



# California Regional Water Quality Control Board San Diego Region



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

**Matthew Rodriguez**  
Secretary for  
Environmental Protection

**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>

February 3, 2012

**In reply refer to:**  
773355: dbradford

Bob Burnham  
City of Laguna Beach  
505 Forest Avenue  
Laguna Beach, CA 92651

Dear Bob Burnham:

**SUBJECT: CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION NO. 11C-096; INTERIM WATER TANK RAVINE BURN DUMP STABILIZATION PROJECT**

Enclosed find Clean Water Act Section 401 Water Quality Certification for discharges to waters of the U.S. and acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017-DWQ for the **Interim Water Tank Ravine Burn Dump Stabilization Project** (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 3.

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.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. Please note that the San Diego Water Board contact for the project has changed. For questions pertaining to the subject matter, please contact Darren Bradford at (858) 637-7137 or [dbradford@waterboards.ca.gov](mailto:dbradford@waterboards.ca.gov).

**California Environmental Protection Agency**

Respectfully,



*for* James G. Smith, AEO  
DAVID W. GIBSON  
Executive Officer

Enclosures:

Clean Water Act Section 401 Water Quality Certification No. 11C-096 for the **Interim Water Tank Ravine Burn Dump Stabilization Project**, with 4 attachments

cc: Refer to Attachment 2 of Certification 11C-096 for Distribution List.

Tech Staff Info & Use	
File No.	11C-096
WDID	9000002377
Reg. Measure ID	382235
Place ID	773355
Party ID	278717
Person ID	529013



# California Regional Water Quality Control Board

## San Diego Region



**Matthew Rodriquez**  
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 92123-4340  
(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: Interim Water Tank Ravine Burn Dump  
Stabilization Project,  
Certification Number 11C-096,  
WDID: 9 000002377**

**APPLICANT: Bob Burnham  
City of Laguna Beach  
505 Forest Avenue  
Laguna Beach, CA 92651**

CIWQS Reg. Meas. ID: 382235 Place ID: 773355 Party ID: 278717
--

**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 proposed project is a declared emergency pursuant to the California Environmental Quality Act (CEQA), and involves the temporary armoring and construction of check dams within an unnamed ephemeral drainage that traverses a historic burn dump site in the City of Laguna Beach. The proposed project would temporarily impact 140 linear feet (0.048 acres) of non-wetland portions of the unnamed tributary to Laguna Canyon Channel through the placement of shotcrete over the creek bed and banks, which are composed almost entirely of burn dump ash and trash. The placement of bed and bank armor is a temporary measure to prevent further erosion and migration of material from the burn dump downstream. The long-term solution for addressing the wastes at the burn dump will either be to remove the wastes and clean-close the site pursuant to California Code of Regulations Title 27, section 21090(f) or to repair and maintain the cover to prevent wastes from being exposed to the environment for as long as the waste remains at the site. No permanent impacts

***California Environmental Protection Agency***

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.*

Recycled Paper



are authorized by this Certification. Final remediation of the burn site will require a separate Certification action.

**TABLE OF CONTENTS**

**I. STANDARD CONDITIONS: .....3**

**II. ADDITIONAL CONDITIONS: GENERAL.....3**

**III. ADDITIONAL CONDITIONS: CONSTRUCTION BMPs .....5**

**IV. ADDITIONAL CONDITIONS: COMPENSATORY MITIGATION .....7**

**V. MONITORING REQUIREMENTS: .....8**

**VI. NOTIFICATION REQUIREMENTS: ..... 10**

**VII. REPORTING REQUIREMENTS: ..... 11**

**VIII. CEQA FINDINGS:..... 13**

**IX. PUBLIC NOTIFICATION OF PROJECT APPLICATION: ..... 13**

**X. SAN DIEGO WATER BOARD CONTACT PERSON: ..... 13**

## I. STANDARD CONDITIONS

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

- 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 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. Water Quality Certification No. 11C-096 (Certification) is only valid if the project begins no later than five (5) years from the date of issuance. If the project has not begun within 5 years from the date of issuance, this Certification expires.
- B. The City of Laguna Beach 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. The City of Laguna Beach must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (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.
- D. During construction, the City of Laguna Beach must maintain a copy of this Certification at the Project site so as to be available at all times to site personnel and agencies.
- E. The City of Laguna Beach 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 fill and/or 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.
- F. 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.
- G. In response to a suspected violation of any condition of this Certification, the San Diego Water Board may pursuant to Water Code 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.
- H. In response to any violation of the conditions of this Certification, the San Diego Water Board may 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, the City of Laguna Beach must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
- B. The City of Laguna Beach 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. If applicable, the City of Laguna Beach must enroll in and comply with the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, NPDES No. CAS000002, *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*.
- D. 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 § 13263.
- E. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat. Any downstream erosion or hydromodification following the temporary discharges associated with the project must be restored to pre-project conditions during the clean-closure or cap-and-close of the burn dump site.
- F. 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.
- G. All surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.

