

Santa Ana Regional Water Quality Control Board

October 27, 2016

Ms. Kristen Jensen
Public Works Director
City of Hemet
3777 Industrial Avenue
Hemet, CA 92509

kjensen@cityofhemet.org

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR LONG-TERM ROUTINE MAINTENANCE OPERATIONS
PROGRAM PROJECT, CITY OF HEMET, RIVERSIDE COUNTY (USACE FILE NO.
NOT AVAILABLE) (SARWQCB PROJECT NO. 332016-11)**

Dear Ms. Jensen,

On February 12, 2016, we received from Michael Baker International on behalf of the City of Hemet (Applicant) an application requesting Clean Water Act Section 401 Water Quality Standards Certification ("Certification") for the Long-Term Routine Maintenance Operation Program to maintain existing improved drainages and basins in the City of Hemet (Project). The Applicant submitted a check for \$600.00 with the Certification application materials, and a second check for \$89,400.00 on April 11, 2016, which satisfies the fee requirement for consideration of a 401 Certification. This fee amount was determined using the Dredge and Fill Fee Calculator on the State Water Resources Control Board (SWRCB) web site, which is based on the current iteration of California Code of Regulations, Division 3, Chapter 9, Article 1, Section 2200 (a) (3).

Project Description: The Applicant proposes to conduct maintenance in improved drainages and flood control basins to restore the original hydrologic capacity of the structures. For the purposes of this Certification, improved drainages are waters of the State that include earthen bottomed trapezoidal channels with earthen, riprap, or broken concrete sides. The flood control basins are waters of the State that have been expanded for flood control purposes. Maintenance activities will include bank stabilization and recontouring, desilting, vegetation removal, herbicide application, and construction of temporary access routes. The activities are detailed below.

Bank Stabilization and Recontouring: The banks and toes of trapezoidal channels and flood control basins that have undergone erosion and/or structural failure will be stabilized or returned to their original design configurations using rock rip-rap, pipe and wire revetment. Banks will then be backfilled with earth and stabilized by planting with native vegetation. This activity may also include recontouring drainage ditches in order to either maintain and/or restore them to their original design dimensions.

Desilting: This activity would remove the sediment causing flow restrictions and/or reducing channel or basin capacity. A dragline, front-end loader or grade-all will be used to remove the first top feet of material, including vegetation, from a channel. The material would then be spread on the top of the bank to dry, and then hauled to the City yard house for disposal. In sediment basins, sediment removal would be limited to those occasions that the volume of sediment in the basin has reached 25 percent (25%) or greater of design capacity. Design capacity is defined as the total volume of sediment a basin will hold when full. Desilting also includes draining the dead storage storm water and nuisance flows from basins.

Vegetation removal: Mowing activities will involve either the use of heavy equipment, including mowers, to remove vegetation from drainage and basin slopes and beds to reduce nuisance vegetation, or the removal of trees and shrubs by hand, where appropriate. The vegetation will then be hauled to the City's solid waste franchisee.

Herbicide Application: Spraying activities will involve the application of herbicides in drainages and retention basins that do not provide habitat for threatened or endangered species, and are more than ½ mile upstream of potable water intakes. Herbicide would be applied by a hand-held sprayer rather than a boom sprayer whenever feasible. Herbicide application would be conducted after obtaining any special local need registration requirements and appropriate permits, and applied per label recommendations and all required and reasonable safety measures. Roundup or other licensed herbicides would be used only when a less environmentally damaging herbicide would be ineffective or infeasible. The selected herbicide will be applied in a manner that minimizes its environmental impacts, and when wind speeds are less than five miles per hour.

Temporary Access Routes: Existing access ways will be utilized whenever feasible. The ability to access certain facilities may require constructing temporary access routes, which will then be restored to their original condition afterwards.

The work will take place in the City of Hemet in the southern portion of the unsectioned San Jacinto Land Grant, and in Sections 6 and 7 of Township 5 South, Range 1 West, and Sections 1, 12, 13, and 24 of Township 5 South Range 2 West of the U.S. Geological Survey *Hemet, Lakeview, San Jacinto*, and *Winchester* 7.5 minute topographic quadrangle maps.

Receiving water (Fill Area Table 1):

Features 1 through 4 are unnamed tributaries to San Jacinto River, Reach 4. San Jacinto River, Reach 4 has designated beneficial uses (existing or potential) that include: Agricultural Supply (AGR), Groundwater Recharge (GWR), Water Contact Recreation (REC1), Non-contact Water Recreation (REC2), Warm Freshwater Habitat (WARM), and Wildlife Habitat (WILD).

Features 5 through 25 are isolated waters and flows from these features terminate downstream of the Menlo Avenue West drainage (Feature 17). They have beneficial uses that include: Groundwater Recharge (GWR), Water Contact Recreation (REC1), Non-contact Water Recreation (REC2), Warm Freshwater Habitat (WARM), Wildlife Habitat (WILD), and Rare, Threatened or Endangered Species (RARE).

