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Colorado River Basin Regional Water Quality Control Board

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December 11, 2015

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Mr. Luke Stowe - CVWD Sr. Environmental Specialist
Coachella Valley Water District
75-515 Hovley Lane East
Palm Desert, CA 92260

RE: ORDER FOR TECHNICALLY-CONDITIONED CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS

PROJECT: This federal Clean Water Act Section 401 Water Quality Certification (WQC) (33 U.S.C. § 1341) is written for the CVWD Oasis Area Irrigation System Expansion Project, WDID No. 7A333150001

APPLICANT: Coachella Valley Water District

- ACTION:**
- 1. Order for Standard Certification
 - 2. Order for Technically-Conditioned Certification
 - 3. Order for Denial of Certification

STANDARD CONDITIONS:

The following standard conditions apply to all certification actions, except as noted above under Action 3 for denials.

- 1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
- 2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR

ELLEN WAY, CHAIR | ROBERT PERDUE, EXECUTIVE OFFICER

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section 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. The validity of any non-denial certification action (Actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.
4. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under State law. For purposes of Clean Water Act (CWA) section 401(d), 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 Water Quality Certification (WQC).
 - a. In response to a suspected violation of any condition of this WQC, the Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Colorado River Basin Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - b. In response to any violation of the conditions of this WQC, the Colorado River Basin Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

ADDITIONAL CONDITIONS:

The following additional conditions apply to this certification:

1. This WQC applies towards the proposed project (Project) as described in a 401 application received by the Colorado River Basin Water Board on May 21, 2015. Updated information was received on December 7, 2015.
2. The Applicant shall provide the Colorado River Basin Water Board and other interested agencies with written notification of any significant modifications made to the Project prior to implementation of the modifications.
3. This WQC does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

Oasis Area Irrigation System Expansion Project

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4. This WQC does not authorize the Applicant or any associated party to trespass on any land or property unless the applicant has obtained written authorization or acquired a special use authorization permit from the land or property owner.
5. A copy of this WQC shall be provided to the appropriate onsite Supervisor for the Project. All personnel performing work on the proposed Project shall be familiar with the content of this WQC. Copies of the WQC shall be readily available at the Project site at all times during periods of active work and shall be presented to regulatory agency representatives upon request.
6. The Applicant shall grant Colorado River Basin Water Board staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to enter the Project site at reasonable times, to ensure compliance with the terms and conditions of this WQC and/or to determine the impacts the Project may have on waters of the United States.
7. The proposed Project shall not be enlarged or extend beyond the proposed Project impact area. The Applicant shall delineate the Project boundaries and staging areas with stakes, flags and/or temporary construction fencing.
8. The area of vegetation and soil disturbance shall be restricted to the smallest extent possible.
9. The Project shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.
10. The Project shall not discharge waste classified as "hazardous" as defined in Title 23 California Code of Regulations (CCR) section 2521, California Health and Safety Code section 25140, and Title 22, CCR, section 66260.10 et seq.
11. No oil, petroleum products, or rubbish shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the United States.
12. No equipment maintenance will be done within or near any stream channel where petroleum products or other pollutants from the equipment may enter waters of the United States.
13. Equipment refueling shall not occur within waters of the United States.
14. Any oil or grease leaks shall be immediately cleaned up.
15. The Applicant shall ensure that all contaminated material and/or contaminated soil removed or excavated from the Project site is properly loaded, transported, and disposed of in accordance with Federal, State, and local regulations.