- H. All areas that will be left in a rough graded state must be stabilized no later than two weeks after completion of grading. The City of Laguna Beach and subsequent owners are responsible for implementing and maintaining BMPs to prevent erosion of the rough graded areas to prevent flow from this area from causing adverse effects to beneficial uses. After completion of grading, all areas must be revegetated with native species appropriate for the area. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at: <http://www.cal-ipc.org/ip/inventory/weedlist.php>.
- I. 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, except as authorized by this Certification. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.
- J. Removal of vegetation must occur by hand, mechanically, or using EPA approved herbicides deployed using applicable BMPs to prevent impacts to beneficial uses of waters of the State. Use of aquatic pesticides must be done in accordance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, and any subsequent reissuance as applicable.
- K. Any soil imported to the project site for construction must be clean<sup>1</sup>, stored outside the burn site estimated footprint, and must comply with the following minimum requirements:
1. Surface drainage must be diverted away from the soil stockpiles.
  2. BMPs must be implemented to prevent contact with surface water runoff, and the erosion and transport of soils by surface water runoff.
  3. Soil stockpiles must be located more than 100 feet from any water of the State.
  4. Soil stockpiles must be protected against 100-year peak stream flows as defined by the local County flood control agency.
  5. Soil stockpiles must be adequately protected from erosion by storm water, and must not cause a condition of nuisance (e.g. dust).
- L. The project site must be adequately protected from any washout or erosion of wastes or cover material. The surface drainage system must be designed to manage burn site runoff from a 100-year 24-hour storm event. The following measures must be implemented by the City of Laguna Beach to control surface drainage:

---

<sup>1</sup> Clean soil must be free of waste, waste constituents, and leachate.



1. Except for within the drainage and tributaries, storm water runoff at the burn site boundary must be collected by a system of berms, ditches, and/or swales to the maximum extent feasible, and be diverted off the burn site without coming into contact with waste. Erosion control BMPs must be implemented to prevent erosion from the diversion of storm water.
  2. Where flows result in erosive flow velocities, erosion control measures must be used for protection of drainage features. Effective erosion control BMPs must be implemented on side slopes and interim swales, ditches and berms to control erosion.
  3. The burn sites area cover must be maintained to minimize percolation of liquids through wastes, and to prevent the exposure of waste.
- M. Annually, prior to the anticipated rainy season but no later than **October 1**, the City of Laguna Beach must implement any necessary erosion control measures, and must complete any necessary construction, maintenance, and/or repairs of erosion control measures to prevent erosion, ponding, flooding, or to prevent surface drainage from contacting and percolating through waste in the burn site. This condition must not preclude the City of Laguna Beach from performing necessary maintenance and repairs resulting from changing site conditions throughout the year.

#### **IV. ADDITIONAL CONDITIONS: COMPENSATORY MITIGATION**

- A. Mitigation for temporary impacts to 140 linear feet (0.048 acres) of non-wetland waters of the U.S. must be achieved by City of Laguna Beach as follows:
1. On-site restoration of the drainage within 3 years of the initial discharge of fill as part of the overall burn dump removal and/or remediation (clean-closure or cap-and-closure).
- B. Should the burn dump site be filled, capped and closed in lieu of removed and restored, the discharges associated with the project will be considered permanent, and must be mitigated with a minimum of 1:1 establishment of non-wetland waters of the United States within the hydrologic area.
- C. The removal and restoration of the drainage, or mitigation pursuant to IV.B, must be initiated within 36 months following the discharge of dredge or fill material into on-site waters. Delays in implementing the restoration must be compensated for by an increased mitigation implementation (enhancement) of 10 percent of the cumulative compensatory mitigation for each month of delay.

- D. The City of Laguna Beach must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the United States/State. Restoration must include grading of disturbed areas and revegetation with native species. The City of Laguna Beach must implement all necessary BMPs to control erosion and runoff from areas associated with this project.
- E. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the United States/State where the resource has never previously existed (e.g. conversion of nonnative grassland to a freshwater marsh). Restoration is divided into two activities, re-establishment and rehabilitation. Re-establishment is defined as the return of natural/historic functions to a site where vegetated or unvegetated waters of the United States/State previously existed (e.g., removal of fill material to restore a drainage). Rehabilitation is defined as the improvement of the general suite of functions of degraded vegetated or unvegetated waters of the United States/State (e.g., removal of a heavy infestation or monoculture of exotic plant species from jurisdictional areas and replacing with native species). Enhancement is defined as the improvement to one or two functions of existing vegetated or unvegetated waters of the United States/State (e.g., removal of small patches of exotic plant species from an area containing predominantly natural plant species). Preservation is defined as the acquisition and legal protection from future impacts in perpetuity of existing vegetated or unvegetated waters of the United States/State (e.g., conservation easement).

