

Colorado River Basin Regional Water Quality Control Board

February 2, 2015

Mr. David Barakian
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palms Springs, CA 92262

RE: ORDER FOR TECHNICALLY-CONDITIONED CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS

PROJECT: This federal Clean Water Act Section 401 Water Quality Certification (WQC) (33 U.S.C. § 1341) is written for the City of Palm Springs - Ramon Road Widening Project, WDID NO.7A333142001

APPLICANT: City of Palm Springs

- ACTION:**
1. Order for Standard Certification
 2. Order for Technically-Conditioned Certification
 3. Order for Denial of Certification

STANDARD CONDITIONS:

The following standard conditions apply to all certification actions, except as noted above under Action 3 for denials.

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR

section 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. The validity of any non-denial certification action (Actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.
4. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under State law. For purposes of Clean Water Act (CWA) section 401(d), 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 Water Quality Certification (WQC).
 - a. In response to a suspected violation of any condition of this WQC, the Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Colorado River Basin Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - b. In response to any violation of the conditions of this WQC, the Colorado River Basin Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

ADDITIONAL CONDITIONS:

The following additional conditions apply to this certification:

1. This WQC applies towards the proposed project (Project) as described in a 401 application received by the Colorado River Basin Water Board on June 16, 2014 and an updated application was received January 2, 2015.
2. The Applicant shall provide the Colorado River Basin Water Board and other interested agencies with written notification of any significant modifications made to the Project prior to implementation of the modifications.
3. This WQC does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

4. This WQC does not authorize the Applicant or any associated party to trespass on any land or property unless the applicant has obtained written authorization or acquired a special use authorization permit from the land or property owner.
5. A copy of this WQC shall be provided to the appropriate onsite Supervisor for the Project. All personnel performing work on the proposed Project shall be familiar with the content of this WQC. Copies of the WQC shall be readily available at the Project site at all times during periods of active work and shall be presented to regulatory agency representatives upon request.
6. The Applicant shall grant Colorado River Basin Water Board staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to enter the Project site at reasonable times, to ensure compliance with the terms and conditions of this WQC and/or to determine the impacts the Project may have on waters of the United States.
7. The proposed Project shall not be enlarged or extend beyond the proposed Project impact area. The Applicant shall delineate the Project boundaries and staging areas with stakes, flags and/or temporary construction fencing.
8. The area of vegetation and soil disturbance shall be restricted to the smallest extent possible.
9. The Project shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.
10. The Project shall not discharge waste classified as "hazardous" as defined in Title 23 California Code of Regulations (CCR) section 2521, California Health and Safety Code section 25140, and Title 22, CCR, section 66260.10 et seq.
11. No oil, petroleum products, or rubbish shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the United States.
12. No equipment maintenance will be done within or near any stream channel where petroleum products or other pollutants from the equipment may enter waters of the United States.
13. Equipment refueling shall not occur within waters of the United States.
14. Any oil or grease leaks shall be immediately cleaned up.

15. The Applicant shall ensure that all contaminated material and/or contaminated soil removed or excavated from the Project site is properly loaded, transported, and disposed of in accordance with Federal, State, and local regulations.
16. Staging/storage areas for equipment and materials shall be located outside of waters of the United States.
17. The Applicant shall ensure that all disturbed and filled areas are adequately stabilized and protected from erosion and siltation by implementing appropriate soil stabilization, sedimentation and silt control measures.
18. Any flow diversion used during construction shall be designed in a manner to prevent pollution, minimize siltation, and shall provide flows to downstream reaches. Flows shall be maintained to support existing aquatic life and riparian wetlands and habitat that may be located upstream and downstream from any temporary diversion.
19. The Applicant shall restore drainages, to the greatest extent possible, to the original bank configuration, stream bottom width, and channel gradient.
20. All temporary facilities and impacts shall be removed and restored to the preexisting conditions and contours to the extent practicable.
21. Construction related materials and wastes shall be removed from the Project site upon completion of the Project.
22. The Applicant shall submit Notice to the Colorado River Basin Water Board within 60-days of completion of the Project. The Notice shall include: 1) a detailed summary of the mitigation and restoration activities implemented during the Project and 2) provide photographic documentation that supports the information summarized in the Notice.
23. The Colorado River Basin Water Board reserves the right to suspend, cancel, or modify and reissue this WQC, after providing notice to the Applicant and/or responsible Site-Supervisor, if the Colorado River Basin Water Board determines that the Project fails to comply with any of the terms or conditions of this WQC.
24. The Applicant shall orally notify the Colorado River Basin Water Board of any noncompliance that may impact the beneficial uses of waters of the United States, as soon as notification is possible and notification can be provided without substantially impeding measures necessary to address the noncompliance.

