



California Regional Water Quality Control Board San Diego Region



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Matt Rodriguez
Secretary for
Environmental Protection

Edmund G. Brown Jr.
Governor

July 22, 2011

Ms. Nardy Khan, P.E.
Engineering Supervisor
Orange County Public Works
300 N. Flower Street,
Santa Ana, CA 92703

In reply refer to:

650347:amonji

Dear Ms. Khan:

**Subject: CWA Section 401 Certification Application 11C-044; Processed as
Amendment No. 2 to Certification No. 06C-021; Poche Beach Pipe
Repairs and Pilot Discharge Relocation**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) received Orange County Public Works' (OCPW) request to amend Certification 06C-021 to repair/reconnect damaged sections of the rigid PVC discharge pipe located on the North side of the Poche Beach pond, in Orange County. In order to do so, OCPW would have to conduct a one-time breach of the pond outlet, to bring the pond water level down to the point where the pipe is accessible for repairs. The original amendment request also proposed to place a flexible PVC pipe extension from the repaired rigid pipe to the high intertidal zone of the beach, in order to relocate the Poche Beach UV treatment facility discharge point such that it bypasses the pond altogether.

Based on the application materials, our July 12, 2011 meeting, and subsequent discussion, it is the San Diego Water Board's understanding that:

- 1) The one-time breach of the pond outlet will be conducted by Orange County Parks, in accordance with Certification No. 10C-106.
- 2) Once the repairs have been completed, the Poche Beach UV treatment facility discharge point will be relocated to the end of the repaired rigid PVC pipe for pilot studies.
- 3) Monitoring will continue to be conducted in accordance with Certification No. 06C-021 (as amended) and will seek to:
 - a. determine whether the partial pond bypass results in water quality improvements, and
 - b. demonstrate that the effluent from the UV treatment facility can consistently comply with applicable water quality standards.

California Environmental Protection Agency

- 4) The agencies will reconvene after sufficient data has been collected to review the results and determine what, if any, additional measures should be implemented to improve water quality conditions in Poche Beach.

With this understanding, the San Diego Water Board is amending Certification No. 06C-021 to clarify that a one-time repair of the rigid PVC pipe is authorized in order to relocate the discharge point to the end of the existing rigid PVC pipe. As discussed in the July 12 meeting, and in a follow-up letter dated July 14, 2011, OCPW formally withdrew the proposed flexible PVC pipe extension from the project description. No language changes have been made to the certification itself, since the repairs do not result in additional impacts or modification of conditions.

The San Diego Water Board still intends to consider NPDES requirements from facilities such as this one that extract water from Waters of the U.S. and/or State, process the water, and discharge the treated effluent back to Waters of the U.S. At that point the OCPW is likely to be required to obtain coverage under, and comply with, individual or general NPDES permit requirements for the continued discharge of the facility's effluent.

Any petition for reconsideration of this Certification amendment 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 OCPW has accepted and will comply with all conditions of the Certification. Failure to comply with all conditions of this Certification may result in enforcement actions against OCPW.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Chiara Clemente at (858) 467-2359 or cclemente@waterboards.ca.gov.

Respectfully,



David W. Gibson
Executive Officer
San Diego Regional Water Quality Control Board

cc: via email

Stephen Estes
U.S. Army Corps of Engineers
Stephen.M.Estes@usace.army.mil

U.S. Department of the Interior

Ms. Nardy Khan, P.E.
 401 Amendment #2, 06C-021

July 22, 2011

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WDID	9 000001433
Reg. Measure	380451
Place	650347
Party	7578