## V. MONITORING REQUIREMENTS

- A. Monitoring of the discharge site must utilize a quantitative function-based assessment to establish pre-project baseline conditions prior to impacts. The California Rapid Assessment Method (CRAM) or the must be utilized and data must be uploaded into eCRAM (<http://www.cramwetlands.org>).
- B. Monitoring of the discharge must include Stream Photodocumentation, including all areas of temporary impacts, prior to and after project construction. Photos must include the stream reach immediately upstream and downstream from the impact areas. 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.
- C. **Waste Characterization and Disposal Monitoring.** The energy dissipation structures and shotcrete channel must be inspected for debris and sediment prior to the start of the rainy season and following every

storm event greater than 0.1 inches preceded by 72 hours of dry weather. Any waste present must be removed, containerized off-site, and disposed of after a waste characterization is conducted to determine the waste classification<sup>2</sup>. Waste characterization of the sediment, debris and burn ash may be conducted on an annual basis. Waste characterization data and results must be submitted annually to the San Diego Water Board Land Discharge Unit on or before **June 1** for San Diego Water Board review and comment prior to disposal. Waste handling and characterization must include, at a minimum:

1. Sediment, debris and burn ash.
2. A leachability analysis.
3. Documentation of waste handling.
4. A proposed disposal location based upon characterization results.

**D. Sediment and Storm Water Monitoring.** The City of Laguna Beach must monitor the quality of water and sediment within the receiving waters of the shotcrete channel. **The City of Laguna Beach must, within 60 days of Certification issuance, submit a proposed monitoring plan to the San Diego Water Board for review and comment.** The monitoring plan, at a minimum, must include the following:

1. Frequency: Storm water sampling must occur, at a minimum, once per year. Storm water sampling must occur during a wet weather event that meets United States Environmental Protection Agency (USEPA) Criteria described in 40 Code of Federal Regulations (CFR) 122.21(g)(7).
2. Locations: Storm water sampling must occur at the downstream end of the stream armoring, and may occur within a dissipation structure pool. Grab samples may be utilized.
3. Flow rates: Storm water flow rates must be estimated in accordance with the USEPA Storm Water Sampling Guidance Document (EPA-833-B-92-001), Section 3.2.1.
4. Constituents: The City of Laguna Beach must propose a list of constituents to be monitored in sediment<sup>3</sup> and storm water based upon pollutants identified in the preliminary site assessment. At a minimum, analytical testing must include heavy metals, organochlorine pesticides (OCPs), dioxins, and polynuclear aromatic hydrocarbons. Storm water samples must also include measurements for pH, dissolved oxygen, turbidity (NTU), specific conductance, and temperature.
5. Where procedures are not otherwise specified, storm water sampling, analysis, and quality assurance/quality control must be conducted in accordance with the Surface Water Ambient Monitoring Program

---

<sup>2</sup> In accordance with LEA Advisory #56, found at [www.calrecycle.ca.gov/LEA/advisories/56/attach1.htm](http://www.calrecycle.ca.gov/LEA/advisories/56/attach1.htm)

<sup>3</sup> Sediment sampling may be conducted in conjunction with the waste characterization monitoring.

(SWAMP) Quality Assurance Program Plan (QAPrP)<sup>4</sup> for the State of California's Surface Water Ambient Monitoring Program, adopted by the State Water Resources Control Board. Monitoring data must be uploaded into the California Environmental Data Exchange Network (CEDEN<sup>5</sup>).

## VI. NOTIFICATION REQUIREMENTS.

- A. The City of Laguna Beach must report to the San Diego Water Board any noncompliance which may endanger human health or the environment. Any information shall be provided orally **within 24 hours** from the time the City of Laguna Beach becomes aware of the circumstances. A written submission must also be provided within five (5) days of the time the City of Laguna Beach becomes aware of the circumstances. The written submission must contain a written description of the incident and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The San Diego Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours.
- B. This Certification is not transferable in its entirety or in part to any person except after notice to the San Diego Water Board in accordance with the following terms:
  1. **Transfer of Property Ownership.** The City of Laguna Beach 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 the City of Laguna Beach 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 Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in 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

---

<sup>4</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/qapprp082209.pdf](http://www.waterboards.ca.gov/water_issues/programs/swamp/docs/qapp/qapprp082209.pdf)

<sup>5</sup> CEDEN is located at <http://www.ceden.org/>

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 City of Laguna Beach will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve City of Laguna Beach of this Certification in the event that a transferee fails to comply.

