



Santa Ana Regional Water Quality Control Board

February 6, 2020

Bahar Heydari
Associate Environmental Planner
Caltrans District 12
1750 East 4th Street, Suite 100
Santa Ana, CA 92705

Governor's Office of Planning & Research

FEB 06 2020

STATE CLEARINGHOUSE

Email D12.SR133OperationsProject@dot.ca.gov

MITIGATED NEGATIVE DECLARATION, STATE ROUTE 133 OPERATIONAL IMPROVEMENTS PROJECT, SR-133 BETWEEN INTERSTATE 405 AND INTERSTATE 5, IRVINE - CALIFORNIA DEPARTMENT OF TRANSPORTATION

Dear Mr. Heydari:

Staff of the Regional Water Quality Control Board, Santa Ana Region (Regional Board) has reviewed the Mitigated Negative Declaration (MND) for the State Route 133 Operational Improvements Project (Project) for the freeway segment in Irvine, located between Interstate 405 and Interstate 5, that crosses San Diego Creek. A new southbound auxiliary lane will be constructed, necessitating the widening of the San Diego Creek bridge with the extension of its pier foundations.

Regional Board staff recommends that the MND incorporate the following comments in order for the Project to best protect water quality standards (water quality objectives, beneficial uses and antidegradation policy), as defined in the Water Quality Control Plan for the Santa Ana River Basin (i.e., Basin Plan):

1. The extension of the pier foundations and likely diversions of San Diego Creek will require a Clean Water Act (CWA) Section 401 Water Quality Standards Certification (Certification) from our office, as noted on page 2-22. However, mitigation for excavations and other disturbances to 1.67 acres of non-wetland, non-vegetated waters of the U.S. (0.096 acres of permanent impacts) is not required by the MND (pages 2-7, 2-8), but we believe it must be proposed in the Certification application. Page 2-8 states that Project location in a Special Area Management Plan (SAMP) area allows the CWA Section 404 Permit to be subject to a streamlined permitting process created by the U.S. Army Corps of Engineers (USACE). We are concerned that the proposed Letter of Permission (LOP) under the SAMP process, which

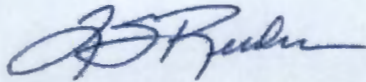
WILLIAM RUH, CHAIR | HOPE SMYTHE, EXECUTIVE OFFICER

would fast-track the 404 Permit, may negate implementation of any mitigation that the Santa Ana Water Board requires.

2. Although most excavations will be at shallow depth in the San Diego Creek streambed, new piers for the widening of the freeway bridge will extend to 50 feet below the ground surface and will likely encounter groundwater. The Water Quality discussion of the MND (p.1-9) had a typographical error citing Order No. R8-2007-0042 (for a development) to comply with dewatering discharges. Please have the MND reflect sampling, reporting, and other compliance requirements with Order No. R8-2019-0061, NPDES No. CAG918002, *General Waste Discharge Requirements for Discharges to Surface Waters Resulting from De Minimus Discharges, Groundwater Dewatering Operations, and/or Groundwater Cleanup/ Remediation Operations at Sites within the Newport Bay Watershed*. The Order includes Compliance Provisions for Total Maximum Daily Loads for Selenium in Freshwater for the Newport Bay Watershed in Orange County, California.

If you have any questions, please contact Glenn Robertson at (951) 782-3259 and Glenn.Robertson@waterboards.ca.gov, or me at (951) 782-4995 and Terri.Reeder@waterboards.ca.gov

Sincerely,



Terri S. Reeder, PG, CEG, CHG
Supervisor, Coastal Waters Planning and CEQA Section

Cc:

State Clearinghouse, Sacramento - State.clearinghouse@opr.ca.gov

Valerie Taylor and Mary Larson, California Department of Fish and Wildlife, Los Alamitos office – Valerie.Taylor@wildlife.ca.gov and Mary.Larson@wildlife.ca.gov