



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

October 25, 2018

James Volz
Orange County Public Works
300 North Flower Street
Santa Ana, CA 92703

Dear Mr. Volz:

**RE: WATER QUALITY ORDER NO. 2018-0027-EXEC CLEAN WATER ACT SECTION 401
WATER QUALITY CERTIFICATION AND ORDER FOR THE OCEAN OUTLETS
MAINTENANCE PROGRAM – REGIONAL GENERAL PERMIT 46 (SWRCB FILE
#SB180109IN)**

Enclosed please find a CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER, authorized by State Water Resources Control Board Executive Director Ms. Eileen Sobeck. This Order is issued to Orange County Public Works for the Ocean Outlets Maintenance Program, Regional General Permit 46 (Project). Attachments A through G of the Enclosure are also part of the Order.

This Order is issued in response to an application submitted by Orange County Public Works for proposed Project discharges to waters of the state, to ensure that the water quality standards for all waters of the state impacted by the Project are met. You may proceed with your Project according to the terms and conditions of the enclosed Order.

If you require further assistance, please contact me by phone at (916) 558-1709 or by email at clifford.harvey@waterboards.ca.gov. You may also contact Beth Payne, Chief of the Water Quality Certification Unit, by phone at (916) 341-5579 or email at Elizabeth.Payne@waterboards.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Cliff Harvey".

Cliff Harvey
Environmental Scientist
Division of Water Quality – Water Quality Certification Unit
State Water Resources Control Board

Enclosures (1): Order for Ocean Outlets Maintenance Program, Regional General Permit 46

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

cc: [Via email only] (w/ enclosure):

Sam Ziegler
Chief, Wetlands Regulatory Office
(WTR-8)
U.S. Environmental Protection Agency, Region 9
Ziegler.Sam@epa.gov

Spencer MacNeil, D.Env.
Chief, Transportation and Special Projects Branch
Regulatory Division, Los Angeles District
U.S. Army Corps of Engineers
915 Wilshire Boulevard, Suite 930
Los Angeles, CA 90017-3401
spencer.d.macneil@usace.army.mil

David J. Castanon
Chief, Regulatory Division, Los Angeles District
U.S. Army Corps of Engineers
915 Wilshire Boulevard, Suite 930
Los Angeles, CA 90017-3401
David.j.castanon@usace.army.mil

Eric Sweeney
Project Manager
Regulatory Division, Los Angeles District
U.S. Army Corps of Engineers
5900 La Place Court, Suite 100
Carlsbad, California 92008
eric.r.sweeney@usace.army.mil

Karen Mogus, Deputy Director
Division of Water Quality
State Water Resources Control Board
Karen.Mogus@waterboards.ca.gov

CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
Stateboard401@waterboards.ca.gov

David Woelfel
Program Manager
Santa Ana Regional Water Quality Control Board
David.Woelfel@waterboards.ca.gov

Eric Becker
Program Manager
San Diego Regional Water Quality Control Board
Eric.Becker@waterboards.ca.gov

State Water Resources Control Board

AMENDED
WATER QUALITY ORDER NO. 2018-0027-EXEC CLEAN WATER ACT SECTION 401
WATER QUALITY CERTIFICATION AND ORDER

Effective Date: October 25, 2018

Program Type: Fill/Excavation

Project Type: Channel Construction and Maintenance

Project: Ocean Outlets Maintenance Program – RGP 46 (Project)

Applicant: Orange County Public Works
Applicant Contact: James Volz
Project Manager
Orange County Public Works
300 North Flower Street
Santa Ana, CA 92703
Phone: (714) 647-3904
Email: james.volz@ocpw.gov

Applicant's Agent: Kim Garvey
Moffat and Nichol
3780 Kilroy Airport Way, Suite 6003780
Long Beach, CA 90806
Phone: (562) 426-9551
Email: kgarvey@moffatnichol.com

State Water Board Staff: Cliff Harvey
Environmental Scientist
1001 I Street, 15th Floor
Sacramento, CA 95814
Phone: (916) 558-1709
Email: clifford.harvey@waterboards.ca.gov

Reg. Meas. ID:	420807
Place ID:	846395
SWRCB ID:	SB180109IN
USACOE #:	SPL-2010-00868-SME

State Water Board Contact Person:

If you have any questions, please call State Water Resources Control Board (State Water Board) staff listed above or (916) 341-5478 and ask to speak with the Water Quality Certification Unit Program Manager.

