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## Santa Ana Regional Water Quality Control Board

April 27, 2015

Warren D. Williams  
General Manager-Chief Engineer  
Riverside County Flood Control and Water Conservation District  
1995 Market Street  
Riverside, California 92501

fcexcsec@rcflood.org

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
CERTIFICATION FOR SANTA ANA RIVER HOMELESS ENCAMPMENT CLEANUP,  
CITIES OF RIVERSIDE AND JURUPA VALLEY AND UNINCORPORATED  
RIVERSIDE AND SAN BERNARDINO COUNTIES (ACOE CORPS FILE NO. NOT  
AVAILABLE) (SARWQCB PROJECT NO. 332015-10)**

Dear Mr. Williams,

On April 16, 2015, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the Riverside County Flood Control and Water Conservation District (RCFCWCD) for a project in the Cities of Riverside and Jurupa Valley and in the unincorporated areas of Riverside and San Bernardino Counties. Project activities will commence after the Riverside County Sheriff removes homeless individuals residing in specific areas surrounding the Santa Ana River. The project will be necessary immediately once the Sheriff's action is taken to prevent re-habitation of the project area by homeless persons. The scope of the project entails the removal of the temporary structures, trash, hazardous materials and other debris from the Santa Ana River. The project's fee requirement for consideration of a 401 Certification is \$4050.00, which will be paid prior to the commencement of project activities in Waters of the United States. 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 most current iteration of California Code of Regulations, Division 3, Chapter 9, Article 1, section 2200 (a) (3). 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:** To remove the homeless encampment materials from the Santa Ana River Channel, RCFCWCD proposes to construct temporary access ramps into the river channel. Additionally, trails to each encampment area will need to be developed within areas surrounding the Santa Ana River, in order to allow Hazardous Materials all-terrain vehicles, excavators, wheeled front end loaders, and tracked skid steers to access the areas and remove abandoned domestic materials and debris.

The work will take place in the Santa Ana River between the South Riverside Avenue Crossing in unincorporated San Bernardino County the Market Street Crossing located within the Cities of Riverside and Jurupa Valley in Riverside County. Project activities will occur in an un-sectioned area of Township 2 South, Range 5 West, of the U.S. Geological Survey *Riverside West, Fontana, and San Bernardino South* 7.5 minute topographic quadrangle maps (34.009° N/ - 117.378° W).

**Receiving water:** Santa Ana River Reach 4 which has present or potential beneficial uses, including: 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).

**Fill area:**

Temporary Impact to Waters of the United States	0.1 acre	300 linear feet
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**Dredge/Fill volume:** N/A

**Federal permit:** U.S. Army Corps of Engineers Permit Nationwide No. 3

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.

**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 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.

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 conditions contained in any other permit or approval for this project issued by the State of California, or any subdivision thereof, may result in appropriate enforcement action, including imposition of administrative civil liability.

Pursuant to the California Environmental Quality Act (CEQA), RCFCWCD, as the lead agency for approval of this project, filed a Notice of Exemption pursuant to CEQA Guidelines Section 15269(c) with the County Clerk of the County of Riverside on March 27, 2015, which declares that the project undertakes "specific actions necessary to prevent or mitigate an emergency." The Regional Board has independently considered the City's Notice of Exemption in the issuance of this Certification and finds that no changes or alterations to the proposed project are necessary to 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) 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.
- 3) A copy of this Certification and any subsequent amendments must be maintained on site for the duration of project activities.
- 4) Equipment used for project activities may not be operated within 10 feet of flowing water in the low flow channel of the Santa Ana River.

- 5) All materials generated from project activities 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. Additionally no materials may be stored within waters of the United States or Waters of the State of California.
- 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) Vegetation removal for project activities shall be minimized to the maximum extent practicable.
- 9) Access ramps developed for project activities must be removed at the end of the project.
- 10) Rare species occurrences within the project area will be mapped prior to the commencement of project activities. Appropriate exclusion areas will be established around the mapped occurrences.
- 11) 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.
- 12) 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.

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.

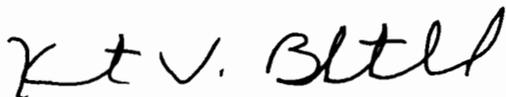
In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean 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 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](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo_2003-0017.pdf)

Should there be any questions, please contact Jason Bill at (951) 782-3295 or [Jason.Bill@waterboards.ca.gov](mailto:Jason.Bill@waterboards.ca.gov).

Sincerely,



Kurt V. Berchtold  
Executive Officer

cc (via electronic mail):

Riverside County Flood Control District – Mike Wong – [MWONG@rcflood.org](mailto:MWONG@rcflood.org)  
U. S. Army Corps of Engineers, Los Angeles Office - James Mace  
CA Department of Fish and Wildlife – Kim Freeburn-Marquez  
State Water Resources Control Board, Office of Chief Counsel-David Rice  
State Water Resources Control Board DWQ -Water Quality Certification Unit  
U.S. EPA - Jason Brush - [Brush.Jason@epa.gov](mailto:Brush.Jason@epa.gov)