



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

May 25, 2016

Ms. Grace Williams
March Joint Powers Authority
23555 Meyer Drive
Riverside, CA 92518

williams@marchjpa.com

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR HEACOCK CHANNEL IMPROVEMENT PROJECT, CITY OF MORENO VALLEY, RIVERSIDE COUNTY (USACE FILE NO. SPL-2013-00848-JEM) (SARWQCB PROJECT NO. 332015-11)

Dear Ms. Williams,

On April 20, 2015, we received from the March Joint Powers Authority (Applicant) an application requesting Clean Water Act Section 401 Water Quality Standards Certification ("Certification") for a project to convert an earthen drainage to a fully lined concrete flood control channel in the city of Moreno Valley (Project). The Project will be implemented as a multi-jurisdictional effort. Agencies involved in the construction of the Project include March Air Reserve Base, March Joint Powers Authority, and the City of Moreno Valley. The Applicant submitted a check for \$600.00 with the Certification application materials, and a second check for \$14,652.00 on June 19, 2015, 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 concrete line Heacock Channel, an ephemeral stream, to provide flood control capacity at the 100-year flood flow level in order to protect properties located in vicinity of the Project area. The Project will be constructed in three stages. The Stage 1 channel design is a 25-foot base width and 15-foot deep trapezoidal concrete channel that extends 3,590 linear feet from the intersection of Cactus Avenue and Heacock Street to the northernmost limit of an existing sanitary landfill located south of John F. Kennedy/Meyer Drive. The channel design in Stage 2 is for a rectangular concrete-lined channel with a 35-foot base width and a depth of 15 feet. Phase 2 would traverse 2,625 linear

WILLIAM RUH, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

♻️ RECYCLED PAPER

feet, the length of the City of Moreno Valley Parks Department property that runs from south of Meyer Drive to north of Midway Street. The Stage 3 design will consist of a 1,700-linear foot concrete box culvert 35 feet in width and 15 feet in height, and 1,500 linear feet of rectangular open concrete channel 35 feet in width and 15 feet in depth. Stage 3 will end where Heacock Channel leaves March Air Reserve Base south of Krameria Avenue.

The work will take place within the jurisdictional boundaries of March Joint Powers Authority, the City of Moreno Valley, and March Air Reserve Base in Riverside County in Sections 13, 24 and 25 of Township 3 South, Range 4 West, of the U.S. Geological Survey *Sunnymead* 7.5 minute topographic quadrangle map (33.805° N/ -117.500° W).

Receiving water: Heacock Channel, which flows into Perris Valley Storm Drain, a tributary of San Jacinto River, Reach 3. San Jacinto River, Reach 3, 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).

Fill area:

Permanent Impact to Wetland Habitat	0.57 acre	2,225 linear feet
Permanent Impact to Non-Wetland Waters	2.12 acres	8,539 linear feet

Dredge/Fill volume: Not Applicable

Federal permit: U.S. Army Corps of Engineers (USACE) Individual Permit No. SPL-2013-00848-JEM

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:

- The Applicant shall provide sufficient funds to a Regional Board Due Diligence Approved Entity for the acquisition, conservation, and long-term management of no less than 12.12 acres of riparian habitat within the Santa Ana and/or San Jacinto River watershed. The mitigation site and conservation entity shall be pre-approved by the Regional Board.

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 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 prepared by the March Joint Powers Authority for the proposed Project and filed with the Riverside County Clerk (RCC) on December 19, 2015, 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 standards to a less than significant level.

This 401 Certification is contingent upon the execution of the following conditions:

- 1) This Order for Water Quality Certification will remain valid until the USACE 2012 Individual Permits expires, or through an extended period beyond the expiration date that is authorized in writing by the USACE.
- 2) The Applicant must comply with the requirements of the applicable Clean Water Act Section 404 permit.
- 3) 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.
- 4) 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).
- 5) The proposed mitigation shall be implemented in a timely manner. A copy of the transfer of funds for the purchase, conservation, and long-term management of a minimum of 12.12 acres of mitigation property from the March Joint Powers Authority to the Regional Board Due Diligence Approved Agency shall be provided to the Regional Board prior to the discharge of fill to, or the dredging or excavation of material from, waters of the State of California.
- 6) The Project design criteria will ensure that flow velocities leaving from the Project area shall not cause sedimentation downstream in order to protect downstream habitat in the Perris Valley Storm Drain and San Jacinto River.
- 7) The limits of the sanitary landfill will be located and delineated prior to the commencement of Phase 2 construction activities. Construction activities shall avoid impacts to the landfill cap.
- 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) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 13) 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 Minimus) Threat to Water Quality. For more information, please review Order No. R8-2015-0004 at www.waterboards.ca.gov/santaana/.
- 14) 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

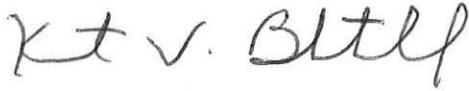
Ms. Grace Williams
March Joint Powers Authority
332015-11

- 7 -

May 25, 2016

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):

Glenn Lukos Associates, Inc. – David Moskovitz – dmoskovitz@wetlanpermitting.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 – Jason Brush