



State Wetland Definition & Procedures for Discharges of Dredged or Fill Material to Waters of State

Board of Directors
January 16, 2019



Maintenance in Prado Wetlands & Recharge Facilities





Existing Permits for Operations & Maintenance of Prado Wetlands and Recharge Facilities

- District has CWA Section 404 permit from Army Corps & 401 Certification from Regional Water Quality Control Board for Operations & Maintenance (O&M) of Prado Wetlands and recharge facilities in Anaheim and Orange
- O&M includes sediment removal, vegetation removal, building temporary sand levees
- Prado Wetlands and recharge facilities are considered by state to be 'waters of the state'



**State Wetland Definition and Procedures for
Discharges of Dredged or Fill Material to Waters of
the State**

**[For Inclusion in the Water Quality Control Plans for Inland
Surface Waters and Enclosed Bays and Estuaries and
Ocean Waters of California]**

STATE WATER RESOURCES CONTROL BOARD

Final Draft Noticed: January 2019

- Issued by State Water Resources Control Board January 3, 2019
- Updated version based on comments received on prior draft—some substantial changes
- No additional comment periods
- Workshop on Jan 22
- Proposed approval on Feb 5



Draft Procedures for Discharges of Dredged or Fill Material to Waters of State

- As written, would cause more regulatory burden on District for O&M of Prado Wetlands and recharge facilities in Anaheim and Orange
 - New regulatory permit that applies to all waters of state unless exempted (exemptions very narrow)
 - Alternatives analysis
 - Potentially increased mitigation
 - Potentially new CEQA trigger with new permit issuance



Effort to Seek Changes to Draft Regulation

- Staff and General Counsel working with ACWA and other stakeholders to seek changes
- ACWA and water agencies seeking changes such as:
 - Exemption for existing projects like Prado Wetlands and recharge facilities
 - Clarification that new permit inapplicable to already permitted facilities (at least until time of renewal)
 - Reduced scope of alternatives analysis for non-exempt existing facilities
- Meetings with SWRCB staff and individual board members
- Will provide testimony at SWRCB workshop on January 22 and hearing at which adoption may occur on February 5