



Santa Ana Regional Water Quality Control Board

October 31, 2012

Debbie Anderson
City of Riverside, Public Works Department
3900 Main Street, 4th Floor
Riverside, CA 92522

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE SYCAMORE CANYON BUSINESS PARK PROJECT,
CITY OF RIVERSIDE, RIVERSIDE COUNTY (ACOE REFERENCE NO. SPL-2011-
00971-JEM) (SARWQCB PROJECT NO. 332011-16)**

Dear Ms. Anderson:

On August 12, 2011, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification"), submitted on your behalf by Albert A. Webb Associates, for the Sycamore Canyon Business Park Project, located in Riverside. The purpose of this project is to provide two water quality basins to treat runoff water from Sycamore Canyon Business Park before it is conveyed to Sycamore Canyon Creek. 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) and subsequent Basin Plan amendments ("Basin Plan"):

Project description:

The project consists of the construction and operation of two (2) (the Central and Southern) water quality basins, which are part of the drainage plan for the Sycamore Canyon Business Park. Project activities will include placement of riprap, inlet and outlet structures, spillway, maintenance roads, drainage pipes, retaining walls, trash racks, and cutoff walls. Following construction, the area will be re-vegetated with native upland, wetland, and riparian species. In addition, a marsh will be created in each basin. Basins will include underground filtration systems consisting of perforated pipes wrapped with a pervious filter fabric. The underground filtration systems will be covered with a 12" layer of clean ¾" gravel, beneath a 12" layer of sand.

Both basins are in the city of Riverside. The Central Basin is located within Section 9 of Township 3 South, Range 4 West, of the U.S. Geological Survey Riverside East, California, 7.5-minute topographic quadrangle map (33° 55' 34.23" N/117° 18' 0.54" W). The project's Southern Basin is located within Section 10 of Township 3 South, Range 4 West, of the U.S. Geological Survey Riverside East, California, 7.5-minute topographic quadrangle map (33° 55' 18.67" N/117° 17' 39.59" W).

Receiving water: Unnamed tributaries to Sycamore Canyon Creek

Fill area: 0.051 acre (177.8 linear feet) of permanent impact to wetland waters of the United States, 0.101 acre of permanent impact to riparian waters of the United States, 0.310 acre of temporary impact to riparian waters of the United States, 0.430 acre (403.9 linear feet) of temporary impact to streambed waters of the United States, and 0.028 acre (122.3 linear feet) of permanent impact to streambed waters of the United States.

Dredge/Fill volume: 765 cubic yards

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 43

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.
- Creation of 0.61 acre of waters of the U.S. within the basins to offset the 0.051 acre of permanent impacts, resulting in a net increase of 0.532 acre of waters of the U.S. Revegetation will occur within the basins according to information contained in the project's Determination of Biological Equivalent or Superior Preservation Report, dated April 2011.

Offsite Water Quality Standards Mitigation Proposed:

- The applicant shall comply with all applicable requirements of the 1996 Habitat Conservation Plan for the Stephens' Kangaroo Rat (SKR) in Western Riverside County, as the project is located within the Habitat Conservation Plan (HCP) boundary. Since a portion of the project is located within a Core Reserve of the SKR HCP, the applicant is required to acquire and permanently dedicate one acre of occupied SKR habitat for each acre of occupied habitat disturbed, in accordance with the SKR HCP Implementing Agreement (Section III. Obligations of the Parties, A. Minimizing and Monitoring the Impacts of Incidental Take, 1. The Agency, the County and Cities, a. Protection of Core Reserves, 3. Construction of Public Facilities).
- The applicant has obtained 4.0 acres of mitigation credit within Metropolitan Water District of Southern California's (MWD) Southwestern Riverside County Multi-Species Reserve Mitigation Bank on land adjacent to the existing Skinner SKR Reserve.

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 Game 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 and proper implementation of a SWPPP during construction activities and a Water Quality Management Plan (WQMP), which shall include post construction monitoring and maintenance criteria.

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 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 Section 15091 and, if necessary, 15093, for each and every significant impact of the project. The Regional Board has considered the City's Mitigated Negative Declaration, approved on June 21, 2011, in the issuance of this Certification. The Regional Board independently 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) The proposed 0.61 acres of wetlands that are to be created to mitigate and compensate for impacts to 0.05 acres of wetlands shall be timely implemented.
- 3) Materials documenting the purchase of necessary SKR mitigation credits in the MWD Southwestern Riverside County Multi-Species Reserve Mitigation Bank shall be provided to this office prior to the discharge of fill to, or the dredging or excavation of material from, waters of the state.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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.

- 9) A copy of this Certification and any subsequent amendments must be maintained on site for the duration of work as a denoted element of any project SWPPP or WQMP.
- 10) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 11) Applicant shall ensure all procedures and policies specified within the project's WQMP shall adequately address any hydraulic conditions of concern that may result from this project.
- 12) Applicant shall implement all proposed mitigation efforts in a timely manner.
- 13) Applicant shall ensure that all proposed activities listed within the project's *Mitigation Monitoring and Reporting Program* (dated May 11, 2011), shall be implemented and reported upon in an efficient and timely manner.
- 14) 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/
- 15) 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.
- 16) Site mitigation assessments shall be conducted from October through December, or 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/wqo_2003-0017.pdf

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

Sincerely,



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

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Jason Lambert
Department of Fish and Game – Kimberly Freeburn
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
Albert A. Webb Associates – Sonya Hooker,
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