- C. The City of Laguna Beach must notify the San Diego Water Board in writing **at least 5 days prior to** the actual commencement of dredge, fill, and discharge activities.

## VII. REPORTING REQUIREMENTS

- A. The City of Laguna Beach 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 begins the clean closure or cap-and-closure process. The City of Laguna Beach must submit a Final Project Annual Report to the San Diego Water Board **prior to August 1 following the start of the clean-closure or cap-and-close process**. The reports must include the following:
1. Date of construction initiation.
  2. Projected date for the start of installation of permanent remediation measures (clean-closure or cap-and-closure).
  3. Status of BMPs for the project, including a description of all BMPs implemented for the project, BMPs repaired and maintained, and a summary of overall BMP performance.
  4. Inspection reports for the energy dissipation structures.
  5. Stream Photo documentation results.
  6. Waste Characterization, including documentation of waste handling and disposal.

7. Sediment and Storm Water Monitoring results.
  8. Final Project Report: As-built drawings no bigger than 11”X17” and GIS locations of the discharge site.
- B. The submittal of information under this Certification is required pursuant to California Water Code (CWC) sections 13267 and 13283. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit required information pursuant to CWC section 13268 or 13385.
- 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:
    - a. The authorization is made in writing by a person described above.
    - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
    - c. 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. The City of Laguna Beach 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. 11C-096, Place ID: 773355  
9174 Sky Park Court, Suite 100  
San Diego, California 92123

### **VIII. CEQA FINDINGS:**

- A. The City of Laguna Beach is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and filed a Notice of Exemption on November 8, 2011, for a Declared Emergency under CEQA Guidelines Title 14, California Code of Regulations. The City of Laguna Beach has determined the project is exempt due to the declaration of an emergency by the Governor of California.
- B. The San Diego Water Board has reviewed the lead agency's Notice of Exemption and has determined that issuance of this Certification is consistent with the Notice of Exemption.

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

- A. On November 22, 2011, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

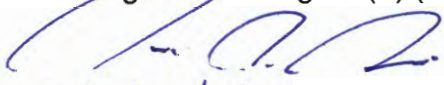
### **X. SAN DIEGO WATER BOARD CONTACT PERSON:**

Chad Loflen  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123  
858-467-2727  
cloflen@waterboards.ca.gov

**XI. WATER QUALITY CERTIFICATION:**

I hereby certify that the proposed discharge from the **Interim Water Tank Ravine Burn Dump Stabilization Project** (Project No. 11C-096) 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 individual 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 to, 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).

  
James G. Smith, A.E.O.  
for DAVID W. GIBSON  
Executive Officer  
Regional Water Quality Control Board

3 Feb 2012  
Date

- Attachments:
1. Project Information
  2. Distribution List
  3. Location and Site Maps
  4. Site Photographs



**ATTACHMENT 1  
PROJECT INFORMATION**

Applicant: Bob Burnham  
City of Laguna Beach  
505 Forest Avenue  
Laguna Beach, CA 92651

Telephone: 949-497-0704  
Facsimile: 949-497-0771  
Email: [bburnham@lagunabeachcity.net](mailto:bburnham@lagunabeachcity.net)

Applicant  
Representatives: Glenn Lukos Associates  
Attention: Tony Bomkamp  
29 Orchard  
Lake Forest, CA 92630-8300

Telephone: 949-837-0404  
Facsimile: 949-837-5834  
Email: [tbomkamp@wetlandpermitting.com](mailto:tbomkamp@wetlandpermitting.com)

Project Name: Interim Water Tank Ravine Burn Dump Stabilization Project

Project Location: Latitude: 33.57928 N  
Longitude: 117.758901 W

Type of Project: Emergency Bank Stabilization

Need for Project: According to the application:  
"The project is proposed to temporarily stabilize an exposed burn dump in an effort to minimize any potentially adverse impacts to Laguna Canyon Channel as well as those residential properties that are located downgradient of the burn dump."

Project Description: The proposed project is a declared emergency pursuant to the California Environmental Quality Act (CEQA), and involves the temporary armoring and construction of check dams within an unnamed ephemeral drainage that traverses a historic burn dump site in the City of Laguna Beach. The proposed project would temporarily impact 140 linear feet (0.048 acres) of non-wetland portions of the unnamed tributary to Laguna Canyon Channel through the placement of shotcrete over the creek bed and banks, which are composed almost entirely of burn dump ash and trash. The placement of bed and bank armor is a temporary measure to prevent further erosion and

migration of material from the burn dump downstream. The long-term solution for addressing the wastes at the burn dump will either be to remove the wastes and clean-close the site pursuant to California Code of Regulations Title 27, section 21090(f) or to repair and maintain the cover to prevent wastes from being exposed to the environment for as long as the waste remains at the site. No permanent impacts are authorized by this Certification. Final remediation of the burn site will require a separate Certification action.

