



California Regional Water Quality Control Board
Colorado River Basin Region



Linda S. Adams
 Secretary for
 Environmental Protection

73-720 Fred Waring Drive, Suite 100, Palm Desert, California 92260
 (760) 346-7491 • Fax (760) 341-6820
<http://www.waterboards.ca.gov/coloradoriver>

Arnold Schwarzenegger
 Governor

August 24, 2009

Ms. Catherine Vos
 Granite Construction Company, Inc.
 38000 Monroe Street
 Indio, CA 92203

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

PROJECT: Granite Construction Company, Inc. - Site Rehabilitation Project

APPLICANT: Granite Construction Company, Inc.

- 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 Subsection 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.

California Environmental Protection 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 Regional Water Quality Control Board (Regional 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 Regional 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 Regional 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 as described in the 401 application received by the Regional Water Board on June 10, 2009. The Applicant shall provide the Regional Water Board and other interested agencies with written notification of any significant modifications made to the project prior to implementation of the modifications.
2. 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.
3. 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.
4. 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.
5. The Applicant shall grant Regional 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.

6. The proposed projects 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.
7. The area of vegetation and soil disturbance shall be restricted to the smallest extent possible.
8. Projects shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.
9. Projects shall not discharge waste classified as "hazardous" as defined in Title 22 CCR section 66261 and the California Water Code section 13173.
10. 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.
11. 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.
12. Equipment refueling shall not occur within waters of the United States.
13. Any oil or grease leaks shall be immediately cleaned up.
14. 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.
15. Staging/storage areas for equipment and materials shall be located outside of waters of the United States.
16. 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.
17. 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.
18. The Applicant shall restore drainages, to the greatest extent possible, to the original bank configuration, stream bottom width, and channel gradient.



19. All temporary facilities and impacts shall be removed and restored to the preexisting conditions and contours to the extent practicable.
20. Construction related materials and wastes shall be removed from the project site upon completion of the project.
21. The Applicant shall submit Notice to the Regional Water Board within 60-days of completion of the Project. The Notice shall include: 1) a detailed summary of the mitigation and restorations activities implemented during the project and 2) provide photographic documentation that supports the information summarized in the Notice.
22. The Regional 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 Regional Water Board determines that the project fails to comply with any of the terms or conditions of this WQC.
23. The Applicant shall orally notify the Regional 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 stop and contain the unauthorized discharge.

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 Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



ROBERT PERDUE
Executive Officer

JJM/

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

File: 401 Granite Construction Company, Inc., WDID No. 7A333094001



Mailing List:

**Mark Durham
Regulatory Branch
Los Angeles Office
U.S. Army Corps of Engineers
P.O. Box 532711
Los Angeles, CA 90053-2325**

**Bill Orme (*)
Water Quality Certification Unit
Division of Water Quality
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814**

**David Smith
Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105**

**Thomas A. Vandenberg (*)
Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814**

Note: (*) will e-mail electronic copy



PROJECT INFORMATION

Application Date: Received on June 10, 2009

Applicant: Granite Construction Company, Inc.
38000 Monroe Street
Indio, CA 92203

Applicant Representative: Michael Brandman Associates
Contact: Paul Mead, (909) 884-225

Project Name: Granite Construction Company, Inc. - Site Rehabilitation Project

Project Start and Completion: Work will begin within two weeks of receiving all necessary permits and conclude 60 days thereafter. Only the filling of the depression area will continue along with Phase 1 mining as per the reclamation plan.

Project Description (purpose/goal):

The project consists of reclamation work on Granite Construction and CVWD property to remove soil stockpiles and scattered concrete debris from the river channel (Mostly within CVWD property), filling a small pit (outside of the river channel) and re-contouring areas to site grade within the approximate eight-acre area of the 29.9-acre project boundary. These activities are designed to improve the overall functional capacity of the Whitewater River and facilitate wildlife movement into the river (Particularly movement of the federally listed Coachella Valley Fringe-Toed Lizard (*Uma inornata*)).

Project Location:

North Palm Springs, County: Riverside
Longitude/Latitude: 33° 53' 17" N, 116° 32' 25" W, Township/Range:
T3 South, R4 West, Section 26

Receiving Water(s): Whitewater River, Salton Sea

Fill/Excavation Area (acres): None

Dredge Volume (cy): The soil/debris to be removed (approximately 11,000 tons) do not involve dredge activities (no excavation below natural grade of the river/flood-plain). Assuming a standard of 100 pounds/cubic foot of sand, the project will remove approximately 4,074 cubic yards



of material. The activity restores the natural contour of the Whitewater River channel/floodplain.

Mitigation:

The project purpose is the on-site restoration of 3.0 acres of non-wetlands waters of the U.S. Pursuant to NWP-27, no additional compensatory mitigation is proposed.

Federal Permit(s):

U.S. Army Corps of Engineers Section 404 Permit - Pending

Status of CEQA:

CEQA - Notice of Determination, ID No. 0652.32, Approved on 01/16/2009 by Coachella Valley Water District (CEQA Lead Agency). The Regional Water Board determined that the proposed project is categorically exempt from CEQA per CEQA Guidelines §15304 (minor alteration to land). In accordance with CEQA Guidelines Section 15062, the Regional Water Board shall file a Notice of Exemption with the Office of Planning and Research upon approval of the CWA Section 401 WQC.