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I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) and attachments A through G is amended and re-issued at the request of Orange County Public Works (herein after Permittee or OCPW) for the Project. The application requests amending the Permittee's existing CWA section 401 Water Quality Certification issued on January 27, 2017 (2017 Order). This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application for an amended certification was received on March 19, 2018. The application was deemed complete on April 6, 2018.

This Order authorizes continued maintenance activities for the Orange County Public Works Ocean Outlets Maintenance (OOM) Program (Project), as permitted under the Los Angeles District of the U.S. Army Corps of Engineers (Corps) Regional General Permit (RGP) 46, which was last re-issued on January 8, 2009 and is to be reissued under the file number referenced above. This Order, as amended in response to the 2018 Corps RGP, includes the following revisions:

1. Doheny Creek outlet has been removed from the project description and impact tables.
2. The size of the maintenance sites and the volume of material to be discharged have been revised.
3. Project fees have been updated to account for the increased impact area.
4. Maps of maintenance locations have been updated.
5. California Environmental Quality Act (CEQA) Findings of Fact have been updated.
6. Attachments have been re-numbered and one new attachment has been provided.

This Order provides for these changes. No other changes are authorized or intended by this Order. Key changes from the 2017 Order are shown below as additions in **bold underline**, and deletions in **~~bold strikethrough~~**. Revisions that are administrative in nature or that reflect current legal guidance are not reflected in bold underline or bold strikethrough.

II. Public Notice

The State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from April 23, 2018 to May 14, 2018. No comments were received.

III. Project Purpose

The purpose of the Project is to perform maintenance of ocean outlet facilities. Maintenance has many beneficial purposes, including flood control, water quality, recreation, beach access, and wetlands habitat restoration.

IV. Project Description

The Project activities consist of removing sand deposits at the end of five flood control outlet structures, distributing the sand or cobbles on the beach predominantly above the high tide line, and re-establishing rock slopes and aprons as needed. The Project was originally certified on November 19, 2003; it was recertified in 2008 and 2013. This Order addresses updates to the Project's CEQA documentation, mitigation measures, and the Corps reissuance of RGP 46.

The Project proposes the **continued** recurrent opening or re-opening of ~~six~~ **five** river and estuary outlets to the ocean that have been blocked with sand, and, in some locations, to reshape the outlet by replacing rocks or removing streambed meanders. Proposed activities would consist of removing sand at the end of the outlets, distributing sand on the beach above the high tide line, and re-establishing rock revetments where necessary. The outlets would typically be treated: once before the storm season (late summer) and once before the summer recreation season (early spring); **under this Order, frequency of events and volume of material are increased at some sites.** Notification will be provided to the State Water Board and Regional Water Quality Control Boards (Regional Water Boards) before commencement of each permitted activity. The planned activities are authorized to continue for a five-year period commencing with the adoption of this Order.

V. Project Location

A map showing the Project locations is found in Attachment A of this Order. The names and locations of each outlet are shown in Table 1. Maps showing details of each permitted maintenance site are found in the Ocean Outlets Maintenance Manual (OOM Manual), Attachment B, of this Order.

The Project consists of maintenance activities at **five** ~~six~~ outlet locations along the Orange County Coast:

1. Segunda Deshecha Canada Ocean Outlet, near Avenida Estacion and Calle Deshecha, in San Clemente.
2. Estrella Storm Channel, off Beach Road, in Dana Point.
3. Salt Creek, at Salt Creek Beach Park off of Pacific Coast Highway, in Dana Point.
- ~~4. North Doheny Creek at Doheny State Beach, near Dana Point Harbor off Puerto Place, in Dana Point.~~
5. Santa Ana River (SAR) Outlet, near Pacific Coast Highway, south of Brookhurst Street in Huntington Beach.
6. Talbert Channel Outlet, near Pacific Coast Highway, south of Brookhurst Street in Huntington Beach.

