



California Regional Water Quality Control Board

Santa Ana Region



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Linda S. Adams
Acting Secretary for
Environmental Protection

Edmund G. Brown, Jr.
Governor

July 5, 2011

Kishen Prathivadi
City of Beaumont
550 E. 6th Street
Beaumont CA 92223

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE BROOKSIDE AVENUE/NOBLE CREEK CROSSING PROJECT, CITY OF BEAUMONT, RIVERSIDE COUNTY, CALIFORNIA (SARWQCB PROJECT NO. 332010-24)

Dear Mr. Prathivadi:

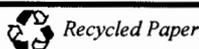
On November 10, 2010, we received your application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification"), to remove an existing asphalt Arizona crossing where Brookside Avenue crosses Noble Creek and construct an arched bridge in its place. This letter responds to your 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: Removing approximately 1,300 sq. ft. of the existing Brookside Avenue asphalt pavement, at-grade crossing within Noble Creek and replacing the crossing with an arched bridge. Wing walls will be incorporated (both upstream and downstream) into the construction of the bridge. Project will protect and utilize the existing rock-protected invert stabilization structure, just downstream of the proposed bridge crossing. The existing upstream and downstream vertical sheet metal with vertical beam support slope protection will be preserved as well. The work will take place within Section 15 of Township 5 South, Range 10 West, of the U.S. Geological Survey *Beaumont* quadrangle maps (33° 57' 41.07" W/ 116° 58' 41.07" N).

Receiving water: Noble Creek, tributary to San Timoteo Creek, tributary to Santa Ana River

Fill area: 0.03 acre of temporary impact to a streambed habitat (34 linear feet).

California Environmental Protection Agency



Dredge/Fill volume: Approximately 50 cubic yards

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:

- Project BMPs will be prepared and implemented during construction to comply with the City's water quality and urban runoff management requirements. Appropriate sediment control measures will be used within the creek channel to avoid transporting sediment downstream as part of the required Storm Water Pollution Prevention Plan (SWPPP).
- Vehicle maintenance, staging, storage, and dispensing of fuel shall occur on the existing access roads only, and spoil sites will not be located within waters of the United States or in areas or in such a manner where spoil material could be washed into waters of the United States.
- Existing debris and trash will be removed and housekeeping measures will be implemented throughout the duration of the project.
- 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).
- Approximately 1,360 square feet of asphalt will be permanently removed from the river channel. This activity will offset the proposed impacts to streambed habitat, resulting in a net increase of 0.04 acre of streambed habitat.

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 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 Beaumont filed a Notice of Exemption for this project on August 3, 2010. The City determined that the proposed project is categorically exempt from provisions of CEQA according to CEQA Guidelines Section 15304, as this project is a minor alteration of an existing facility that involves negligible or no expansion of an existing use. The Regional Board has independently reviewed the project and concludes that it is properly considered a minor alteration of an existing facility and is therefore categorically exempt pursuant to CEQA Guidelines section 15304.

De-watering discharges from the proposed project, if necessary, may be regulated under Regional Board Order No. R8-2009-0003, 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. R8-2009-0003 at www.waterboards.ca.gov/santaana/.

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 permits.
- 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, or channel 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) 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.
- 7) A copy of this Certification and any subsequent amendments must be maintained on site for the duration of work as a denoted element of any project SWPPP or WQMP.
- 8) A copy of the project's SWPPP must maintained on-site during the course of construction activities.
- 9) Proposed mitigation shall be completed 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/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 – Jeff Bryant
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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