February 2, 2015

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

If you have any questions, please contact Jay Mirpour, Water Resources Control Engineer, at (760) 776-8981 or jmirpour@waterboards.ca.gov.

WATER QUALITY CERTIFICATION:

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.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' Project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Colorado River Basin Water Board's Water Quality Control Plan (Basin Plan).



ROBERT PERDUE, Executive Officer
Colorado River Basin Regional Water Quality Control Board

JJM/

cc: James Mace, U.S. Army Corps of Engineers, Los Angeles District
Bill Orme, SWRCB, Division of Water Quality, Water Quality Certification Unit
Elizabeth Goldmann, U.S. Environmental Protection Agency, Region 9
Thomas A. Vandenberg, Office of Chief Counsel, SWRCB

File: City of Palm Springs - Ramon Road Widening Project, WDID NO.7A333142001

PROJECT INFORMATION

Application Date: This WQC applies towards the proposed project (Project) as described in a 401 application received by the Colorado River Basin Water Board on June 16, 2014 and updated information was received was received January 2, 2015.

Applicant: City of Palm Springs
Contact: Mr. David Barakian (760) 323-8252

Applicant Representative: Terra Nova Planning & Research, Inc.
Contact: Mr. John D. Criste (760) 341-4800

Project Name: City of Palm Springs - Ramon Road Widening Project, WDID NO.7A333142001

Start and Completion: The project is expected to start construction January 1, 2017 and an anticipated completion date of December 31, 2019.

Project Description: Ramon Road is a major intercity arterial roadway connecting the City of Palm Springs on the west with Cathedral City, Rancho Mirage, and other communities to the east. Both east and west of the subject roadway/bridge, Ramon Road is a six lane arterial. The subject roadway segment provides only 4 travel lanes resulting in a gap in roadway capacity and congestion and delays. The project will also widen the Ramon Road bridge over the Whitewater River from 4 to 6 lanes and thereby improve all-weather access.

Ramon Road Widening Project is a roadway and bridge-widening project extending from San Luis Rey on the west to Landau Blvd. on the east. The project is a roadway capacity gap closure designed to construct one additional travel lane in each direction, providing three lanes in each direction. Bridge widening includes extensions of bridge pylons up and downstream to support widened bridge deck and expanded non-motorized access. Bridge widening also includes construction of concrete apron in the channel under, upstream and downstream of the bridge.

Project Location: City or area: Cities of Palm Springs & Cathedral City, Riverside County, California.
Longitude/Latitude: W 116° 28' 43.81" by N 33° 48' 12"

Sections: 16, 17, 20 & 21 Township/Range: 4 South, Range
5 East, San Bernardino Base Meridian

Receiving Water(s): Whitewater River, which is a tributary to the Salton Sea

**Acres and Linear Feet
Impacted:**

Streambed (vegetated): 0.48 acre permanent, 2.96 temporary
acres

**Standard Best
Management
Practices (BMPs):**

- No toxic and/or hazardous materials shall be stored near or within wash/drainage areas. To extent possible, these materials will be offsite and/or placed in appropriate secondary containment.

- Work and staging areas and temporary access routes will be sized, located and flagged so as to limit potential impacts to natural areas. Previous disturbed areas will be used to the extent feasible.

- No fueling or maintenance of equipment and/or vehicles shall occur adjacent or within the wash/drainage areas.