Federal  
Agency/Permit:

U.S. Army Corps of Engineers NWP 13, Jason Lambert

Other Required  
Regulatory Approvals:

California Department of Fish and Game Streambed  
Alteration Agreement, Kevin Hupf

California  
Environmental Quality  
Act (CEQA)  
Compliance:

Exemption: Declared Emergency, NOE: November 08, 2011,  
Lead Agency: City of Laguna Beach

Receiving Water:

Unnamed Tributary to Laguna Canyon Channel (901.12),  
Santa Juan HU, Laguna HA, Laguna Beach HSA

Affected Waters of the  
United States:

Temporary:  
Streambed: 0.048 acres, 140 linear feet

Dredge Volume:

None

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

The burn dump site will be remediated in the future to the satisfaction of the regulatory agencies. Removal of waste and restoration is the preferred remedial course of action.

Compensatory  
Mitigation:

On-Site  
Restoration of temporary impacts to pre burn dump condition.

Mitigation Location:

On-site

Best Management  
Practices (BMPs):

Construction BMPs will be implemented for the temporary access road and during the armoring of the burn dump drainage. Longer term project BMPs include sediment and debris removal at the dissipation structures, as well as BMPs

for the burn site itself.

Public Notice: November 22, 2011 (no comments received)

Inspection: n/a

Fees: Total Due: \$2,360  
Paid: \$944 (check No. 347507)  
Paid: \$1416 (check No. 348668)

CIWQS: Regulatory Measure ID: 382235  
Place ID: 773355  
Party ID: 529013

**ATTACHMENT 2  
E-MAIL DISTRIBUTION LIST**

Jason Lambert  
U.S. Army Corps of Engineers, Regulatory Branch  
Jason.p.lambert@usace.army.mil

Kevin Hupf  
California Department of Fish and Game  
khupf@dfg.ca.gov

U.S. EPA, OWOW, Region 9  
75 Hawthorne St.,  
San Francisco, CA 94105  
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