Table 1: Outlet Site Locations		
Outlet	Latitude	Longitude
1. Segunda Deshecha	33.431546	-117.632735
2. Estrella	33.450334	-117.659659
3. Salt Creek	33.481586	-117.724475
4. North Doheny Creek	33.461450	-117.689432
5. Santa Ana River (SAR)	33.629505	-117.957988
6. Talbert Channel	33.631834	-117.961448

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdictions of Santa Ana and the San Diego Regional Water Quality Control Boards (collectively Regional Water Boards). Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable water quality control plans (Basin Plan) for the regions and other plans and policies which may be accessed online at: http://www.waterboards.ca.gov/plans_policies/. The Basin Plans include water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Project impact and receiving waters information can be found in Attachment C. Table 1 of Attachment C shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity is shown in Table 2 of Attachment C.

VII. Description of Direct Impacts to Waters of the State

Five sites will be subject to maintenance events, and will excavate between 500 and 70,000 cubic yards of sand or cobble dependent on the site, as summarized in Table 2 (site details presented in Attachment C).

Outlet (from south to north)	Maximum Excavation (acres)	Maximum Excavation volume per Event (cubic yards)	Maximum Discharge area (acres)	Maintenance Events per year
1. Segunda Deschecha (SD) Outlet	0.060 <u>0.08</u>	30 <u>1,000</u>	0.24 <u>0.20</u>	<u>2</u>
2. Estrella Outlet	0.055 <u>0.060</u>	260 <u>500</u>	0.136 <u>0.12</u>	<u>2</u>
3. Salt Creek Outlet	0.294 <u>0.230</u>	121 <u>1000</u>	0.297 <u>0.20</u>	<u>2</u>
4. North Doheny Creek	<u>0.080</u>			
5. SAR	1.722 <u>6.36</u>	5,400 <u>70,000</u>	6.36 <u>11.22</u>	<u>5 (with limit of 200,000 cubic yards/yr.)</u>
6. Talbert Channel	3.640 <u>3.510</u>	3,900 <u>15,000</u>	10.675 <u>3.12</u>	<u>2</u>

Total Project fill/excavation quantities for all impacts are summarized in Table 3. Sand and cobble will be discharged predominantly above the mean high tide line except for Salt Creek and Santa Ana River material which will be placed below the high tide line. No permanent impacts are reported for the Project.

Aquatic Resource Type	Temporary Impact ²			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY	LF	Acres	CY	LF	Acres	CY	LF
Ocean (beach and tidal channels)	40.100- <u>14.86</u>	-	NA	-	-	-	-	-	-

¹ Cubic Yards (CY); Linear Feet (LF)

² Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

VIII. Description of Indirect Impacts to Waters of the State

The State Water Board recognizes no potential for significant indirect impacts to waters of the state associated with the Project.

IX. Avoidance and Minimization

Operations and maintenance activities will be conducted in accordance with the Orange County Public Works Ocean Outlets Manual (OOM Manual) (Attachment B), which provides standard operating procedures for all Project activities that may affect water quality, wildlife, recreational uses, and flood control uses. These procedures provide adequate avoidance and minimization measures for all Project impacts, including:

- Water quality monitoring to determine if maintenance at any outlet has a detrimental effect on the water quality in the outlet and ocean. Water quality monitoring will be conducted by OCPW Environmental Resources per the Water Quality Monitoring Plan for Ocean Outlet Maintenance (P&D Consultants 2003).
- Grunion protection measures, to apply when maintenance activities are performed at ocean outlets during grunion spawning season between the months of February and September.
- Measures to protect California least tern, listed as endangered under the federal Endangered Species Act (ESA), and western snowy plover, listed as threatened under the federal ESA.
- Measures for spill prevention, public safety, common Best Management Practices for construction and “housekeeping.”

X. Compensatory Mitigation

No compensatory mitigation was required for permanent impacts because the Project will not cause any permanent impacts.

XI. California Environmental Quality Act (CEQA)

On January 6, 2012, Orange County Public Works (Permittee), as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 20120110009) for the Project and filed a Notice of Determination (NOD) at the SCH on October 25, 2012. In addition, an addendum to the original IS/MND, dated August 20, 2018, was prepared by the Permittee, which analyzed the Project changes addressed in this amended Order. Pursuant to CEQA, the State Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment D.