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16. Staging/storage areas for equipment and materials shall be located outside of waters of the United States.
17. The Applicant shall ensure that all disturbed and filled areas are adequately stabilized and protected from erosion and siltation by implementing appropriate soil stabilization, sedimentation and silt control measures.
18. Any flow diversion used during construction shall be designed in a manner to prevent pollution, minimize siltation, and shall provide flows to downstream reaches. Flows shall be maintained to support existing aquatic life and riparian wetlands and habitat that may be located upstream and downstream from any temporary diversion.
19. The Applicant shall restore drainages, to the greatest extent possible, to the original bank configuration, stream bottom width, and channel gradient.
20. All temporary facilities and impacts shall be removed and restored to the preexisting conditions and contours to the extent practicable.
21. Construction related materials and wastes shall be removed from the Project site upon completion of the Project.
22. The Applicant shall submit Notice to the Colorado River Basin Water Board within 60-days of completion of the Project. The Notice shall include: 1) a detailed summary of the mitigation and restoration activities implemented during the Project and 2) provide photographic documentation that supports the information summarized in the Notice.
23. The Colorado River Basin Water Board reserves the right to suspend, cancel, or modify and reissue this WQC, after providing notice to the Applicant and/or responsible Site-Supervisor, if the Colorado River Basin Water Board determines that the Project fails to comply with any of the terms or conditions of this WQC.
24. The Applicant shall orally notify the Colorado River Basin Water Board of any noncompliance that may impact the beneficial uses of waters of the United States, as soon as notification is possible and notification can be provided without substantially impeding measures necessary to address the noncompliance.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

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

WATER QUALITY CERTIFICATION:

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.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' Project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Colorado River Basin Water Board's Water Quality Control Plan (Basin Plan).



Jose Angel, Interim Executive Officer
Colorado River Basin Regional Water Quality Control Board

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cc: James Mace, U.S. Army Corps of Engineers, 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: CVWD Oasis Area Irrigation System Expansion Project, WDID No. 7A333150001

PROJECT INFORMATION

Application Date: This WQC applies towards the proposed project (Project) as described in a 401 application received by the Colorado River Basin Water Board on May 21, 2015. Updated information was received on December 7, 2015.

Applicant: Coachella Valley Water District.
Contact: Mr. Luke Stowe, 760-398-2651

Applicant Representative: Coachella Valley Water District
Contact: Mr. Steve Bigley, 760-398-2651

Project Name: CVWD Oasis Area Irrigation System Expansion Project,
WDID No. 7A333150001

Start and Completion: Startup: 10/01/2016
Completion: 10/01/2018

Project Description:

The proposed Oasis Area Irrigation System Expansion Project (Project) will supply up to 32,000 acre-feet of Colorado River water (canal water) per year that will be utilized for irrigation to replace the current groundwater pumping. The Project area lies near the northwest margin of the Salton Sea, south of 66th Avenue, west of Harrison Street, and north of 86th Avenue in Riverside County, California. The Proposed Project includes formation of Assessment District 34 (AD 34) for cost recovery. AD 34 includes 7,101 acres of privately and publicly owned farm lands that are within the existing CVWD boundary, are outside of the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Communities Conservation Plan (CVMSHCP) boundary, and that are subject to irrigation by their owners using underlying groundwater at present. Other than being within a new assessment district and receiving CVWD canal water in substitution for groundwater pumping, the status and use of these lands will not be affected by the proposed project in any way.

The proposed system improvements required to convey water to the Oasis area include the construction of 18 miles of underground pipelines, three reservoirs, four pump stations; the installation of water-meters within concrete

vaults; and upgrade of an existing Imperial Irrigation District (IID) electrical circuit to provide power to the pump stations. The CVWD pipeline will be connected to the U.S. Bureau of Reclamation's (Reclamation) existing water delivery system (Lateral 97.1) and require abandonment of two existing pump stations (Pump Stations O-1 and O-4) owned by Reclamation and operated by CVWD. With expansion of the surface water system for irrigation in the Oasis Area, reliance on groundwater can be curtailed, allowing recovery of the underlying aquifer in fulfillment of the 2010 CVWMP.

The Oasis Tower receives water from Lateral 97.1 and serves as a distribution point for five gravity flow laterals and one pumped flow lateral. As part of the Proposed Project, the Oasis Tower will be bypassed and the existing laterals will be connected to the expanded system as described in detail below. Reclamation's Lateral 97.1 capacity is not being expanded in any way. With expansion of CVWD's surface water delivery system for irrigation in the Oasis Area, reliance on groundwater can be curtailed, allowing recovery of the underlying aquifer in fulfillment of the 2010 CVWMP.