Features 26 through 33 are either located in or are tributaries to Salt Creek. Salt Creek has designated beneficial uses (existing or potential) that include: Water Contact Recreation (REC1), Non-contact Water Recreation (REC2), Warm Freshwater Habitat (WARM), and Wildlife Habitat (WILD).

Fill Area Table 1

	Feature Name	Feature Type	Wetland		Non-wetland	
			Acres	Linear Ft	Acres	Linear Ft
1	Warren Rd North	Earthen swale	--	--	--	--
2	Esplanade Ave West	Earthen trapezoidal	--	--	0.08	806
3	Esplanade Ave	Earthen trapezoidal	0.02	72	0.22	2502
4	Esplanade Ave East	Earthen trapezoidal	--	--	0.22	2434
5	California Ave	Earthen trapezoidal (riprap banks)	--	--	3.81	5261
6	Heartland Village Basin	Basin	0.1	--	9.52	--
7	Old Warren Rd North	Earthen swale	--	--	--	--
8	Devonshire Ave West	Earthen v-ditch	0.01	102	0.02	150
9	Warren Rd West Side	Earthen v-ditch	--	--	--	--
10	Warren Rd East Side	Earthen swale	--	--	0.02	908
11	Old Warren Rd East Side	Earthen swale	--	--	--	--
12	Old Warren Rd West Side	Earthen swale	--	--	--	--
13	Myers St South	Earthen v-ditch	--	--	0.11	2316
14	Myers St North	Earthen v-ditch	--	--	0.07	793
15	Devonshire Ave North	Earthen v-ditch	--	--	0.21	2627
16	Devonshire Avenue	Earthen swale	--	--	--	--
17	Menlo Ave West	Earthen v-ditch	--	--	0.09	960
18	Menlo Ave East	Earthen v-ditch	--	--	0.04	641
19	Seattle Basin	Basin	0.04	--	0.78	2006
20	Valle Hermosa Basin	Basin	--	--	0.46	--
21	Buchanan & Taft Basin	Basin	--	--	0.16	--
22	Warren Rd South	Earthen v-ditch	--	--	0.1	2213
23	Warren Rd	Earthen trapezoidal	--	--	1.09	3132
24	Stetson Ave North	Earthen swale	--	--	--	--
25	Stetson Ave South	Earthen swale	--	--	--	--
26	Thornton & Cawston Basin	Basin	--	--	0.18	--
27	Salt Creek	Concrete banked trapezoidal	--	--	31.24	7241
28	Cawston Ave	Earthen swale	--	--	0.11	1433
29	Salt Creek North	Concrete lined	--	--	--	--
30	Salt Creek South	Earthen trapezoidal	--	--	--	--
31	Salt Creek West	Earthen trapezoidal	0.22	--	11.23	1830
32	State St South	Earthen trapezoidal	--	--	0.22	2355
33	State St North	Earthen trapezoidal	--	--	0.22	1574
	Total		0.39	174	60.20	41,182

Dredge/Fill volume: Not Applicable

Federal permit: U.S. Army Corps of Engineers (USACE) Regional General Permit No. SPL-2015-00381-DB

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 during construction activities.
- The Applicant will conduct the proposed maintenance activities in accordance with a Regional Board approved Mitigation, Monitoring and Reporting Plan (MMRP).

Offsite Water Quality Standards Mitigation Proposed:

- None

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

Appropriate BMPs will be implemented to reduce construction-related impacts to waters of the State per the requirements of Regional Board 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 the Applicant substantially comply with the requirements of State Water Resources Control Board General NPDES Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order Number 2012-0006-DWQ.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a Responsible Agency, the Regional Board is required to consider an Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND) prepared by the lead agency in determining whether to approve an application submitted for a project to receive 401 Water Quality Certification. A responsible agency has responsibility to mitigate and avoid only the direct and indirect environmental effects of those parts of the project that 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.

As required by Section 15096, in approving this Certification, the Regional Board has considered the MND prepared by the City of Hemet for the proposed Project and filed with the Riverside County Clerk on April 10, 2007, and subsequent information provided in the Applicant's application. More specifically, the Regional Board has considered those sections of the MND pertaining to impacts to water quality standards. Based upon the mitigation proposed in the MND and the conditions set forth in this Certification, potentially adverse impacts to water quality standards should be reduced to a less than significant level and beneficial uses protected if all stated mitigation and conditions are performed. Thus, the Regional Board independently finds that changes or alterations have been incorporated into the Project that should 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) This Order authorizes the Applicant to perform the specified routine maintenance activities on an as-needed basis for the flood control facilities identified in Table 1. Upon completion of the specified maintenance actions, the basins and channel structures shall be returned to their original specifications.
- 2) This Order for Water Quality Certification will remain valid until USACE Regional General Permit No. SPL-2015-00381-DB expires, or through an extended period beyond the expiration date that is authorized in writing by the USACE.
- 3) This Order does not authorize emergency repair activities. The Applicant is required to apply for separate authorization to perform emergency repairs, should that be necessary
- 4) The Applicant must comply with the requirements of the applicable Clean Water Act Section 404 permit.
- 5) The Applicant shall ensure that all fees associated with this Project shall be paid to each respective agency prior to conducting any onsite construction activities.
- 6) A copy of this 401 Certification and any subsequent amendments must be maintained onsite for the duration of work as a denoted element of any of the maintenance activities detailed in this Certification.
- 7) The Applicant must provide a minimum 48-hour email notification to Regional Board staff prior to implementing maintenance as authorized under this Order. The notification must include the following: the Regional Board Project File Number facility name/location; and dates of planned work activities. Please email this notification to Jason Bill, Environmental Scientist, at jason.bill@waterboards.ca.gov.