- Spoil sites shall not be located where spoil could be washed back into the river, or where spoil will cover aquatic or riparian vegetation. Any materials placed in seasonally dry portions of the canal/ drainage areas that could be washed downstream or could be harmful to aquatic life shall be removed from the streambed prior to inundation by high flows.

- After completing the activities, the disturbed area will be restored to pre-existing contours and conditions to the extent feasible.

Additional BMPs:

Perimeter controls will be designed to intercept and settle out soil particles that have been detached and transported by the force of water. The Water Pollution Control Manager (WPCM) shall install California Stormwater Quality Association (CASQA) BMPs SE-1 Silt Fence and SE-6 Gravel Bag Berm perimeter controls in all areas practical for this Project. For the phases of the Project associated with bridge widening and construction, and channel cutoff wall

improvements, silt fences will be placed along the toe of all channel slopes within the temporary or permanent disturbed construction areas of the Whitewater River as well as across the downstream perimeter of the temporary disturbance construction area of the riverbed. Silt fences will be placed on both sides of the clear water diversion channel during bridge widening and construction. For the street improvements associated with the Project along Ramon Road, the storm drain inlets serve as the perimeter of the Project. CASQA BMP SE-10 Storm Drain Inlet Protection will be used around catch basins downstream of construction areas.

The WPCM shall install stabilized construction entrances per CASQA BMP TC-1 Stabilized Construction Entrance/Exit at all construction entrance and exit points within the construction site areas. The off-site streets outside of the construction entrances will also be swept, vacuumed, or cleaned daily to prevent tracking onto public streets/surfaces.

Stockpile management will be implemented for all material stockpiles (including landscape materials).

The WPCM shall implement wind erosion control per CASQA BMP WE-1 Wind Erosion Control in conjunction with water conservation practices per CASQA BMP NS-1 to disturbed areas throughout the Project site to provide dust control and prevent discharges from earthwork and other dust producing activities. Maintaining optimum moisture levels will aid in dust control and also provide compaction of soil which will reduce dust.

The WPCM shall minimize the disturbance of steep slopes where practical. Slopes for this Project that will be disturbed are improved levee slopes and will have silt fences placed along the toe of all channel slopes per CASQA BMP SE-1 within the temporary or permanent disturbed construction areas of the Whitewater River. The WPCM shall also install soil binders.

The WPCM shall implement the CASQA BMPs EC-2 Preservation of Existing Vegetation to ensure the protection and preservation of existing vegetation in work areas within

the Whitewater riverbed as long as practicable prior to disturbance activities. The WPCM shall also preserve and protect existing vegetation adjacent to work areas.

Soil designated in the project plans to be compacted, but will not be covered with improvements, and that are steeper than 10%, shall be track walked, then sprayed with the CASQA BMP EC-5 Soil Binders. For the street improvements associated with the Project along Ramon Road, CASQA BMP SE-10 Storm Drain Inlet Protection will be used around catch basins downstream of construction areas. During construction of bridge pier extensions, the Whitewater Riverbed will be dry. In the event of rain, the WPCM shall install a temporary Clear water diversion channel between bridge piers per CASQA BMP NS-5 Clear Water Diversion.

Federal Permit(s): U.S. Army Corps of Engineers Section 404 Permits No SPL-2014-00114-JEM

Status of CEQA: Lead Agency (City of Palm Springs) approved the above project on May 15, 2014 and has made the determinations that the 1) the project will not have a significant effect on the environment 2) A negative Declaration was prepared for this project pursuant to the provisions of CEQA 3) Mitigation measures were made a condition of the approval of the project 4) A mitigation reporting or monitoring plan was adopted for this project 5) A statement of Overriding Considerations was not adopted for this project 6) Findings were made pursuant to the provisions of CEQA. State Clearinghouse Number: 2014031055.

The Colorado River Basin Water Board staff has reviewed the CEQA documentation and supporting documents, and has concluded that compliance with the BMPs and mitigation measures should prevent any significant impacts to water quality.