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GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

April 2, 2013

Kip Field
City of Corona
400 South Vicentia
Corona, CA 92882

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE FOOTHILL PARKWAY WESTERLY EXTENSION, COUNTY OF RIVERSIDE, CALIFORNIA (ACOE REFERENCE NO. SPL-2010-00155- RJV) (SARWQCB PROJECT NO. 332010-03)

Dear Mr. Field:

On February 5, 2010, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the City of Corona for the placement of earthen fill within portions of Wardlow Wash, Mabey Canyon Debris Basin and drainage, and Kroonen Canyon Channel, all associated with the Foothill Parkway Westerly Extension Project. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) (Basin Plan) and subsequent Basin Plan amendments:

Project Description: The Foothill Parkway Westerly Extension Project includes the westerly extension of Foothill Parkway as a four-lane roadway from approximately 600 feet west of Skyline Drive to Green River Road, a distance of 11,617 feet. The Project will include permanent earthen fill and temporary impacts to four tributaries to Temescal Creek in the Santa Ana River Watershed. The work will take place within Sections 3, 4, 10, 33, and 34 of Township 2 South and 3 South, Range 7 West, of the U.S. Geological Survey *Corona South, CA* quadrangle maps (33.850671° N/ -117.609055° W).

Receiving water: Wardlow Wash (Ephemeral), Mabey Canyon Debris Basin (Ephemeral), and Kroonen Canyon Channel (Ephemeral), tributary to Temescal Creek, Prado Basin, and the Santa Ana River.

Fill area: 1.83 acres of permanent impact to vegetated and non-vegetated channel (7,578 linear feet), 0.84 acres of

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temporary impact to non-vegetated channel and basin (591 linear feet)

Dredge/Fill volume: 4,000 Cubic Yards

Federal permit: U.S. Army Corps of Engineers Standard Individual Permit No. SPL-2010-00155-RJV

The Basin Plan recognizes that tributaries of Temescal Creek that are not specifically identified in the Plan have the following intermittent beneficial uses: Municipal Supply (MUN), Groundwater Recharge (GWR), Water Contact Recreation (REC1), Non-contact Water Recreation (REC2), Warm Water Habitat (WARM) and Wildlife Habitat (WILD). Wardlow Wash, Mabey Canyon, and Kroonen Canyon, are waters that will be directly impacted by the project. These are tributaries of Temescal Creek but are not specifically listed in the Basin Plan. Therefore, applicable beneficial uses for these waters are MUN, GWR, REC1, REC2, WARM and WILD.

The project incorporates strategies and specific measures to avoid and minimize impacts to the aforementioned waters and their beneficial uses. Such strategies include utilizing a reduced width through the Wardlow Wash section, to minimize impacts and maintain the alignment outside the boundaries of the Cleveland National Forest. The project also proposes three retaining walls and may include up to four additional retaining walls along upland areas of the proposed Foothill Parkway, in order to avoid and minimize grading impacts at critical locations.

The project incorporates water quality BMPs to minimize impacts to the above waters and their beneficial uses. During construction, BMPs will be utilized to minimize water pollution impacts including soil stabilization, sediment control, wind erosion control, tracking control, non-storm water management, and waste management and materials pollution control. These BMPs may include, but are not limited to, sandbag barriers, sediment basins, and debris removal wheel washes. Project design features to minimize impacts to waters and their beneficial uses include bio-filtration strips or swales, and debris basins.

In addition, runoff from the proposed project will be conveyed through systems in a way that will avoid and minimize hydrology impacts to waters and their beneficial uses. The Wardlow Wash systems will utilize a detention basin on the west side of the proposed roadway to mitigate project discharges and ensure that flows do not exceed existing conditions. A forebay for large debris removal will also be included. Catch basins and storm drain laterals will be utilized to carry on-site runoff past the Mabey Canyon Debris Basin to the Mabey Canyon Drainage System downstream of the basin, because Mabey Canyon Basin is not designed to provide flood mitigation. Catch basins will also be utilized in the Kroonen Channel System to intercept flows and convey them to the main storm drain system. Overall, detention basins, culverts, channels, main line storm drains and other runoff conveyance facilities associated with the proposed project would

have a design capacity adequate to operate under projected runoff and debris loads and to otherwise protect beneficial uses, e.g. WILD and REC2.

You have proposed to mitigate water quality impacts as described in your Certification application. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed:

- Standard water quality related Best Management Practices (BMPs) will be employed onsite and includes site design features, as well as source control and treatment control BMPs.

Offsite Water Quality Standards Mitigation Proposed:

- The City proposes to compensate for permanent impacts to 1.83 acres of waters of the U.S/State as a result of the Project as described in the Project's Compensatory Mitigation Plan. This plan calls for creation of specified acreages of the various habitat types that will be permanently impacted by the project.

At the selected mitigation sites, creation activities shall include site preparation, such as the removal of all non-native plant species, including wetland species; removal of trash and debris; grading; the installation of native plant species; and monitoring. All plant species installed within the creation site shall include only local California native container plants, cuttings, and/or seed mix.