- 8) The Applicant shall submit an Annual Report (for the period January 1 to December 31) to the Regional Board no later than March 1 of each year that documents the annual maintenance activities performed. The Annual Report should include, at a minimum, the following information: a summary of the types of maintenance activities performed, including the date(s) those activities were performed and the facilities where those activities occurred; a summary of the activities related to construction storm water controls and the BMPs used, if any; and a summary of any activities that deviated from those described in the original application and supporting documents. For excavation activities, include the volume of material removed from each of the facilities, the volume of that material used to backfill side slopes, and the volume of any excess material removed from the site for stockpiling.
- 9) The Applicant will submit a Mitigation Monitoring and Reporting Plan (MMRP) to the Regional Board for approval. The MMRP will focus on the removal of non-native plant species in the City of Hemet. Regional Board approval of the MMRP must be obtained prior to the discharge of fill to, or the dredging or excavation of material from, waters of the State of California.
- 10) Effective perimeter control BMPs must be in place at all times to control the discharge of pollutants from the Project site during maintenance operations. Maintenance waste must be contained and protected against wind and exposure to storm water at all times unless being actively handled. Chemical, fuel, and lubricant containers must be kept closed and protected from damage or upset at all times unless being actively used. Dirt and landscaping material stockpiles must have effective erosion control BMPs in place to prevent their being transported in storm water or directly into the channel, and may not be located within waters of the United States. Discharges of wastewater from the site are prohibited.
- 11) 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.
- 12) 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 from the Project site.
- 13) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such manner that petroleum products or other pollutants from the equipment might enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the State onsite, except as necessary to complete the proposed Project. No equipment shall be operated in areas of flowing water.

- 14) Where feasible, herbaceous vegetation and smaller woody vegetation should be hand cleared rather than mowed and should be mowed rather than brushed by a more disruptive means.
- 15) Application of all herbicides shall be made in accordance with label recommendations, all required and reasonable safety measures, and, where applicable, with appropriate permits and special local need registration requirements.
- 16) Aerial application of herbicides shall not be used.
- 17) Hand-held sprayers, rather than boom sprayers, shall be used wherever feasible.
- 18) Herbicides shall not be applied when wind speeds are in excess of five miles per hour and when rain is expected within six hours of application.
- 19) Herbicides shall never be applied on or near open water surfaces.
- 20) Field personnel shall be trained on the maintenance activities in and adjacent to drainages and basins allowed under this Certification and associated Conditions. Personnel should recognize native plants, wildlife, and cultural resources to avoid causing adverse impacts.
- 21) Construction dewatering discharges, including temporary stream diversions necessary to carry out the Project, are subject to regulation by Regional Board Order No. R8-2015-0004, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimis) Threat to Water Quality. For more information, please review Order No. R8-2015-0004 at www.waterboards.ca.gov/santaana/.
- 22) This 401 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 condition contained herein, or any conditions contained in any other permit or approval issued by the State of California or any subdivision thereof, may result in appropriate enforcement action, including the revocation of this Certification and imposition of administrative civil or criminal liability.

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 that the Applicant 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 401 Water Quality 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 certify 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/wqo_2003-0017.pdf

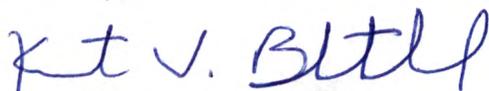
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Should there be any questions, please contact Jason Bill at (951) 782-3295 or jason.bill@waterboards.ca.gov, or Wanda Cross at (951) 782-4468 or wanda.cross@waterboards.ca.gov.

Sincerely,



Kurt V. Berchtold
Executive Officer

cc (via electronic mail):

Michael Baker International – Richard Beck – rbeck@mbakerintl.com

U. S. Army Corps of Engineers, Los Angeles Office - James Mace

CA Department of Fish and Wildlife – Jeff Brandt

State Water Resources Control Board, Office of Chief Counsel - David Rice

State Water Resources Control Board DWQ - Water Quality Certification Unit

U.S. EPA -Supervisor of the Wetlands Regulatory Office WTR-8 – Jason Brush

U.S. EPA, Region 9 – Wetlands Regulatory Office – Melissa Scianni

U.S. EPA, Region 9 – Wetlands Regulatory Office - Elizabeth Goldmann