



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
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Arnold Schwarzenegger
Governor

October 12, 2010

Mr. Hans Kernkamp
Riverside County
Waste Management Dept.
14310 Fredrick Street
Moreno Valley, CA 92553

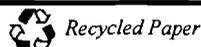
CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR LAMB CANYON LANDFILL 202.2 AC EXPANSION PROJECT, BEAUMONT AREA, RIVERSIDE COUNTY (ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB REFERENCE NO. 332010-17)

Dear Mr. Kernkamp:

On May 10, 2010, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification"), submitted for the construction of a 202.2 acre expansion of the existing 353.4 acre solid waste disposal facility known as Lamb Canyon Landfill, in the Beaumont area of Riverside County. This letter responds to your request for certification that the proposed project, described in your application submittals will comply with State water quality standards outlined in the 1995 Water Quality Control Plan for the Santa Ana River Basin ("Basin Plan") and subsequent Basin Plan amendments:

Project Description:	Expansion of the currently permitted 353.4-acre landfill operation by 202.2 acres. Construction activities will expand the existing solid waste disposal facility in a westerly direction. The proposed expansion activities would occur over a period of 36 years. Grading of the site will result in the discharge of fill to first- and second-order, sparsely vegetated ephemeral drainages within the Laborde Canyon drainage shed. The project is located within an unincorporated area of Riverside County, south of the city of Beaumont and north of the city of San Jacinto, within Sections 28 and 29 of Township 3 South, Range 1 West, of the U.S. Geological Survey <i>El Casco, California</i> , 7.5-minute topographic quadrangle map (33° 52' 12" N / -117° 07' 12" W).
Receiving water:	Un-named ephemeral drainages tributary to Laborde Canyon, tributary to the San Jacinto River.
Fill area:	1.167 acres of permanent impact to ephemeral drainages (20,754 linear feet total) over a 36-year period.
Dredge/Fill volume:	N/A
Federal permit:	U.S. Army Corps of Engineers Individual Permit (Number Not Available).

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You have proposed to mitigate water quality impacts as described in your Certification application and subsequent submittals. You have proposed to implement a combination of restoration, enhancement and preservation activities for a total of 3.046 acres of mitigation both on- and off-site. The proposed mitigation summarized below, will include:

Onsite Water Quality Standards Mitigation Proposed:

- Site-specific best management practices ("BMPs") will be specified in the site's Storm Water Pollution Prevention Plan(s) ("SWPPPs").
- Approximately 1.879 acres of riparian habitat will be enhanced within the Lamb Canyon Conservation Area (LCCA), directly adjacent to the landfill. These on-site habitat enhancement activities will be conducted within California Department of Fish and Game (CDFG) jurisdictional areas located in the LCCA. Proposed on-site mitigation efforts associated with the Lamb Canyon Landfill Expansion Project will consist of the removal of exotic vegetation in the riparian restoration corridor of the LCCA.
- The applicant will comply with all requirements of Regional Board Order No. 81-127, Waste Discharge Requirements for the Lamb Canyon Landfill.

Offsite Water Quality Standards Mitigation Proposed:

The applicant will purchase mitigation bank credits at an agency-approved mitigation facility, or pay fees in lieu of mitigation to an agency-approved organization that will carry out mitigation on its behalf. Credits or in lieu fees will be for sites located within the Santa Ana River watershed, and preferably located within the San Jacinto watershed. The applicant will purchase a minimum of 1.167 acres of mitigation bank credits or pay in lieu fees for appropriate mitigation activities on 1.167 acres. The purchased mitigation credits or paid in lieu fees will result in the enhancement, restoration, or creation of ephemeral or riparian habitat. Since project impacts are to ephemeral drainages that minimally supported the water quality standards that apply to them, the project's acquisition of mitigation bank credits or use of in lieu fees for mitigation may result in an overall water quality improvement.

Furthermore, the applicant proposes that all of the above mitigation activities will be conducted prior to the discharge of fill that will affect the receiving waters identified above.

