
Santa Ana Regional Water Quality Control Board

September 11, 2014

David Belmer
City of Lake Forest
25550 Commercecentre Drive, Suite 100
Lake Forest, CA 92630

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE LAKE FOREST CIVIC CENTER PROJECT, CITY OF
LAKE FOREST, COUNTY OF ORANGE, CALIFORNIA (ACOE REFERENCE NO.
SPL-2013-00406-SME) (SARWQCB PROJECT NO. 302014-01)**

Dear Mr. Belmer:

On January 17, 2014, we received an application for Clean Water Act (CWA) Section 401 Water Quality Standards Certification ("Certification") from the City of Lake Forest for a project to construct a civic center which includes a City Hall building, a Community Center, Council Chambers/Performing Arts Theater, and up to 466 parking stalls. The applicant has also submitted a filing fee of \$1,330.00, which satisfies this project's fee requirement for consideration of a 401 Certification. This fee amount was determined using the Dredge and Fill Fee Calculator on the State Water Resources Control Board (SWRCB) web site, which is based on the most current iteration of California Code of Regulations, Division 3, Chapter 9, Article 1, section 2200 (a) (3). This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) (Basin Plan) and subsequent Basin Plan amendments:

Project Description: The project includes development of a 32,200 square foot Community Center and parking facilities, an approximate 12,500 square foot Council Chambers/Performing Arts Theater, 28,600 square foot City Hall and a total of 466 parking stalls. The site plan utilizes 7.3 acres of the available 9.0 acre site and incorporates retaining walls along the southern boundary of the proposed development area, adjacent to an area subject to US Army Corps of Engineers jurisdiction under CWA Section 404.

The development plan will impact the northern segment of Drainage A and the entirety of Drainage A1 (as noted in the project's plan), resulting in impacts to a total of 0.095 acre (687 linear feet) of Waters of the US, including 0.077 acre (412 linear feet) of wetland Waters of the US.

The work will take place within Section 11 of Township 6 South, Range 8 West, of the U.S. Geological Survey *El Toro* 7.5 minute topographic quadrangle map (33° 39' 33.72" N/ 117° 40' 44.24" W).

Receiving water: San Diego Creek, Serrano Creek, and an unnamed tributary to Serrano Creek, which have present or potential beneficial uses, including: groundwater recharge (GWR), contact recreation (REC1), non-contact recreation (REC2), wildlife habitat (WILD), municipal and domestic supply (MUN), and warm freshwater habitat (WARM).

Fill area:

Permanent Impact to Wetland Habitat	0.095 acres	687 linear feet
-------------------------------------	-------------	-----------------

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Permit No. SPL-2013-00406-SME

You have proposed to mitigate water quality impacts as described in your Certification application. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed:

- The total mitigation for impacts to approximately 0.095 acre of Waters of the US, consisting of approximately 0.082 acre (412 linear feet) of wetland Waters of the US and approximately 0.013 acre (275 linear feet) of ephemeral Waters of the US, will include the establishment of approximately 0.13 acre (361 linear feet) of wetland Waters of the US, establishment of approximately 0.45 acre of riparian buffer areas surrounding the newly established wetland Waters of the US, and enhancement of approximately 0.10 acre (416 linear feet) of wetland Waters of the US. Therefore, this mitigation proposal will result in no net loss to the overall acreage of Waters of the US through the provision of a mitigation ratio of 1.05:1 (0.10 acre to 0.095 acre) of established wetland Waters of the US, 4.74:1 of established riparian buffer, and 1.05:1 (0.10 acre to 0.095 acre) of enhanced wetland Waters of the US.

Offsite Water Quality Standards Mitigation Proposed:

None

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife will ensure those impacts are mitigated to an acceptable level. Appropriate BMPs will be implemented to reduce construction-related impacts to Waters of the State according to the requirements of Order No. R8-2009-0030 (NPDES Permit No. CAS618030), commonly known as the Orange County Municipal Storm Water Permit, and subsequent iterations thereof. Order No. R8-2009-0030 requires that you substantially comply with the requirements of State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity.

This Water Quality Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein, or any conditions contained in any other permit or approval for this project issued by the State of California, or any subdivision thereof, may result in appropriate enforcement action, including imposition of administrative civil liability.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an EIR or Negative Declaration prepared by the lead agency in determining whether to approve a project. A responsible agency has responsibility for mitigating and avoiding only the direct and indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve. Further, the responsible agency must make findings as required by Sections 15091 and, if necessary, 15093, for each and every significant impact of the project.

In compliance with Section 15096, the Regional Board has considered the EIR prepared for the proposed project in approving this Certification. More specifically, the Regional Board has considered those sections of the EIR relating to water quality. Based on the mitigation proposed in the EIR, and the conditions set forth in this Certification, impacts to water quality will be reduced to a less than significant level and beneficial uses will be protected. Thus, the Regional Board independently finds that changes or alterations have been required in, or incorporated into the project, which avoid or mitigate impacts to water quality to a less than significant level.

This 401 Certification is contingent upon the execution of the following conditions:

- 1) The applicant must comply with the requirements of the applicable Clean Water Act section 404 permit.

RWQCB #: 302014-01 CIWQS #: 803312

- 2) Proposed mitigation shall be timely implemented. Documentation that the proposed mitigation has been installed shall be provided to this office prior to, or concurrent with, discharge of fill to, or the dredging or excavation of material from, waters of the state. Documentation that the proposed mitigation site has been conserved in perpetuity as a mitigation site for this project, shall be provided to this office with one year to the occupancy of any building constructed by the project.
- 3) All materials generated from construction activities associated with this project shall be managed appropriately. This shall include identifying all potential pollution sources within the scope of work of this project, and incorporating all necessary pollution prevention BMPs as they relate to each potential pollution source identified.
- 4) The project proponent shall utilize BMPs during project construction to minimize the controllable discharges of sediment and other wastes to drainage systems or other waters of the state and of the United States.
- 5) Substances resulting from project-related activities that could be harmful to aquatic life, including, but not limited to, petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, portland cement concrete or asphalt concrete, and washings and cuttings thereof, shall not be discharged to soils or waters of the state. All waste concrete shall be removed.
- 6) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such a manner that petroleum products or other pollutants from the equipment may enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the state on-site, except as necessary to complete the proposed project. No equipment shall be operated in areas of flowing water.
- 7) This Water Quality Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any the conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.
- 8) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 9) Applicant shall ensure that all fees associated with this project shall be paid to each respective agency prior to conducting any on-site construction activities.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

(a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.

(b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

(c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall 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. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

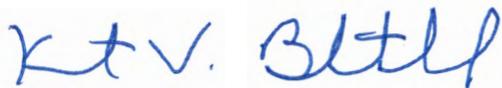
This Water Quality Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein, or any conditions contained in any other permit or approval for this project issued by the State of California, or any subdivision thereof, may result in appropriate enforcement action, including imposition of administrative civil liability.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby certify that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and

307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 2003-0017-DWQ is available at:
www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Should there be any questions, please contact Marc Brown at (951) 321-4584, or Mark Adelson at (951) 782-3234.

Sincerely,



Kurt V. Berchtold
Executive Officer
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

VCS Environmental - Shawn Gatchel-Hernandez – sgatchel@vcsenvironmental.com
U.S. Army Corps of Engineers, Los Angeles Office - Stephen Estes
State Water Resources Control Board, OCC - David Rice
California Department of Fish and Wildlife – Russell M. Barabe
SWRCB, DWQ-Water Quality Certification Unit - Bill Orme