Project Location: City or area: In the community of Oasis, California, Riverside County, California
Longitude/ Latitude: 116°10'55.5"W /33°33'14.8"N
Township/Range: (Section 22, Township 7S, Range 8E, Base SB B&M). The Project area lies near the northwest margin of the Salton Sea, south of 66th Avenue, west of Harrison Street, and north of 86th Avenue in Riverside County, California.

Receiving Water(s): Salton Sea

Acres and Linear Feet Impacted: Construction of the proposed project would result in impact of 3.13 acres of (unvegetated) streambed (temporary) and 2,391 linear feet to (unvegetated) streambed (temporary) impact.

Standard Best Management Practices (BMPs): - No toxic and/or hazardous materials shall be stored near or within wash/drainage areas. To extent possible, these

materials will be stored offsite and/or placed in appropriate secondary containment.

- Work and staging areas and temporary access routes will be sized, located and flagged so as to limit potential impacts to natural areas. Previous disturbed areas will be used to the extent feasible.

- No fueling or maintenance of equipment and/or vehicles shall occur adjacent or within the wash/drainage areas.

- Spoil sites shall not be located where spoil could be washed back into the river, or where spoil will cover aquatic or riparian vegetation. Any materials placed in seasonally dry portions of the canal/ drainage areas that could be washed downstream or could be harmful to aquatic life shall be removed from the streambed prior to inundation by high flows.

- After completing the activities, the disturbed area will be restored to pre-existing contours and conditions to the extent feasible.

**Additional Site
Specific BMPs:**

During construction, soil erosion and sedimentation will be controlled in accordance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (currently order number 2012-0006-DWQ). A storm water pollution prevention plan (SWPPP) will be developed in accordance with the general permits and will specify the controls, monitoring, and reporting requirements.

Construction across stream channels will be completed in dry conditions. Daily and weekly weather reports will be consulted to identify any predicted rainfall events that could produce surface runoff conditions in the affected channels.

The District and Contractor will be required to preserve and protect existing vegetation not required, or otherwise authorized, to be removed. Vegetation will be protected from damage or injury caused by construction operations, personnel, or equipment by the use of temporary fencing, protective barriers, or other similar methods.

Once existing vegetation is cleared, construction will commence immediately to reduce unnecessary exposure of disturbed soil to wind and water.

Where needed, small earthen embankments will be built within washes in order to slow or divert surface water to reduce erosion.

Silt fences will be installed when working around a wash to prevent sediment from entering washes during a rain storm and will be constructed.

Water will be applied to disturbed soil areas of the Project site to control wind erosion and dust. Water applications will be monitored to prevent excessive runoff.

Upon completion, construction sites will be finished, and pipeline segments buried with surface topography restored.

Servicing of construction equipment will be conducted at maintenance yards. Spill clean-up equipment will be maintained on site for any potential fuel or oil spill.

Reservoir sites will be contained and fenced.

Federal Permit(s):

U.S. Army Corps of Engineers Section 404 Permit (pending).

Status of CEQA:

Lead Agency: Coachella Valley Water District, State Clearinghouse Number: 2014-061-084.

On March 10, 2015, the Board of Directors of the Coachella Valley Water District approved the above described project and made the following determinations:

- 1) The project will have a significant effect on the environment
- 2) An Environmental Impact Report (EIR) was prepared and certified for this project pursuant to the provisions of CEQA
- 3) Mitigation measures were made a condition of the approval project and a Mitigation Monitoring Plan was adopted.
- 4) Findings were made pursuant to the provisions of CEQA. Statement of Overriding Considerations was adopted for the project.

The Regional Water Board staff has reviewed the EIR and the mitigation reporting and monitoring plan adopted for the project to avoid or substantially lessen significant environmental effects identified in the EIR. Based on its review, Regional Water Board staff has concluded that compliance with the mitigation measures specified in the plan will avoid or reduce to less than significant any water quality impacts.