



Santa Ana Regional Water Quality Control Board

March 16, 2015

Deirdre West
The Metropolitan Water District of Southern California
700 North Alameda Street
Los Angeles, CA 90054

dwest@mwdh2o.com

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR UPPER FEEDER STA 75+38 ARIZONA CROSSING
PROJECT, NORTHWESTERN UNINCORPORATED RIVERSIDE COUNTY (ACOE
CORPS FILE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 332014-28)**

Dear Ms. West,

On December 13, 2014, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the Metropolitan Water District of Southern California (MWD) for a project in an unincorporated area of Northwestern Riverside County. The project will remove a road crossing with an existing 18" diameter culvert and replace the structure with a concrete "Arizona Crossing". On December 13, 2014, the applicant submitted a check for \$600.00, with the Certification application materials, which satisfies part of this project's fee requirement of \$3,000 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 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: MWD proposed to construct a new low water "Arizona" road crossing within the footprint of an existing unpaved access road through an unnamed drainage. The low water crossing will replace an existing section of unpaved road with an 18 inch culvert. The low water crossing will consist of concrete apron. A riprap pad, downstream of the current road, will be temporarily removed and will be reconstructed after construction of the low water crossing. Flow will be temporarily diverted around the construction area by use of a

temporary earthen berm, pump, and pipe. Flows would be put back into the channel below the construction area once construction is complete. Two arroyo willow saplings will be removed and a black willow tree will be trimmed for construction of the project.

The work will take place within Sections 21 and 22 of Township 4 South, Range 6 West, of the U.S. Geological Survey *Corona South* and *Lake Matthews* 7.5 minute topographic quadrangle maps (33.805° N/ -117.500° W).

Receiving water: Unnamed tributary of the Riverside Canal, which flows into Temescal Creek and the Santa Ana River. The designated beneficial uses of Temescal Creek include: agricultural supply (AGR), industrial service supply (IND), groundwater recharge (GWR), water contact recreation (REC1), non-contact water recreation (REC2), limited warm freshwater habitat (LWRM), and wildlife habitat (WILD).

Fill area:

| | | |
|-------------------------------------|------------|----------------|
| Temporary Impact to Wetland Habitat | 0.004 acre | 20 linear feet |
|-------------------------------------|------------|----------------|

Dredge/Fill volume: 10 cubic yards

Federal permit: U.S. Army Corps of Engineers Permit Nationwide No. 14

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.
- Temporary impact areas will be restored to pre-construction contours and revegetated.

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 the 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 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 Sections 15091 and, if necessary, 15093, for each and every significant impact of the project.

Pursuant to the California Environmental Quality Act (CEQA), the MWD filed a CEQA Guidelines Section 15301 "Class 1" and Section 15302 "Class 2" Categorical Exemption with the Riverside County Clerk/Recorder and State Clearinghouse of the Office of Planning and Research on November 26, 2014, which declares that the project involves the minor alteration of existing public or private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The Regional Board has independently considered the MWD's Categorical 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 work as a denoted element of any project Storm Water Pollution Prevention Plan (SWPPP).
- 4) Prior to construction activities, the project proponent shall delineate the work area with brightly colored fencing or other methods to ensure both temporary and permanent impacts to Waters of the United States and Waters of the State of California do not exceed the limits authorized in this certification.
- 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. Additionally no materials maybe 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) 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) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.

- 11) 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/

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

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

Sincerely,



Kurt V. Berchtold
Executive Officer

cc (via electronic mail):

The Metropolitan Water District – Malinda Stalvey– mstalvey@mwdh2o.com
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 -Supervisor of the Wetlands Regulatory Office WTR-8