



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
*Secretary for
Environmental Protection*

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221
www.waterboards.ca.gov/santaana

Arnold Schwarzenegger
Governor

November 3, 2010

Maria Lamping
City of Riverside Public Works Department
3900 Main Street
Riverside, CA 92522

**REVISED CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE SANTA ANA RIVER TRUNK SEWER REPLACEMENT
PROJECT, CITY OF RIVERSIDE (ACOE REFERENCE NO. NOT AVAILABLE)
(SARWQCB REFERENCE NO. 332010-12)**

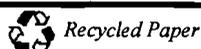
Dear Ms. Lamping:

The information contained within this document supersedes the Clean Water Act Section 401 Water Quality Standards Certification (Certification) issued on August 18, 2010 for the above referenced project. The August 18, 2010 Certification is being revised in response to a request by the applicant and the California Department of Fish and Game, in order to ensure mitigation measures to site impacts conditioned by the Certification are consistent with mitigation requirements of other agencies with oversight of the project described below.

On April 8, 2010, we received an application for Certification, from the City of Riverside's Public Works Department (City) for a project to remove and re-construct a section of aged sanitary sewer system line and augment an existing storm drain system located in of the city of Riverside, in northwestern Riverside County. 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) and subsequent Basin Plan amendments:

Project Description: Construct approximately 3.7 miles of new 48-inch diameter trunk sanitary sewer to replace existing aging trunk sewer systems comprised of a 24-inch diameter vitrified clay pipeline built in 1941 and a 33 to 45-inch diameter reinforced concrete pipeline built in 1957. The project is located south of and parallel to the Santa Ana River from Tequesquite Avenue to the City's wastewater treatment plant.

California Environmental Protection Agency



The project runs through mixed use developed and undeveloped lands, generally following the toe of the bluff that forms the river's southern bank.

The project will be executed in two-phases: Phase 1, consisting of 9,200 linear feet, from the eastern side of the treatment plant to Martha McLean-Anza Narrows Park (MMANP); and Phase 2, consisting of 10,400 linear feet from the east end of MMANP to Tequesquite Avenue. The project is located in Sections 31, 32, 33 and 34 of Township 2 South, Range 5 West, of the U.S. Geological Survey *Riverside West, California*, 7.5-minute topographic quadrangle map (33.964521 North / -117.4219 West).

Receiving water: Santa Ana River

Fill area:

- a.) 0.19 acre of temporary impact to wetland habitat (392 linear feet)
- b.) 1.3 acres of temporary impact to riparian habitat (2,123 linear feet total)
- c.) 0.003 acre of temporary impact to streambed habitat (65 linear feet)
- d.) 0.0007 acre of permanent impact to streambed habitat (30 linear feet)

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit Nos. 12 & 43

You have proposed to mitigate water quality impacts as described in your Certification application. The proposed mitigation is summarized in part below:

Onsite Water Quality Standards Mitigation Proposed:

- Restoration of 0.64 acres of riparian habitat, consisting of 0.03 acres of southern cottonwood-willow forest, 0.24 acres of riparian scrub, 0.28 acres of riparian forest/elderberry savanna, and 0.09 acres of southern willow scrub. Restoration activities will include recontouring of the ground surface where appropriate to pre-impact grade; and replanting of the appropriate riparian trees, shrubs, and herbs within each type of impacted riparian habitat.
- Existing debris and trash will be removed and housekeeping measures will be implemented throughout the duration of the project.

- Compliance with NPDES requirements and implementation of Best Management Practices during construction will prevent the release of potential pollutants associated with construction, including, fuel, oils, and greases associated with operation of construction equipment into receiving waters.
- Erosion source control and treatment best management practices (BMPs) will be employed. Additional BMPs will be identified in the project Storm Water Pollution Prevention Plan (SWPPP).

Offsite Water Quality Standards Mitigation Proposed:

- Creation of 0.06 acres of riparian scrub and 1.48 acres of southern cottonwood-willow riparian forest, for a total of 1.54 acres of offsite riparian habitat. This habitat will be created within either of the City-owned parcels APN 187-130-003 or APN 187-130-004, that are located south of the Santa Ana River and southeast of Tequesquite Landfill; and bounded by the Santa Ana River Bicycle Trail to the northwest, Rubidoux Avenue to the east, and Old Ranch Road and residential development to the south. The location(s) of the 1.54-acres of created riparian habitat within these parcels will be subject to approval by DFG prior to the initiation of creation activities. Creation activities will include site preparation such as the removal of non-riparian and/or plant species, all non-native plant species, trash, and debris; grading; and the installation of native riparian trees, shrubs, and herbs.

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. 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, Order No. 2009-0009-DWQ, including the preparation of a SWPPP.

De-watering discharges from the proposed project may be regulated under Regional Board Order No. R8-2003-0061, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimis) Threat to Water Quality. For more information, please review Order No. R8-2003-0061 at www.waterboards.ca.gov/santaana/pdf/03-61.pdf.

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 Riverside Public Works Department approved a Mitigated Negative Declaration for this project on October 6, 2009. The Executive Officer has considered the City's Mitigated Negative Declaration in the issuance of this Certification. 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) Onsite and offsite mitigation activities proposed, as summarized above, shall be carried out.
- 3) Maintenance of the mitigation sites shall strictly adhere to the proposed *Riparian Habitat Revegetation Plan* for this project.
- 4) Non-native plants within the project's construction, access and lay down areas shall be removed from the respective site and disposed of in an approved manner. Removal of non-native plants shall be done in a manner that prevents the spread or distribution of their viable cuttings, tubers, roots, buds, seeds or other propagules.
- 5) 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.

Although we anticipate no further regulatory involvement, 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, we may formulate Waste Discharge Requirements.

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 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.

In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (Regional 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 Board deems appropriate. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

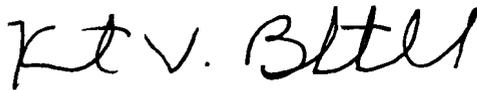
In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

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.swrcb.ca.gov/resdec/wqorders/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 – Dan Swenson
State Water Resources Control Board, OCC – Eric Spiess
State Water Resources Control Board, DWQ-Water Quality Certification Unit – Nancy Dagle
California Department of Fish and Game, Ontario Office –Anna Milloy
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Tim Vendlinski

x:\401\certifications\city of riv_ santa ana river trunk sewer rplcmnt_332010-12_revised_03nov10.doc