Tony Bomkamp  
Glenn Lukos Associates  
tbomkamp@wetlandpermitting.com

Source: ESRI World Street Map



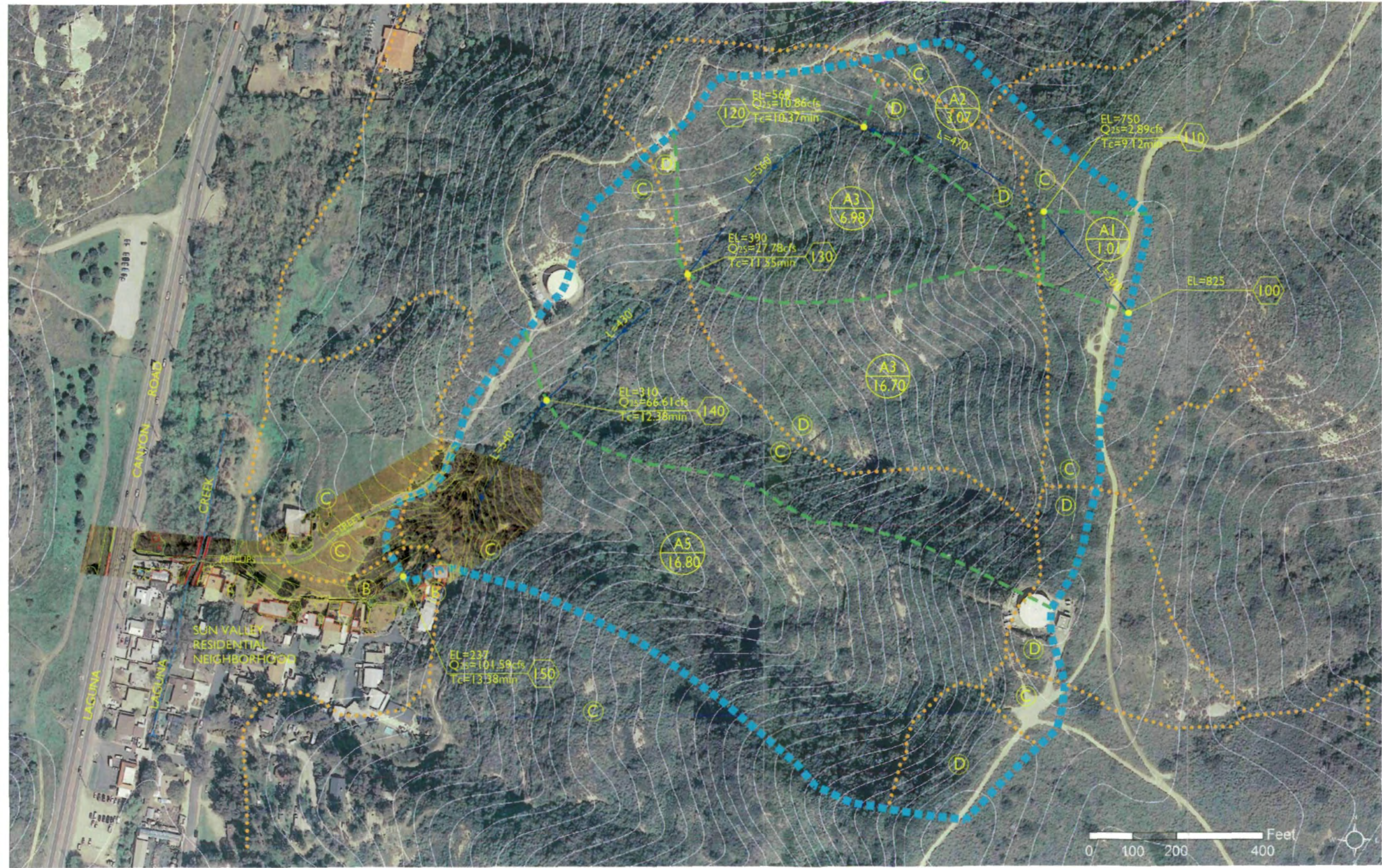
**INTERIM WATER TANK RAVINE  
BURN DUMP STABILIZATION PROJECT**

Regional Map

GLENN LUKOS ASSOCIATES

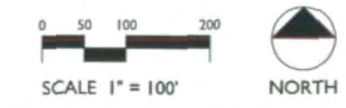


Exhibit B



**LEGEND**

	WATERSHED BOUNDARY		100	NODE DESIGNATION
	SUBAREA BOUNDARY		Q <sub>25</sub>	CALCULATED RUN OFF (CFS) FOR 25-YEAR FREQUENCY STORM EVENT
	SOIL BOUNDARY		EL	ELEVATION
	FLOW PATH		T <sub>c</sub> =5.6min.	TIME OF CONCENTRATION (MINUTES)
	SUB-AREA			
	SUB-AREA ACREAGE			



**HYDROLOGY MAP  
EXISTING CONDITION  
LAGUNA BEACH  
SUN VALLEY WATERSHED**

DATE	DESCRIPTION
4/8/2011	

DRAWN BY: \_\_\_\_\_  
 DESIGN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_

