance description and type of equipment to be used	Outlet type & dimension (feet)	Purpose and criteria that triggers maintenance activity	Excavation area (acres)	Fill or disposal area (acres)	Volume of excavated material (CY)	Construction schedule & duration (days)	Other requirements
Capistrano Beach Outlet #2, Dana Point [N3702005.52216m E437804.89499m]	Excavate and re-establish channel outlet's shape and alignment; dispose excavated sediments to adjacent beach above MHHW: Backhoe and front loader.	Soft bottom trapezoidal ditch (80ft[length] x 5ft[depth] x 10ft[width])	**Fall:** Remove any accumulated sediment in the outlet before October 15th to the 5ft design depth to maintain hydraulic capacity **Spring:** Re-establish outlet channel to as-built location: prepare beach area for recreational use after April 15.	0.076	0.243	370+-40	bi-annual (fall/spring); approximately one day per maintenance event	Submit Pre-construction Notification & Monitoring Report Coordinate maintenance with grunion runs.
North Doheny Creek at State Beach, Doheny [N3702738.967476m E435966.87161m]	Construct temporary sand berm to close out channel outlet and divert ponded water to local sanitary sewer system (summer); excavate and re-establish channel outlet's shape and alignment (winter); dispose excavated sediments to adjacent beach above MHHW: bulldozer and front loader.	Soft bottom trapezoidal ditch Berm dimensions: 12ft (top width);	**Fall:** Maintain flood control capacity: remove the diversion berm from ditch before October 15th each year **Spring:** Maintenance for public recreation, health and safety: one week before spring break install berm across existing drainage ditch.	0.034	0.129	194+-20	bi-annual (fall/spring); approximately one day per maintenance event	Submit Pre-construction Notification & Monitoring Report Coordinate maintenance with grunion runs.
Salt Creek (K01), Dana Point [N3704918.57353m E432707.52344m]	Retrieve and re-establish blown-out rock materials used for channel outlet's revetment; remove accumulated sediments on the outlet's apron; dispose excavated sediments to adjacent beach above MHHW: front loader.	RCB culvert outlet [12ft(height) x 14ft(length)] w/ concrete apron and rock revetment	**Spring:** Protection of Outlet Structure: restore the rock protection when scour hole observed at the end of the outlet structure	0.421	0.297	111+-10	Annually each May approximately one day per maintenance event	Submit Pre-construction Notification & Monitoring Report Coordinate maintenance with grunion runs.
Santa Ana River (E01), Huntington Beach [N3721597.94804m E411190.98695m]	Excavate accumulated sediments to re-establish channel outlet's shape and alignment; retrieve and re-establish displaced rock materials used for channel outlet's revetment; dispose excavated sediments to adjacent beach above MHHW bulldozer, front loader, and articulating dump truck.	Trapezoidal channel outlet w/ rock revetment levees [1000ft (length x 22.5ft (height) x 450 ft (width)]; soft-bottom upstream and concrete-lined downstream of PCH bridge	**Fall:** Remove any accumulated sediment in the outlet before October 15th to the 22.5 ft design depth to maintain hydraulic capacity. Spring/Summer: Re-establish tidal flow by excavating 5ft deep notch through shoal.	8.783	4.2525	7,300+-730	bi-annual (fall/spring); approximately one week per maintenance event	Submit Pre-maintenance Notification & Monitoring Report Coordinate maintenance with grunion runs.

Ocean outlet name, city, & UTM Coordinates (Zone11]	**Maintenance description and type of equipment to be used**	**Outlet type & dimension (feet)**	**Purpose and criteria that triggers maintenance activity**	**Excavation area (acres)**	**Fill or disposal area (acres)**	**Volume of excavated material (CY)**	**Construction schedule & duration (days)**	**Other requirements**
Talbert Channel Outlet (D02), Huntington Beach [N3731773.10317m E410836.29934m]	Excavate accumulated sediments (shoals) to re-establish channel outlet's shape and alignment; dispose excavated sediments to adjacent beach above MHHW: bulldozer, front loader, and articulating dump truck.	Trapezoid soft-bottom channel outlet w/ rock revetment levees downstream/beachside [1000ft (length) x 10ft (height) x 150ft (width)]	**Fall:** Remove any accumulated sediment in the outlet before October 15th to the 10 ft design depth to maintain hydraulic capacity. **Spring/Summer:** Maintain tidal flow: remove shoal in the channel observed to block tidal flow to 10 ft design depth. As required for least tern habitat management: remove any shoal blocking tidal flows within seven (7) days of observation.	2.990	9.256	7,300+-730	bi-annual (fall/spring); approximately one week per maintenance event	Submit Pre-maintenance Notification & Monitoring Report Coordinate maintenance with grunion runs. Work shall coincide with low tide events to minimize sediment in marsh.