The City proposes to carry out mitigation activities described above through the Riverside County Resource Conservation District (RCRCD) In-Lieu Fee program. The City has paid the RCRCD an initial deposit in the amount of \$5,000.00 to set aside potential mitigation areas for this project. Once all regulatory approvals are received, the RCRCD will prepare a scope of work for the preparation and implementation of a formal Habitat Mitigation and Monitoring Plan consisting of 20.82 acres of habitat creation (excess acreage is per the California Department of Fish and Wildlife Streambed Alteration Agreement). At that time, the City will provide fee payment to the RCRCD.

The City shall compensate for temporary impacts to 0.84 acres of Waters of the US/State by restoring the impacted jurisdictional channels to pre-construction conditions, by ensuring the proper grade and topography of the site and the removal of all non-native and invasive plant species.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife will ensure those impacts are mitigated to an acceptable level.

Appropriate BMPs will be implemented to reduce construction-related impacts to Waters of the State according to the requirements of Order No. R8-2010-0033 (NPDES Permit No. CAS618033), commonly known as the Riverside County Municipal Storm Water Permit, and subsequent iterations thereof. Order No. R8-2010-0033 requires that you substantially comply with the requirements of State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, including the preparation of a project-specific Storm Water Pollution Prevention Plan (SWPPP).

A Notice of Determination for the project's Environmental Impact Report (EIR) was filed by the City of Corona on February 5, 2009. Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an EIR or a Negative Declaration prepared by the lead agency in determining whether to approve a project. A responsible agency has responsibility for mitigating and avoiding only the direct and indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve. Further, the responsible agency must make findings as required by Sections 15091 and, if necessary, 15093, for each and every significant impact of the project. The Regional Board has independently considered the City's Environmental Impact Report in making this certification and finds that changes or alterations have been required, or incorporated into the proposed project, which avoid or mitigate impacts to water quality to a less than significant level.

This 401 Certification is contingent upon the execution of the following conditions:

- 1) The applicant must comply with the requirements of the applicable Clean Water Act section 404 permit.
- 2) Mitigation proposed shall be timely implemented.
- 3) At least 120 days prior to commencement of project construction, the applicant shall submit a draft HMMP for the project to Board staff for review.
- 4) Annual monitoring reports will be provided to the Board until the success criteria have been met and maintained for two consecutive years.
- 5) All materials generated from construction activities associated with this project shall be managed appropriately. This shall include identifying all potential pollution sources within the scope of work of this project, and incorporating all necessary pollution prevention BMPs as they relate to each potential pollution source identified.

- 6) The project proponent shall utilize BMPs during project construction to minimize the controllable discharges of sediment and other wastes to drainage systems or other waters of the state and of the United States.
- 7) Substances resulting from project-related activities that could be harmful to aquatic life, including, but not limited to, petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, portland cement concrete or asphalt concrete, and washings and cuttings thereof, shall not be discharged to soils or waters of the state. All waste concrete shall be removed.
- 8) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such a manner that petroleum products or other pollutants from the equipment may enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the state on-site, except as necessary to complete the proposed project. No equipment shall be operated in areas of flowing water.
- 9) This Water Quality Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any the conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.
- 10) An effective monitoring plan must be developed and implemented to document compliance with conditions 2, 4, 5 and 6 above. Any suspected violation of these conditions must be reported to Regional Board staff in writing within 24-hours of discovery. The monitoring plan and records of monitoring activities must be maintained on site for the duration of the proposed discharge and be available for inspection by Regional Board staff.
- 11) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 12) Construction de-watering discharges, including temporary stream diversions necessary for project construction may be regulated under Regional Board Order No. R8-2009-0003, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality. For more information, please review Order No. R8-2009-0003 at www.waterboards.ca.gov/santaana/
- 13) Applicant shall ensure that all fees associated with this project shall be paid to each respective agency prior to conducting any on-site construction activities.

Prior to any grading of, or vegetation removal from, any delineated wetlands, waters of the U.S., or riparian habitat, functional condition assessments of these areas slated to be impacted shall be conducted using the California Rapid Assessment Method, February 2012, or like method. Similarly, the California Rapid Assessment Method, February 2012, or like method, shall be used to assess the functional condition of mitigation sites as they progress toward meeting success criteria. Functional assessments of mitigation sites shall be conducted annually during the period of October through December, until success criteria are met for consecutive years. This information shall be reported to <http://www.californiawetlands.net/tracker/>

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

(a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.

(b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

(c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.

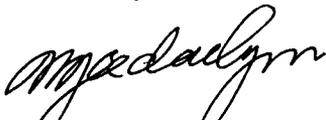
In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, 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 certification. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. 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.

This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 2003-0017-DWQ is available at:
www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Should there be any questions, please contact Marc Brown at (951) 321-4584, or Mark Adelson at (951) 782-3234.

Sincerely,

for 

Kurt V. Berchtold
Executive Officer
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

RBF Consulting – Regulatory Services Director – Richard Beck
U. S. Army Corps of Engineers, Los Angeles Office- Jim Mace
State Water Resources Control Board, OCC- David Rice
State Water Resources Control Board, DWQ -Water Quality Certification Unit
California Department of Fish and Wildlife – Juan J. Lopez-Torres
U.S. EPA- Supervisor of the Wetlands Regulatory Office WTR- 8