**EXHIBIT  
A1**

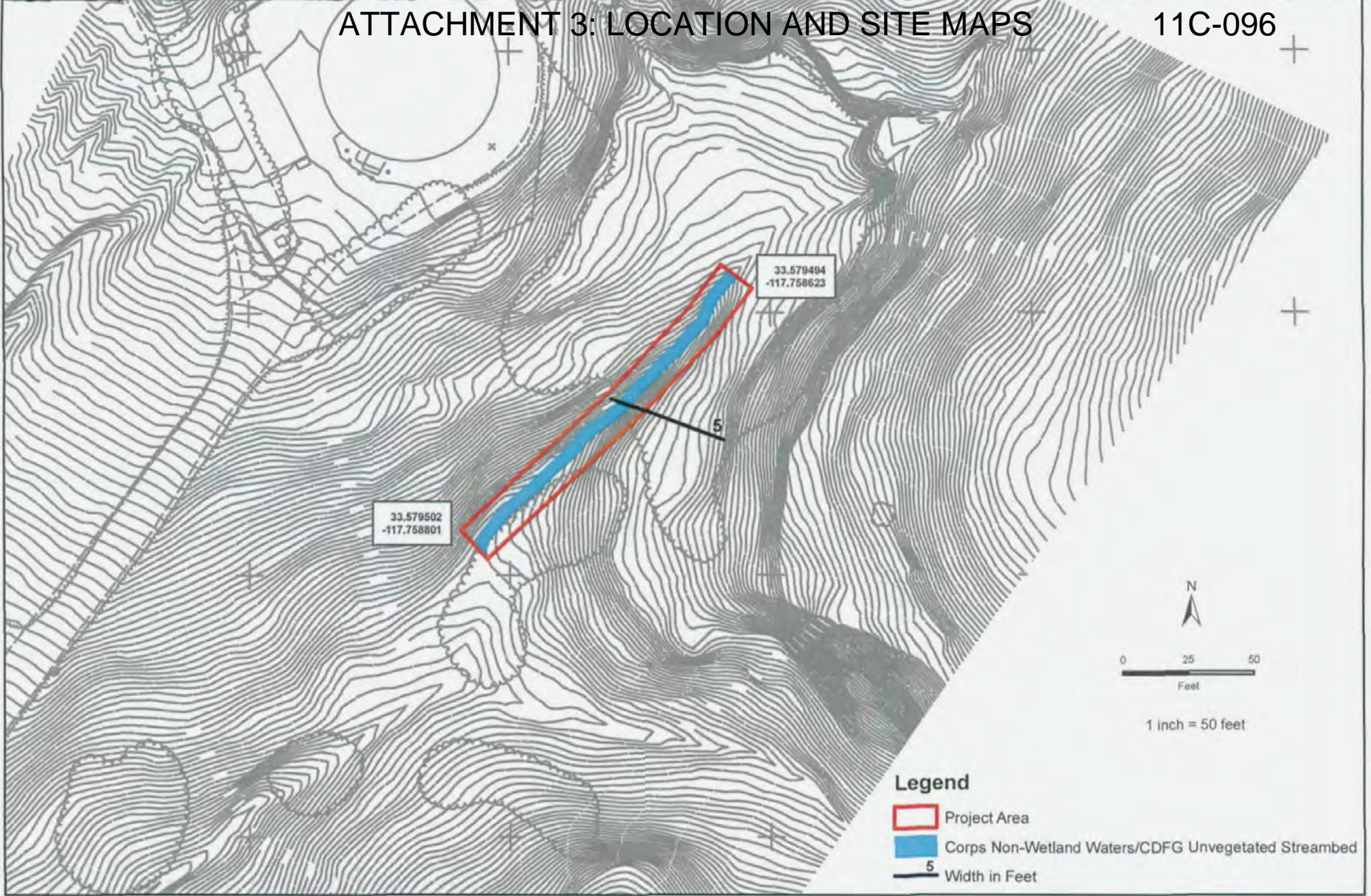


**INTERIM WATER TANK RAVINE  
BURN DUMP STABILIZATION PROJECT**

Restoration Area

**GLENN LUKOS ASSOCIATES**





**INTERIM WATER TANK RAVINE  
BURN DUMP STABILIZATION PROJECT**

Jurisdictional Delineation Map

**GLENN LUKOS ASSOCIATES**



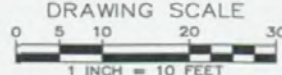
Exhibit E



**NOTES**

- EXISTING TOPOGRAPHY COLLECTED BY AERIAL PHOTOGRAMMETRY ON MAY 24, 2011.
- BASE MAP AND TOPOGRAPHY PREPARED BY KIM MERIDIAN OF LAKE FOREST, CA.
- TEST PIT LOCATIONS SURVEYED BY KIM MERIDIAN INC., LAKE FOREST, CA ON MAY 25, 2011.
- ASSUMED BURN PIT LIMITS PROVIDED BY GREG DICKINSON, PE NO 46581, OF PACIFIC EDGE ENGINEERING, INC., MISSION VIEJO, CA.

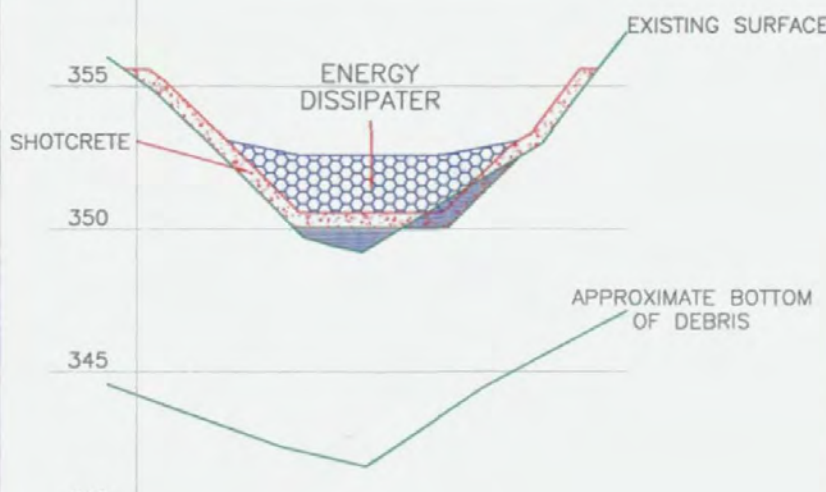
**VOLUME REPORT**  
 BURN PIT LIMITS: 19,803 S.F., 0.45 ACRES  
 ESTIMATE VOLUME OF BURN PIT: 148,917 C.F., 5,441 C.Y.