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 Best Management Practices will be implemented to reduce construction-related impacts to Waters of the State in accordance with the Site's current coverage under the State Water Resources Control Board Water Quality Order No. 97-03-DWQ, Nation Pollutant Discharge Elimination System General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities ("Order No. 97-03-DWQ").

This project is over one acre. Therefore, coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity,

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Water Quality Order No. 2009-0009-DWQ ("Order No. 2009-0009 DWQ"), is required, as is development of a SWPPP to control the discharge of pollutants from the construction project site.

Regional Board staff has reviewed the facility's current SWPPP. The proposed project will implement a storm water pollution prevention strategy similar to the existing SWPPP. The SWPPP will be updated accordingly, prior to grading activities for the proposed project, in accordance with the facility's established Waste Discharge Requirements, Regional Board Order No. 81-127. Additionally, any potential impacts to water quality from either storm water runoff or other facility activities will be addressed through Regional Board Order No. 81-127, State Water Resources Control Board (State Board) Order No. 2009-0009 DWQ and/or State Board Order No. 97-03-DWQ.

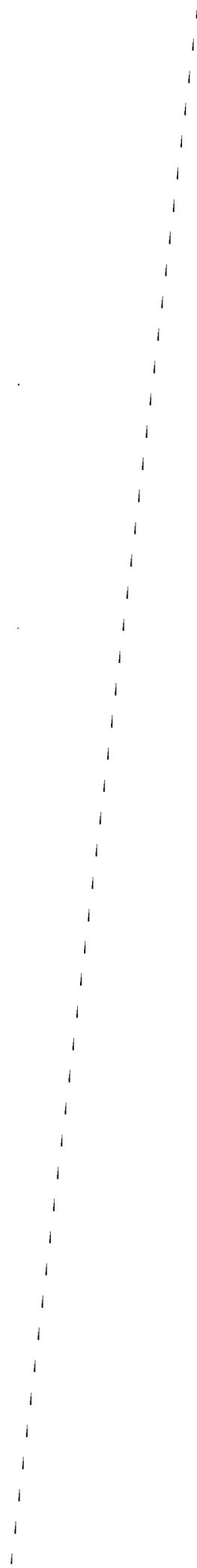
You have applied for an Individual Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have applied for a Streambed Alteration Agreement with the California Department of Fish and Game.

Pursuant to CEQA, the County of Riverside adopted a final Mitigated Negative Declaration for the project on March 9, 2009. Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an EIR or MND 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 EIR prepared for the proposed project, and information provided subsequently in the County's application, in approving this Certification.

In the issuance of this Certification, the Executive Officer has considered those sections of the District's Environmental Impact Report and its Addendum 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. Prior to the discharge of fill, the discharger must execute measures that adequately assign the responsibility for maintaining the function of drainage systems installed as part of the landfill expansion.
2. The water quality standards mitigation measures proposed above shall be fully and successfully implemented prior to the discharge of fill to any drainages within the 202.2 acre expansion area.
3. This Certification is transferable only upon written notice to the Executive Officer. The notice must include written acknowledgement of this Certification by the transferee's authorized representative.
4. 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 of 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 appropriate enforcement action.

5. A copy of this certification shall be maintained at the project site, along with copies of Regional Board Order No. 81-127, other orders of the State Water Resources Control Board that are referred to herein, and the most current site SWPPP. These documents shall be made available to site operating personnel.
6. The applicant must comply with the conditions and provisions of the Corps' Clean Water Act Section 404 permit.

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

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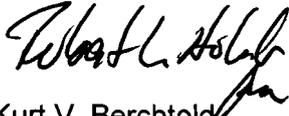


available at:

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 – Stephen Estes
State Water Resources Control Board, OCC – David Rice
State Water Resources Control Board, DWQ – Water Quality Certification Unit
California Department of Fish and Game – Anna Milloy
U.S. EPA – Supervisor of the Wetlands Regulatory Office WTR- 8