XII. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

XIII. Fees Received

An application fee deposit of \$640.00 was received on March 15, 2011. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category A - Fill & Excavation Discharges (fee code 84).

An additional fee of \$23,308.00 based on total Project impacts was received on May 14, 2012.

Total fees received for the original Order were \$23,948.00.

For this amended Order, the fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as Category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator. An application fee of \$1,500.00 and a Project fee of \$54,876.00 was calculated based on the 4.25 additional acres of impact reported for the amendment for a total of \$56,376.00. As set forth in CCR, title 23, 2200(a)(3), the sum of the application fee shall serve as the first annual fee.

A fee deposit of \$130,000.00 for this Order was received on June 20, 2018. A refund for \$73,624.00 will be issued to the Applicant.

XIV. Conditions

The State Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watersheds of the Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

A. Authorization

Impacts to waters of the state shall not exceed quantities shown in Table 3.

B. Reporting and Notification Requirements

The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment E, including specifications for photo and map documentation during the Project.

Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment E, which must be signed by the Permittee or an authorized representative. Use of this cover sheet to accompany copies of the reports to the Corps is acceptable (i.e., generation of a separate report is not necessary).

1. Annual Reporting: The Permittee shall submit an Annual Report each year. Copies of the annual report, to be provided to the Corps by the first day of February of each year for the life of the Project, shall also be provided to the State Water Board and the Regional Water Boards.

2. Project Status Notifications

Commencement of Construction: The Permittee shall submit a pre-construction notification (PCN) as described in Attachment E of the 2018 OOM Manual (Attachment B). These reports shall be submitted to the State Water Board, and either the Santa Ana Water Board and/or the San Diego Water Board, as appropriate, at the addresses shown below. **Notification shall be provided at least 48 hours** ~~30 days~~ prior to commencing ocean outlet maintenance activities that may affect waters of the state. Notifications must indicate which Project site(s) will be affected, the expected schedule of activity, and any new information or proposed modifications to the work plans presented in the OCPW OOM Manual.

3. Conditional Notifications and Reports: The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials³

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
 - First call – 911 (to notify local response agency)
 - Then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911
 - Lastly follow the required OES procedures as set forth in:
http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf
- ii. Following notification to OES, the Permittee shall notify State Water Board, as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
- iii. Within five (5) working days of notification to the State Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

b. Violation of Compliance with Water Quality Standards: The Permittee shall notify the State Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

- i. Examples of noncompliance events include: lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the state, and water contact with uncured concrete.

³ "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

- ii. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.

c. In-Water Work

- i. The Permittee shall notify the State Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
- ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to State Water Board staff.

d. Modifications to Project

Project modifications may require an amendment of this Order. The Permittee shall give advance notice to State Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform State Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. Notification may be made in accordance with conditions in the certification deviation section of this Order (Attachment F).

e. Transfer of Property Ownership: This Order is not transferable in its entirety or in part to any person or organization except after notice to the State Water Board in accordance with the following terms:

- i. The Permittee must notify the State Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the State Water Board at least 10 days prior to the transfer of ownership. The purchaser must also submit a written request to the State Water Board to be named as the permittee in a revised order.
- ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

C. Water Quality Monitoring

All water quality monitoring will be performed in accordance with the guidance provided in the OCPW OOM Manual. All sites, in jurisdictions of both the Santa Ana and San Diego Regional Water Boards, shall be subject to the OOM Manual's water quality monitoring requirements.

1. **General:** If surface water is present, continuous visual surface water monitoring shall be conducted to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete).

- 2. Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, State Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, Article 6 commencing with section 3867. Additionally, the State Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the State Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.
2. This Order 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, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, 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 Order.

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the State Water Board may require the holder of this Order to furnish, under penalty of perjury, any

technical or monitoring reports the Water Boards deem appropriate, provide that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.

4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. **Construction General Permit Requirement:** The Permittee shall maintain compliance with conditions described in, and required by, NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).
7. **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.
8. **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.
9. **Water Quality Standards Maintained:** Permitted activities must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Water Quality Control Plan (Basin Plan) by a Regional Water Board or the State Water Board. The Water Boards may impose monitoring requirements in order to ensure that permitted discharges and activities comport with any applicable water quality standards and/or effluent limitations.

