



State Water Resources Control Board



Executive Office

Tam M. Doduc, Board Chair

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Arnold Schwarzenegger
Governor

Linda S. Adams

Secretary for

Environmental Protection

JAN 28 2009

Mr. Mark Estoque, Permit Manager
Orange County Public Facilities and
Resources Department
300 North Flower Street
Santa Ana, CA 93703

Dear Mr. Estoque:

**CLEAN WATER ACT (CWA) SECTION 401 WATER QUALITY CERTIFICATION
AMENDMENT FOR REGIONAL GENERAL PERMIT 46 (RGP 46) FOR THE ORANGE
COUNTY OCEAN OUTLETS MAINTENANCE PROGRAM (CORPS FILE #200200543-ESL)**

On October 3, 2008, Orange County (OC) Public Facilities and Resources Department requested that the State Water Resources Control Board (State Water Board) issue a CWA section 401 Water Quality Certification (Certification) Amendment for RGP 46 for the Orange County Ocean Outlets Maintenance Program. The original Certification was issued on November 19, 2003. This amendment will allow OC Public Facilities and Resources Department a two-year time extension from the date of issuance to continue routine maintenance activities of multiple existing ocean outlet facilities. Consultations regarding this program were conducted with the Santa Ana and San Diego Regional Water Quality Control Boards and the U.S. Army Corps of Engineers. Enclosed please find the amended Certification for RGP 46 (Enclosure). Also note that the Enclosure includes two attachments: (A) Project Information Sheet, and (B) Ocean Outlet Maintenance Guideline Summary Table.

If you require further assistance, please contact Darren Bradford, the staff person most knowledgeable on the subject, at (916) 341-5558 (dbradford@waterboards.ca.gov). You may also contact Bill Orme, Chief of the 401 Certification and Wetlands Protection Unit, at (916) 341-5464 (borme@waterboards.ca.gov).

Sincerely,

Dorothy Rice
Executive Director

Enclosure: Certification Order

cc: (See next page)

California Environmental Protection Agency



cc: (Continuation page)

(all w/enclosure)

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

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

Mr. Ed Pert, Regional Manager
Marine Region
California Department of Fish and Game
4949 Viewridge Avenue
San Diego, CA 92123

Ms. Diane Noda, Field Supervisor
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

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

Mr. Bryant Chesney
Habitat Conservation Division
National Marine Fisheries Service
501 West Ocean Boulevard, Suite 4200
Long Beach, CA 90802

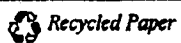
Mr. Mark Estoque

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JAN 28 2009

bc: Gerard Thibeault, SA RWQCB
John Robertus, SD RWQCB

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Enclosure

**ACTION ON REQUEST FOR CLEAN WATER ACT SECTION 401
WATER QUALITY CERTIFICATION AMENDMENT FOR REGIONAL GENERAL PERMIT 46
FOR ORANGE COUNTY OCEAN OUTLETS MAINTENANCE PROGRAM
(CORPS FILE #200200543-ESL)**

PROJECT: Regional General Permit 46 (RGP 46) for Orange County Ocean Outlets Maintenance Program

APPLICANT: Mr. Mark Estoque, Permit Manager
Orange County Public Works and Resources Department
300 North Flower Street
Santa Ana, CA 93703

This Order responds to your request for a Water Quality Certification Amendment for Orange County Public Works' Ocean Outlets Maintenance Program, as described in the County's September 22, 2003 "Ocean Outlets Maintenance Manual" (OOM Manual). This amendment provides for a two-year extension for activities related to routine maintenance of multiple ocean outlet facilities. All conditions of the original 401 Certification, dated November 19, 2003, are valid and remain in effect. The applicant is currently reviewing future maintenance needs and will subsequently submit a request to modify the 401 Certification under a separate request.

ACTION

- | | |
|---|---|
| <input type="checkbox"/> Order for Standard Certification | <input type="checkbox"/> Order for Denial of Certification |
| <input checked="" type="checkbox"/> Order for an Amendment of a Technically Conditioned Certification | <input type="checkbox"/> Order for Waiver of Waste Discharge Requirements |

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.
- 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, Title 23 of the California Code of

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Regulations, 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, Title 23 of the California Code of Regulations and owed by the applicant.

ADMINISTRATIVE CONDITIONS:

1. This amendment shall expire upon the expiration or retraction of the Clean Water Act section 404 permit issued by the U.S. Army Corps of Engineers (Corps), or two (2) years from the date of issuance of this amendment, whichever comes first.
2. A copy of this amendment and supporting documentation (Project Information Sheet) must be available at the project site during construction for review by site personnel and agencies. All personnel performing work on the proposed project shall be familiar with the content of this amendment and its posted location on the project site
3. The applicant shall grant the State Water Resources Control Board (State Water Board) and Regional Water Quality Control Board (Regional Water Board) staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to enter the project site at reasonable times, to ensure compliance with the terms and conditions of this amendment and/or to determine the impacts the project may have on the waters of the State.
4. In the event of any violation or threatened violation of the conditions of this amendment, the violation or threatened violation must be subject to any remedies, penalties, processes, or sanctions as provided for under State law.
5. The State Water Board reserves the right to suspend, cancel, or modify and reissue this amendment, after providing notice to the applicant and/or responsible Project Site Supervisor, if the State Water Board determines that the project fails to comply with any of the terms or conditions of the amendment or conditions of the original Certification, as amended.
6. The applicant shall notify the State Water Board within 24 hours of any noncompliance that may impact the beneficial uses of waters of the State. The notification shall include the volume and type of materials discharged and recovered, measures used to contain the discharge, and measures used to prevent future discharges.
7. The maintenance activity(ies) described in the OOM Manual shall not result in the taking of any State endangered species, threatened species, or candidate species, or the habitat of such a species unless the activity is authorized by the California Department of Fish and Game pursuant to a permit, memorandum of understanding, or other document or program in accordance with Fish and Game Code sections 2081, 2081.1, or 2086.
8. This Certification does not obviate the need to obtain other permits that may be required by federal, State, or local authorities.
9. Failure to comply with any condition of this Certification shall constitute a violation of the Clean Water Act and the Porter-Cologne Water Quality Control Act. Any such Certification

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previously granted shall immediately be revoked, and any or all discharges shall cease. The applicant may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.

