



# California Regional Water Quality Control Board

## Santa Ana Region



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Arnold Schwarzenegger  
Governor

July 19, 2010

Chris Wiberg  
City of Moreno Valley  
14177 Frederick Street  
Moreno Valley, CA 92552

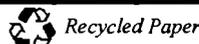
### **CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE IRONWOOD AVENUE WIDENING PROJECT, CITY OF MORENO VALLEY, RIVERSIDE COUNTY (ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 332010-14)**

Dear Mr. Wiberg:

On March 23, 2010, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the City of Moreno Valley for improvements to the roadway and pedestrian right-of-way along Ironwood Avenue, which will include portions of Box Springs Road and Day Street. 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:** Widening of Ironwood Avenue from its existing three lane configuration by adding one additional lane along the south edge of the eastbound side of the street. Widening will begin approximately 300 feet west of Day St., to a point 1,800 feet east of Day St. A right-turn lane will be constructed off of Ironwood Ave. onto Day St. The project also will include construction of missing street improvements along the south side of Ironwood Ave. including storm drain upgrades, construction of missing/damaged curb, gutter and sidewalks and a Class II bike lane. Storm drain upgrades include reconstructing existing storm drain systems and a storm drain system that will convey flows from the intersection to an outfall south of Ironwood Ave. The work will take place within Section 2 & 3 of Township 3 South, Range 4 West, of the U.S. Geological Survey *Riverside*

*California Environmental Protection Agency*



*East, California*, 7.5-minute topographic quadrangle map  
(33.946522 °N / -117.276824°W).

Receiving water: Box Springs Creek, tributary to the Santa Ana River.

Fill area: 0.08 acre of permanent impact to riparian habitat  
0.0036 acre of permanent impact to streambed habitat.

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit 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:

- Any temporarily-impacted areas will be re-vegetated with native vegetation.

Offsite Water Quality Standards Mitigation Proposed:

- To mitigate for the loss of 0.0036-acre of waters of the U.S. and the surrounding riparian habitat (totaling 0.08 acre), the applicant will purchase 0.2 acre of "creation" credits of resources providing similar ecological functions and services from an approved In-lieu fee program or mitigation bank within the Santa Ana River Watershed Association's (SAWA) area of influence. The in-lieu fee/mitigation bank purchase shall comply with the no-net loss objectives set forth in the Clean Water Act and U.S. Army Corps. of Engineers (USACE) regulations. The cost of carrying out the mitigation will be paid to SAWA by the applicant. This mitigation obligation includes annual reporting to the California Department of Fish and Game (CDFG) for a minimum of five (5) years.

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 Game 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 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 you substantially comply with the requirements of State Water Resources Control Board's General Permit for Storm

Water Discharges Associated with Construction Activity, including the preparation of a SWPPP.

The proposed project is subject to a Nationwide Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. Pursuant to the California Environmental Quality Act (CEQA), the City of Moreno Valley adopted a Mitigated Negative Declaration for the project on September 16, 2009. Pursuant to California Code of Regulations, Title 14, Section 15096, subdivision (f), the Regional Board must consider the environmental effects of the project as shown in the associated negative declaration prior to reaching a decision on the project. The Regional Board has considered the City of Moreno Valley's Mitigated Negative Declaration in the issuance of this Certification and finds that changes or alterations have been required, or incorporated into the proposed project, which 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) The applicant shall take steps necessary to purchase no less than 0.2 acre of "creation" credits from an approved In-lieu fee program or mitigation bank within SAWA's area of influence, as proposed.
- 3) By November 1, 2010, the applicant shall submit documentation to this office showing that the mitigation described above has been funded and accepted by SAWA.
- 4) A copy of this Certification and any subsequent amendments must be maintained on site for the duration of work, as a denoted element of the project's Storm Water Pollution Prevention Plan (SWPPP) or Water Quality Management Plan (WQMP), or like documents.
- 5) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 6) 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

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.

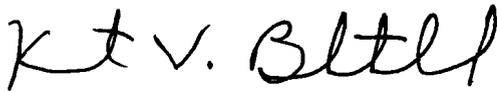
In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean 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 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.

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. 200-0017-DWQ is available at: [www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo\\_2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo_2003-0017.pdf)

Should there be any questions, please contact Marc Brown at (951) 321-4584, or Mark Adelson at (951) 782-3234.

Sincerely,



Kurt V. Berchtold  
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Jason Lambert  
Department of Fish and Game – Anna Milloy  
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

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