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## Colorado River Basin Regional Water Quality Control Board

September 27, 2013

Mr. Jim Barrett, General Manager  
Coachella Valley Water District  
P.O. Box 1058  
Coachella, CA 92236

**SUBJECT: DENIAL WITHOUT PREJUDICE OF THE APPLICATION FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS**

Staff of the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board) is denying without prejudice the application for a Clean Water Act (CWA) Section 401 Water Quality Certification (WQC) for a Coachella Valley Water District (CVWD) dredge and fill project, as described below. The application is denied without prejudice until the Regional Water Board receives the following:

- 1) An updated application;
- 2) Final CEQA documentation; and
- 3) The balance of fees due for the dredge and fill project.

CVWD may reapply following receipt of this denial without prejudice at any time. Regional Water Board staff will retain the application materials submitted to date until a complete application has been submitted. CVWD's new submittals need not include all of the pertinent previously submitted reports unless the information contained in these reports has changed or is no longer valid.

On April 24, 2013, staff received CVWD's application for a 401 WQC, and received additional information on September 18, 2013. The proposed project consists of operation and maintenance (mowing, mulching, grading, tree removal, disking, excavating, contouring and alignment of pilot channel, repair and replacement of existing constructed flood control facilities, and water quality monitoring) of the Whitewater River/Coachella Valley Stormwater Channel and portions of four tributaries to the channel. The project is identified by the following description:

Coachella Valley Water District - The Whitewater River and Coachella Valley Stormwater Channel (WWR/CVSC), Operation and Maintenance (O&M) Project, WDID NO. 7A333134001.

Staff is denying the application without prejudice as a result of a September 23, 2013 email from Mr. Luke Stowe, the CVWD representative for the project. The email indicated that CVWD decided to suspend its application until it has completed its development of mitigation requirements for the project. In the interim, CVWD is consulting with the U.S. Army Corps of Engineers (USACE) to develop those mitigation requirements. After USACE and CVWD have identified proposed mitigation measures for the project, CVWD will update its 401 WQC application.

By email dated September 9, 2013, Regional Water Board staff also informed CVWD about the 401 WQC fee amounts and the balance due. On April 24, 2013, CVWD paid an initial \$944 application fee. The additional dredge and fill fees due will be based on the fees set forth in the California Code of Regulations, Title 23, Section 3833 at the time of your application. For convenience, CVWD may contact Regional Water Board staff to obtain the fee balance due or it may also determine its fees from the State Water Board's on-line fee calculator:

<[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/dredgefillfeecalculator.xls](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/dredgefillfeecalculator.xls)>

If you have any questions, please contact Mr. Jay Mirpour, Water Resources Control Engineer, at (760) 776-8981 or [jmirpour@waterboards.ca.gov](mailto:jmirpour@waterboards.ca.gov).



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ROBERT PERDUE, Executive Officer  
Colorado River Basin Regional Water Quality Control Board

JJM/

cc: Therese Bradford, Chief, USACE Los Angeles District  
Bill Orme, SWRCB, Division of Water Quality, Water Quality Certification Unit  
Elizabeth Goldmann, U.S. Environmental Protection Agency, Region 9  
Thomas A. Vandenberg, Office of Chief Counsel, SWRCB

File: Coachella Valley Water District - WWR/CVSC, Operation and Maintenance Project, WDID NO. 7A333134001