Reference No.:

401 Granite Construction Company, Inc., WDID No. 7A333094001





California Regional Water Quality Control Board

Colorado River Basin Region



Linda Adams
CalEPA Secretary
Environmental Protection

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Arnold Schwarzenegger
Governor

FACSIMILE TRANSMITTAL SHEET

TO: <i>Ms. Catherine Vos</i>	FROM: <i>Jay Marlow</i>
COMPANY:	DATE: <i>Aug 25, 09</i>
FAX NUMBER: <i>760-775-8280</i>	SENDER'S FAX NUMBER: 760 341-6820
PHONE NUMBER:	SENDER'S PHONE NUMBER:
RE: <i>401 Certification</i>	TOTAL NO. OF PAGES INCLUDING COVER: <i>9</i>

- URGENT
 REVIEW/RETURN
 PLEASE COMMENT
 PLEASE REPLY - COPY TO ME
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 APPROPRIATE ACTION
 APPROVAL
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MESSAGE: *please see attached.*



California Regional Water Quality Control Board
Colorado River Basin Region



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CalEPA Secretary
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Arnold Schwarzenegger
Governor

FACSIMILE TRANSMITTAL SHEET

TO:

Mr. Andrew O

FROM:

Jay Mirpour

COMPANY:

Governor's office of Planning & Research

DATE:

Sep 21 09

FAX NUMBER:

916-323-3018

SENDER'S FAX NUMBER:

PHONE NUMBER:

4/

SENDER'S PHONE NUMBER:

760-776-8981

RE:

2009088266
Notice of Exemption

TOTAL NO. OF PAGES INCLUDING COVER:

- URGENT REVIEW/RETURN PLEASE COMMENT PLEASE REPLY - COPY TO ME
 PER YOUR REQUEST APPROPRIATE ACTION APPROVAL SIGNATURE
 INFORMATION FILE
 CONFIDENTIAL - FOR RECIPIENT ONLY

MESSAGE:

Please see attached Correction.
Any questions, please call
Jay Mirpour @ 760-776-8981
Thank you.



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA



Cynthia Bryant
Director

Governor's Office of Planning and Research
State Clearinghouse

Facsimile Transmittal

Date: September 2, 2009

Fax Number: (760) 341-6820

To: John Carmona

From: Andrew O.

Instructions: NOE (Require project description).

SCH # 2009080260

State Clearinghouse Fax: 916-323-3018

Number of Pages
Including cover sheet

2

RECEIVED

SEP 2 2009

REGION 7

NOTICE OF EXEMPTION

To:
Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

From:
California Regional Water Quality Control Board
Colorado River Basin Region (Region 7)
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

Project Title: Granite Construction Company, Inc. - Site Rehabilitation Project

Project Location (City and County):

North Palm Springs, County: Riverside, Longitude/Latitude: 33° 53' 17" N, 116° 32' 25"W,
Township/Range: T3 South, R4 West, Section 26

Project Description:

The project consists of reclamation work on Granite Construction and CVWD property to remove soil stockpiles and scattered concrete debris from the river channel (Mostly within CVWD property), filling a small pit (outside of the river channel) and re-contouring areas to site grade within the approximate eight-acre area of the 29.9-acre project boundary. These activities are designed to improve the overall functional capacity of the Whitewater River and facilitate wildlife movement into the river (Particularly movement of the federally listed Coachella Valley Fringe-Toed Lizard (*Uma inornata*)).

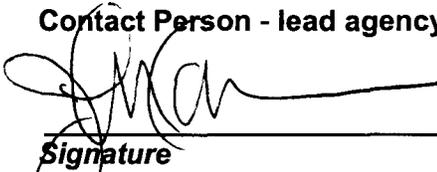
Name of Public Agency Approving Project: California Regional Water Quality Control Board, Colorado River Basin Region

Name of Agency Carrying Out Project: Granite Construction Company, Inc.

Exempt Status (CEQA Guidelines Section and Class): The Regional Water Board determined that the proposed project is categorically exempt from CEQA per CEQA Guidelines §15304 (minor alteration to land).

Reasons Why Project is Exempt: The proposed project, as described above involves activities that consist of minor public or private alterations in the condition of land and are designed to improve the overall functional capacity of the Whitewater River and facilitate wildlife movement into the river. Restoration activities will not result in fill or other discharge into waters of the United States. Activities will result in the removal of stockpiles/debris, and restoration of the natural topography and grade of the flood plain.

Contact Person - lead agency: John Carmona, Senior WRCE Phone: (760) 340-4521

 Signature	9/2/09 Date	Senior Water Resources Control Engineer Title
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Date received for filing at OPR: _____

NOTICE OF EXEMPTION

2009088266

To: Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

From: California Regional Water Quality Control Board
Colorado River Basin Region (Region 7)
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

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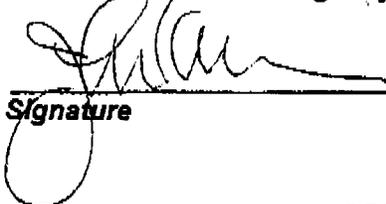
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Colorado River Basin Region

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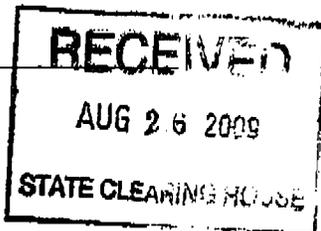
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Contact Person - lead agency: John Carmona, Senior WRCE Phone: (760) 340-4521


8/24/09
Senior Water Resources Control Engineer
Signature Date Title

Date received for filing at OPR: _____



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