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment F of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G.

Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.

3. The Permittee shall grant State Water Board, Santa Ana Regional Water Board, and San Diego Regional Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
 - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
 - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

G. Site Specific

1. All conditions of RGP 46 (SPL-2010-00868-SME) shall be in effect for this Order and are incorporated by reference into this Order, except as modified in the conditions below.
2. All activities conducted under this Order shall comply with all reporting, monitoring, Best Management Practices (BMPs), and all other conditions and specifications of the August 2012 OCPW OOM Manual (or subsequent revisions as approved by the State Water Board), and the associated Initial Study and Mitigated Negative Declaration (IS/MND).
3. This Order does not obviate the need to obtain other permits that may be required by federal, state, and local authorities.
4. Ocean outlet maintenance at the Salt Creek outlet will occur within and adjacent to the boundaries of Dana Point State Marine Conservation Area. The permitted activity shall not be conducted in a manner that violates any regulations as described in the California Code of Regulations title 14, section 632(a) and, in particular, section 632(b)(114), which states that operation and maintenance of artificial structures inside the conservation area is allowed pursuant to any required federal, state and local permits, or as otherwise authorized by the Department of Fish and Game.

H. Best Management Practices

1. BMPs described in Appendix F of the OCPW OOM Manual shall be implemented and maintained throughout the life of permitted projects to help minimize and avoid impairment of water quality. In addition, BMPs for all projects shall, at minimum, include the following:
 - a. Boundaries of each work site shall be clearly marked. Boundary markers shall be maintained for the life of the project.
 - b. All BMP materials shall be on site prior to project activity and ready for use. BMPs shall be in full compliance with all specifications governing the proper design, installation, operation, and maintenance of such management practices.
 - c. Disposal of any excavated material shall be at the locations designated in the OCPW OOM Manual.
 - d. No equipment or materials shall be stored, staged, or fueled in waters of the state, including wetlands or in any area where waters of the state might be adversely affected by the equipment or materials. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall be conducted in designated upland areas outside of waters of the state and shall not result in a discharge or a threatened discharge to waters of the state.
 - e. All work areas shall be effectively isolated from stream flows using suitable control measures before commencement of any in-water work. Diverted stream flows shall not be contaminated by construction activities.
 - f. All areas disturbed by project activities shall be protected from washout and erosion.
 - g. When a project is completed, any excess material or debris shall be removed from the work area and disposed of properly.

I. Mitigation for Temporary Impacts

At the conclusion of each permitted maintenance event, OCPW OOM Manual sites shall be recontoured or redistributed as described in the 2018 OCPW OOM Manual.

J. Compensatory Mitigation for Permanent Impacts⁴

The Project will result in no temporary or permanent gain or loss of the quantity of waters of the state. No Compensatory mitigation is required.

K. Certification Deviation

⁴ Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

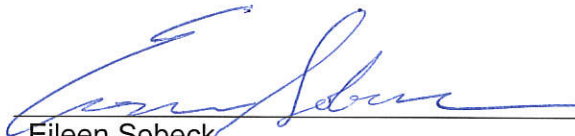
1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water resources. Some modifications of Project locations or predicted impacts may qualify as Certification Deviations as set forth in Attachment G. For purposes of this Order, a "Certification Deviation" is a Project locational or impact modification that does not require an immediate amendment of the Order, because the State Water Board has determined that any potential water resource impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.
2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA environmental document such that the Project impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

XV. Water Quality Certification

I hereby issue the Order for the Ocean Outlets Maintenance Program – RGP 46, (SB18019IN) certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act 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).

The State Water Board will file a Notice of Determination (NOD) at the SCH within five (5) working days of issuance of this Order. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies.



Eileen Sobeck
Executive Director
State Water Resources Control Board

10/25/18
Date

- Attachment A** Project Maps
- Attachment B** Ocean Outlets Maintenance Manual and Monitoring Plan
- Attachment C** Receiving Waters, Impact, and Mitigation Information
- Attachment D** CEQA Findings of Facts
- Attachment E** Report and Notification Requirements
- Attachment F** Signatory Requirements
- Attachment G** Certification Deviations