



# California Regional Water Quality Control Board Santa Ana Region



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Arnold Schwarzenegger  
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December 14, 2010

Ed Lara  
City of Riverside  
3900 Main Street  
Riverside, CA 92522

## **CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE JURUPA AVENUE EXTENSION FROM RUTLAND AVENUE TO HOLE LAKE DAM CROSSING PROJECT, RIVERSIDE, COUNTY OF RIVERSIDE, CALIFORNIA (SARWQCB PROJECT NO. 332010-22)**

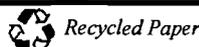
Dear Mr. Lara:

On August 23, 2010, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the City of Riverside for the reconstruction of Hole Lake Dam and the installation of two 12 foot diameter culverts. Your application states that these culverts will contribute to the safety and stability of the adjacent habitats. 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:** The complete reconstruction of the existing Hole Lake Dam and concrete spillways, removal and replacement of the existing culvert draining Hole Lake, and the construction of two, 12 foot diameter culverts that will parallel the existing culvert alignment. The project also entails sub-excavation of the dam in areas of questionable integrity, and re-filling those areas with suitable, compacted material. The work will take place within Section 26 of Township 2 South, Range 6 West, of the U.S. Geological Survey 1980 Riverside West quadrangle map (33° 57' 30" N/ 117° 27' 58" W).

**Receiving water:** Hole Lake and a local drainage tributary to the Santa Ana River

*California Environmental Protection Agency*



- Fill area:
- a) 0.10 acre (223 linear feet) of permanent impact and 0.09 acre (60 linear feet) of temporary impact to Waters of the U.S. (open water);
  - b) 0.17 acre (220 linear feet) of permanent impact and 0.20 acre (320 linear feet) of temporary impact to wetlands; and,
  - c) 0.06 acre (85 linear feet) of permanent impact and 0.91 acre (455 linear feet) of temporary impact to riparian habitat
- Dredge/Fill volume: 32,000 cubic yards (CY) cut, i.e., "dredged", 135,000 CY fill
- 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:

- Standard water quality related best management practices (BMPs) will be employed during project construction activities and for the useful life of the project, as required by Order No. R8-2010-0033 (NPDES Permit No. CAS618033), commonly known as the Riverside County Municipal Storm Water Permit.
- All post-construction BMPs will be implemented according to the Water Quality Management Plan (WQMP) for the project.
- Mitigation for all proposed impacts to wetland and riparian habitats, including the replacement of existing, degraded Riversidean sage scrub and removal of non-native grassland, will be accomplished by hand planting of 0.11 acre of *Typha domingensis* (cattails), by placing cuttings and/or hand planting of 0.26 acre of *Baccharis salicifolia* (mulefat scrub), and by hydroseeding 0.42 acre of adjacent Riversidean sage scrub. The applicant will ensure temporary and permanent impacts will be mitigated as specified in the *Mitigation Monitoring Program* for the Project, dated November 3, 2010.
- Reporting to respective agencies will be according to the *Mitigation and Monitoring Report Plan* (MMRP) for the Project.

Offsite Water Quality Standards Mitigation Proposed:

- None

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 Nationwide Permit No. 14 issued by 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 Riverside adopted a Mitigated Negative Declaration (MND) for the project on July 28, 2010. Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an environmental impact report (EIR) or negative declaration (ND) prepared by the lead agency in determining whether to approve a Section 401 Certification. A responsible agency has responsibility for mitigating and avoiding only the direct and indirect environmental effects of those parts of the project which 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 MND prepared for the proposed project, and information provided subsequently in the City's application, in approving this Certification.

In issuing this Certification, the Executive Officer has considered those sections of the City's MND that relate to water quality. Based on the mitigation proposed and the conditions set forth in this Certification, impacts to water quality will be reduced to a less than significant level and beneficial uses will be protected. The Regional Board independently finds that changes or alterations have been required or incorporated into the project that 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) All materials generated from construction activities associated with this project shall be managed appropriately. This shall include identifying all potential pollution sources within the scope of work of this project, and incorporating all necessary pollution prevention BMPs as they relate to each potential pollution source identified.
- 3) The project proponent shall utilize Best Management Practices 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.
- 4) 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.
- 5) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such a manner that petroleum products or other pollutants from the equipment may 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.
- 6) Regional Board staff and other authorized representatives shall be allowed:
  - a. Entry upon premises where storm water treatment facilities are located, or where records are kept under the requirements of this Certification and applicable waste discharge requirements;
  - b. Access to copy any records that are kept under the requirements of this Certification and applicable waste discharge requirements;
  - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations related to the treatment of storm water runoff from the project site; and
  - d. To photograph, sample and monitor for the purpose of assuring compliance with this Certification and applicable waste discharge requirements.
- 7) This Certification and any subsequent amendments must be maintained on site as a denoted element of any project SWPPP, WQMP or MMRP.
- 8) All mitigation identified above will be completed in a timely manner.
- 9) Applicant shall submit copies of CDFG-, USFWS-, and/or ACOE-required mitigation and monitoring plans and associated progress reports to Regional Board staff, on the same submittal schedule specified by those agencies.

- 10) Waters of the Region shall be free of changes in turbidity that adversely affect beneficial uses. During the sediment removal activities, the turbidity upstream of the project and at the downstream end of the project in which sediment removal activities are occurring shall be compared on a daily basis. There shall not be an increase in turbidity resulting from controllable factors at the downstream monitoring point when compared with turbidity monitored at the upstream (background) monitoring point that exceeds the following:
- a. If background turbidity is 0-50 NTU, not to increase more than 20%
  - b. If background turbidity is 50-100 NTU, not increase more than 10 NTU
  - c. If background turbidity is > 100 NTU, not to increase more than 10%

Turbidity test results shall be submitted to Regional Board staff in a timely manner.

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.

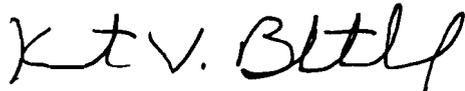
Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

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. 2003-0017-DWQ is available at:

[www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.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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