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MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

March 22, 2016

Mr. Scott L. Drane
Kaiser Foundation
182 Granite Street #106
Corona, CA 92879

Scott.L.Drane@kp.org

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR KAISER PERMANENTE MURRIETA MEDICAL CENTER PROJECT, CITY OF MURRIETA, RIVERSIDE COUNTY (USACE CORPS FILE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 332015-28)

Dear Mr. Drane:

On October 9, 2015, the San Diego Water Quality Control Board received from Kaiser Foundation (Applicant), an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") for a project to construct a medical center in the City of Murrieta in Riverside County (Project). The San Diego Water Quality Control Board determined that the Project is not located within their jurisdictional area, and transferred the application to the Santa Ana Regional Board (Regional Board) on November 10, 2015. The Applicant submitted a check for \$1,097.00 with the Certification application materials, 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 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, as described in your application and summarized below, will comply with State water quality standards identified in the Water Quality Control Plan for the Santa Ana River Basin (1995) (Basin Plan) and subsequent Basin Plan amendments:

Project Description: The proposed Project consists of the phased construction of a medical center that will result in impacting two water features. The Applicant will undertake activities to enhance the beneficial uses of a depressional water feature located in the northwestern portion of the Project site including the removal of debris, rubbish and non-native vegetation, and

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the planting of native species, however, the activities will result in temporary impacts on the water. The second area of impact will be located in the southeast portion of the site where an existing small wetland area will be removed in order to construct a water quality basin. The removal is considered a permanent water quality impact.

The work will take place within Sections 22 and 23 of Township 6 South, Range 3 West, of the U.S. Geological Survey *Romoland* 7.5 minute topographic quadrangle map (33.628424° N/ -117.168760° W).

Receiving water: An unnamed tributary to Salt Creek. Salt Creek has designated beneficial uses (existing or potential) that include: groundwater recharge (GWR), limited warm freshwater habitat (LWRM), and wildlife habitat (WILD).

Fill area:

Temporary Impacts to Waters of the United States	0.20 acre	not applicable
Permanent Impacts to Waters of the United States	0.07 acre	100 linear feet.

Dredge/Fill volume: Not Applicable

Federal permit: U.S. Army Corps of Engineers (USACE) Permit Nationwide No. 18 – Minor Discharges

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 impacts to waters of the United States will be mitigated through a restoration effort that includes 0.20 acre trash and debris removal, removal of non-native species, and revegetation with native species within the Project area. The restoration will be guided by a Regional Board approved Mitigation Plan.

Offsite Water Quality Standards Mitigation Proposed:

- The Applicant will mitigate 0.07 acre permanent impacts through the purchase of 0.4 acre mitigation credit with the Riverside-Corona Resource Conservation District (RCRCD) In-Lieu-Fee Program.

Should the proposed Project have the potential to 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 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 the Environmental Impact Report (EIR) 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 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, the Regional Board has considered the EIR and its amendment prepared by the City of Murrieta for the proposed Project and filed with the Riverside County Clerk (RCC) on February 4, 2016, and subsequent information provided in the Applicant's application, in approving this Certification. More specifically, the Regional Board has considered those sections of the EIR pertaining to impacts to water quality standards. Based upon the mitigation proposed in the EIR 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) Prior to the initiation of Project activities, the Applicant shall submit for Regional Board approval, a plan to enhance the surface water located in the area temporarily disturbed by Project activities (Mitigation Area). The enhancement plan shall include the following information: (a), a description of the existing physical and biological conditions of the Mitigation Area, including an evaluation of present and potential beneficial uses; and (b), a management action plan for the entire Mitigation Area, including but not limited to, restoration plantings, the removal of nonnative plant species and any re-contouring of the streambed.

- 2) This Order for Water Quality Certification will remain valid until the USACE 2012 Nationwide permits expire on March 18, 2017, or through an extended period beyond the expiration date that is authorized in writing by the USACE.
- 3) The Applicant must comply with the requirements of the applicable Clean Water Act Section 404 permit.
- 4) The Applicant shall comply with the requirements of the applicable California Department of Fish and Wildlife Lake and Streambed Alteration Agreement.
- 5) The 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.
- 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 Project Storm Water Pollution Prevention Plan (SWPPP).
- 7) Prior to construction activities, the Applicant shall delineate the work area with brightly colored fencing or other methods to ensure temporary impacts to waters of the United States and waters of the State of California do not exceed the limits authorized in this Certification.
- 8) Effective perimeter control BMPs must be in place at all times to control the discharge of pollutants from the Project site during construction. Construction 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.
- 9) 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.
- 10) 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.
- 11) 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 on-site, except as necessary to complete the proposed Project. No equipment shall be operated in areas of flowing water.

- 12) 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.
- 13) Construction de-watering 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 Minimus) Threat to Water Quality. For more information, please review Order No. R8-2015-0004 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 that the Applicant submit a Report of Waste Discharge and obtain Waste Discharge Requirements.

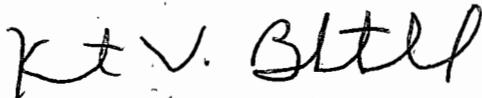
In the event of any violation or threatened violation of the conditions of this 401 Water Quality Certification, the holder of any permit or license subject to this Certification shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of Section 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(s) 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, or Wanda Cross at (951) 782-4468 or wanda.cross@waterboards.ca.gov.

Sincerely,



Kurt V. Berchtold
Executive Officer

cc: Dudek – Linda Archer – larcher@dudek.com
U. S. Army Corps of Engineers, Los Angeles Office – Peggy Bartels
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 Section – Jason A. Brush