**DRAWING SCALE**  
  
 1 INCH = 10 FEET

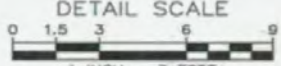
**BASIS OF BEARINGS**

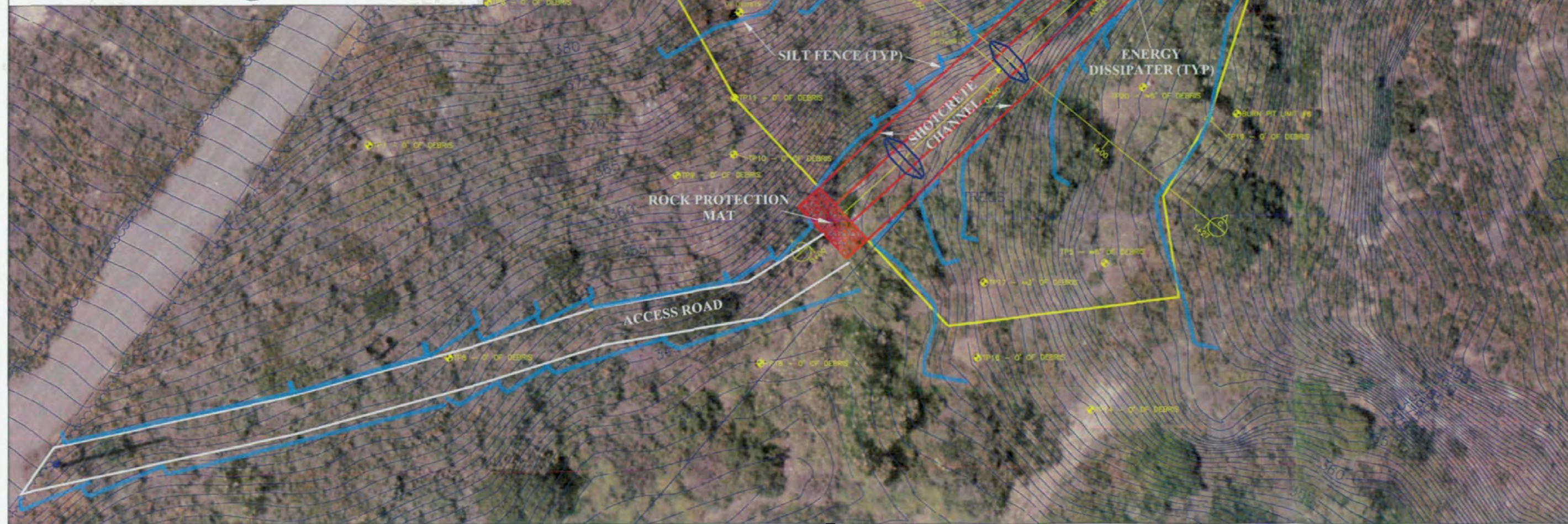
**COORDINATES**  
 HORIZONTAL DATUM: NAD-83  
 PROJECTION: CGS-83  
 ZONE: 14  
 EPOCH: NAD83(2011) (GPS 2008.00 EPOCH)  
 STATIONS USED: TRAK SBCC

**ELEVATIONS**  
 VERTICAL DATUM: NAVD-88 (ORANGE COUNTY SURVEYOR 1985 ADJUSTMENT)  
 BENCH MARK USED: K-783-R81 ELEVATION: 52.316 FEET



**DETAIL**  $\frac{1}{C}$

**DETAIL SCALE**  
  
 1 INCH = 3 FEET



SHEET		2	
OF 2 SHEETS			
WATER TANK RAVINE - LAGUNA BEACH, CA INTERIM BURN DUMP STABILIZATION			
PLAN PREPARED BY: Pacific Edge Engineering, Inc. 3077 Ocean View Parkway, Ste. 207 Laguna Beach, CA 92653 Tel: 949.433.1807 Fax: 949.433.1808			
UNDER SUPERVISION OF: GREG DICKINSON, P.E., No. 46581			
DATE: 1/11/2012			
JOB NO:	010118181818181818	SCALE:	1" = 10'
DATE:	1/11/2012	REVISION:	005
DATE:		APPROVED:	
DATE:		DATE:	



Photograph 1: Photo depicts the incised bank and debris at the upstream terminus of the proposed Project site.



Photograph 2: Photo depicts downstream view of migrating debris field along northern bank of the drainage feature.



GLENN LUKOS ASSOCIATES

Exhibit F

INTERIM WATER TANK RAVINE BURN DUMP  
STABILIZATION PROJECT

Site Photographs



Photograph 3: Photo depicts upstream view of the drainage feature from the approximate midpoint of the proposed project.



Photograph 4: Photo depicts downstream view of the drainage feature from the approximate midpoint of the proposed project.



GLENN LUKOS ASSOCIATES

Exhibit F

INTERIM WATER TANK RAVINE BURN DUMP  
STABILIZATION PROJECT

Site Photographs