



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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**Santa Ana Regional Water Quality Control Board**

July 17, 2014

Vincent Gin  
Orange County Department of Public Works  
300 North Flower Street  
Santa Ana, CA 92703

**REVISED CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
CERTIFICATION FOR THE EDINGER AVENUE / BOLSA CHICA CHANNEL BRIDGE  
REPLACEMENT PROJECT, COUNTY OF ORANGE, CALIFORNIA (ACOE  
REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 302013-15)**

Dear Mr. Gin:

We received your request to revise the September 16, 2013, Clean Water Act Section 401 Water Quality Standards Certification (Certification) for the subject project. The request was made following efforts to locate suitable off-site mitigation for water quality and associated habitat impacts to areas within the subject project. We have considered your request, and revised the Certification accordingly. Revisions are shown by striking out removed text, and underlining added text. Text that is neither stricken nor underlined remains unchanged. This amended Certification replaces the Certification for this project dated September 16, 2013.

On July 3, 2013, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the Orange County Department of Public Works for a project in the Huntington Beach/Seal Beach area of Orange County. The project is to replace the existing timber Edinger Avenue Bridge, which crosses Bolsa Chica Channel, with a new bridge that will tie into existing roadway improvements at both ends of the project. 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 County of Orange (County), in cooperation with the California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA), proposes to replace the Edinger Avenue Bridge over Bolsa Chica Channel. The proposed Project would include, but not be limited to, the improvements listed below.

CAROLE H. BESWICK, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | [www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)

The existing 15-pile span timber bridge will be removed and replaced with a 4-pile span precast concrete bridge. The replacement bridge will be approximately 5.9 feet higher than the existing bridge to provide clearance for projected flood water elevations in the Bolsa Chica Channel. Due to different existing elevations at the touch down locations at the ends of the bridge, at Sunset Way East and Edinger Avenue (Edinger Avenue is at a lower elevation than Sunset Way East), the height of the replacement bridge would not significantly increase near Sunset Way East. The length of the bridge span would increase from approximately 300 feet to 340 feet across Bolsa Chica Channel to accommodate the higher proposed bridge profile.

Portions of the Bolsa Chica Channel banks will be reconstructed and modified with rock slope protection to protect slopes, fill scour holes and to provide scour protection at the bridge abutments. Riprap will be installed approximately 50 feet upstream and downstream of the bridge on both sides of the channel.

A drainage inlet will be added near the existing bridge on the west side and drainage improvements will be provided at the Countess Drive/Edinger Avenue intersection. Drainage improvements on the northwest side of the proposed bridge will occur within the County right-of-way managed by OC Parks.

The work will take place within Section 19 of Township 5 South, Range 11 West, of the U.S. Geological Survey *Seal Beach* quadrangle map (33.7296° N/ -118.0702° W).

Receiving water: Bolsa Chica Channel

Fill area:

Permanent Impact to Wetland Habitat	0.0353 acre	48.5 linear feet
Temporary Impact to Wetland Habitat	0.1132 acre	48.5 linear feet
Permanent Impact to Streambed Habitat	0.3351 acre	48.5 linear feet
Temporary Impact to Streambed Habitat	0.0175 acre	48.5 linear feet

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 14

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:

- Standard water quality related best management practices (BMPs) will be employed during construction activities.
- Temporary impacted areas within the project area will be mitigated through natural recruitment via tidal influence.

Offsite Water Quality Standards Mitigation Proposed:

- A total of 0.07-acre permanent and 0.33-acre temporary impacts to Southern Coastal Salt Marsh habitat resources within the project area will be mitigated through the enhancement of ~~0.54 acre~~ 1.26 acres of non-tidal Southern Coastal Salt Marsh habitat at the Los Cerritos Wetlands Authority (LCWA) Zedler Marsh area by the LCWA Talbert Nature Preserve South area.

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.

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.

As required by Section 15096, the Regional Board has considered the July 31, 2013, Mitigated Negative Declaration prepared for the proposed project, and information provided subsequently in the applicant's application, in approving this Certification. Based on the mitigation proposed and the conditions set forth in this Certification, Board staff has concluded that the project's impacts to water quality will be reduced to a less than significant level and beneficial uses will be protected. The Regional Board independently finds that changes or alterations have been required or incorporated into the proposed 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.
- 2) Proposed mitigation shall be timely implemented. Materials documenting the final agreements for mitigating project impacts through the enhancement of ~~0.54-acre~~ 1.26 acres of Southern Coastal Salt Marsh habitat at the ~~Los Cerritos Wetlands Authority (LCWA) Zedler Marsh area~~ by the LCWA Talbert Nature Preserve South area shall be provided to this office prior to the discharge of fill to, or the dredging or excavation of material from, waters of the state.
- 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) Construction de-watering discharges, including temporary stream diversions necessary for project construction may be regulated under Regional Board Order No. R8-2009-0003, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality. For more information, please review Order No. R8-2009-0003 at [www.waterboards.ca.gov/santaana/](http://www.waterboards.ca.gov/santaana/)
- 10) 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.
- 11) Prior to any grading for the project in areas where wetland and riparian habitat exist, functional assessments of these wetland and riparian habitats areas, and of proposed mitigation sites, shall be conducted using the California Rapid Assessment Method, February 2012. All functional assessments shall be conducted during the period beginning October 1 and ending December 31. For mitigation site monitoring, annual assessments shall be conducted until success criteria are met for consecutive years. This information shall be reported to <http://www.californiawetlands.net/tracker/>

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 letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying 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/wqo\\_2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo_2003-0017.pdf)

Vincent Gin  
Orange County Department  
of Public Works  
401 Certification No. 302013-15

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July 17, 2014

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

Sincerely,



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

cc (via electronic mail):

BonTerra Consulting – Gary Medeiros- [gmedeiros@bonterraconsulting.com](mailto:gmedeiros@bonterraconsulting.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 Barabe, [rbarabe@dfg.ca.gov](mailto:rbarabe@dfg.ca.gov)  
SWRCB, DWQ-Water Quality Certification Unit - Bill Orme