GENERAL DISCHARGE CONDITIONS:

1. **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.
2. **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.
3. **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.

REPORTING:

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

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 (\$77 as of October, 2008; this amount is subject to change) shall be provided by the applicant to the State Water Board, pursuant to CCR 23, section 2200. If the applicant is not contacted by the Regional Water Board 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. **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.

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STATE WATER BOARD CONTACT PERSON:

If you have any questions, please contact State Water Board Environmental Scientist Darren Bradford at (916) 341-5558 (dbradford@waterboards.ca.gov). You may also contact Bill Orme, Chief of the 401 Certification and Wetlands Protection Unit, at (916) 341-5464 (borme@waterboards.ca.gov).

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that 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), if all of the conditions listed in this Certification are met. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ, which authorizes this Certification 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 Certification actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the OOM Manual, Project Information Sheet (Attachment A) and the enclosed Ocean Outlet Maintenance Guideline Summary Table (Attachment B); and (b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan.

Dorothy Rice

Dorothy Rice, Executive Director
State Water Resources Control Board

1.27 09

Date

Attachments (2): A. Project Information Sheet
 B. Ocean Outlet Maintenance Guideline Summary Table

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PROJECT INFORMATION SHEET

**Reauthorization of Regional General Permit 46 (RGP 46) for Orange County Ocean Outlets
Maintenance Program (Corps File #200200543-ESL)**

1.	Applicant & Agent	<p>Orange County Public Facilities and Resources Department (Applicant) 300 North Flower Street Santa Ana, CA 93703</p> <p>Mark Estoque, Permit Manager (Agent) Email: Mark.Estoque@rdmd.ocgov.com (Same address as above).</p>
2.	Project Purpose, and Description	<p>Purpose: Continued maintenance of the ocean outlets of eight coastal drainages in Orange County, by the Orange County Public Facilities and Resources Department.</p> <p>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). Attachment B presents a table of impacts to receiving waters excerpted from the County's OOM Manual, Appendix G-1.</p>
3	Receiving Water(s); Hydrologic Unit(s);	See Attachment B
4	Latitude/Longitude	
5	Dredge Volume (CY)	
6	Water Body Type(s) & Area of Filled/Excavated Waters (Acres);	
6	Water Body Type(s) & Area of Filled/Excavated Waters (Acres);	
7.	Federal Permit	U.S. Army Corps of Engineers, Los Angeles District Regional General Permit (File # 200200543-ESL)
8.	Mitigation Considerations	The applicant shall implement the mitigation measures and monitoring plan described in 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 practices, etc.
9.	Compensatory Mitigation	As appropriate, the applicant will implement the measures identified in the County's September 22, 2003, OOM Manual (Appendix J-1, page 5)
10.	Optional Additional Information: CEQA Compliance	<p>California Environmental Quality Act (CEQA) Compliance: Categorical Exemption (Section 15301 – Class 1, Existing Facilities) Lead Agency: County of Orange Date Filed: March 15, 2002</p>

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 (Zone 11)	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
Sagunda Deschacha (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 MH-W; bulldozer and Backhoe.	Concrete trapezoidal channel outlet w/ reinforced concrete box, concrete wings and rock revetment (25ft[length] x 4ft[depth] x 18ft[width])	Fall: Remove any accumulated sediment in the outlet before October 15 th 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	29+-4	bi-annual (fall/spring); approximately one day per maintenance event	Submit Pre-construction Notification & Monitoring Report Coordinate maintenance with grunlor runs.
Pinna Deschacha-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 MH-W; bulldozer and backhoe.	Concrete trapezoidal channel outlet w/ rock revetment (15ft[length] x 5ft[depth] x 50ft[width])	Fall: Remove any accumulated sediment in the outlet before October 15 th 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	1,364+-140	bi-annual (fall/spring); approximately one day per maintenance event	Submit Pre-construction Notification & Monitoring Report Coordinate maintenance with grunlor runs.
Capistrano Beach Outlet #1, Dana Point (N3701793.3600m E438050.44095m)	Excavate and re-establish channel outlet's shape and alignment; dispose excavated sediments to adjacent beach above MH-W; 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 15 th 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	399+-40	bi-annual (fall/spring); approximately one day per maintenance event	Submit Pre-construction Notification & Monitoring Report Coordinate maintenance with grunlor runs.

Ocean outlet name, city, & UTM Coordinates (Zone 11)	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 [N37°02'05.52216m, E437°8'04.89499m]	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 15 th 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 Doherty Creek at State Beach, Doheny [N37°02'38.967476m, E435°56'6.87161m]	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 15 th 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.
Sail Creek (K01), Dana Point [N37°04'918.57353m, E4327°07.52344m]	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 the hole is observed at the end of the outlet structure.	0.421	0.297	114+-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 [N37°2'597.94804m, E417°1'90.98695m]	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 15 th 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 (Zone 11)	Maintenance description and type of equipment to be used	Outlet type & dimension (foot)	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 [N8734773, 10347m 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 1st 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	9.266	7,300+/-730	bi-annual (fall/spring); approximately one week per maintenance event	Submit Pre-maintenance Notification & Report Coordinate maintenance with grunion runs. Work shall coincide with low tide events to minimize sediment in marsh.