



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Acting Secretary for
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Edmund G. Brown, Jr.
Governor

January 25, 2011

Russell Williams
California Department of Transportation
464 W. 4th Street, 6th Floor, MS 823
San Bernardino, CA 92401-1400

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE STATE ROUTE 74 HEADWALL REMOVAL & CULVERT
EXTENSION PROJECT, THOMAS MOUNTAIN, COUNTY OF RIVERSIDE,
CALIFORNIA (ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT
NO. 332010-27)**

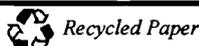
Dear Mr. Williams:

On October 6, 2010, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the California Department of Transportation for the removal of a headwall and culvert extension along State Route 74, in 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) (Basin Plan) and subsequent Basin Plan amendments:

Project Description: Removing the existing headwalls and wingwalls, extending culverts, constructing new headwalls and wingwalls, and placing rock slope protection in the outlets at seven culvert locations (postmile 64.71, 65.66, 67.05, 67.38, 67.88, 68.18, and 68.99). Modifying and extending each of the seven culverts is necessary due to safety considerations and because of the deteriorating conditions of the existing headwalls. Existing utilities that interfere with construction activities may need to be lowered or relocated. The work will take place within Sections 10, 15, and 23 of Township 6 South, Range 3 East, of the U.S. Geological Survey *Idylwild* quadrangle map (33.672° N/ 116.88° W).

Receiving water: Unnamed ephemeral drainages tributary to San Jacinto River south fork

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Fill area: 0.03 acres of permanent impact to streambed habitat (67.3 linear feet), and 0.01 acres of temporary impact to streambed habitat (0 linear feet)

Dredge/Fill volume: N/A

Federal permit: N/A

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:

- Best Management Practices (“BMPs”) will be specified in the project Storm Water Pollution Prevention Plan (“SWPPP”).

Offsite Water Quality Standards Mitigation Proposed:

- Purchase 1/10-acre credit in Santa Ana Watershed Authority’s in-lieu fees program

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. 99-06-DWQ, issued to the Department of Transportation by the State Water Resources Control Board and subsequent iterations thereof. These requirements include the development and implementation of appropriate Best Management Practices for the purpose of removing construction-related and transportation-related pollutants from discharges from Caltrans’ rights-of-way and easements.

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 California Department of Transportation adopted a Mitigated Negative Declaration for the project on October 12, 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 County's Mitigated Negative Declaration in the issuance of this Certification and independently 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) 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 proposed mitigation shall be implemented. The applicant shall provide the Regional Board with documentation of mitigation credit purchase prior to the discharge of fill to waters of the U.S and of the state.

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 – 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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