



California Regional Water Quality Control Board Santa Ana Region



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Edmund G. Brown, Jr.
Governor

March 14, 2011

Warren D. Williams
Riverside County Flood Control and
Water Conservation District
1995 Market Street
Riverside, CA 92501

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE DAY CREEK CHANNEL STAGE 6, PHASE 2 PROJECT,
MIRA LOMA, COUNTY OF RIVERSIDE, CALIFORNIA (ACOE REFERENCE NO.
SPL-2009-00882-FBV) (SARWQCB PROJECT NO. 332010-15)**

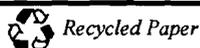
Dear Mr. Williams:

On April 15, 2010, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the Riverside County Flood Control and Water Conservation District for the reconstruction of the interim earthen/riprap channel as a lined channel, with subsequent operations and maintenance (O & M). 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 project consists of the construction, operation, and maintenance of approximately 1,100 linear feet of rock lined, trapezoidal channel and 52 linear feet of concrete transition structure downstream of Lucretia Avenue, as shown on District Drawing No. 1-647 submitted with the District's letter dated January 18, 2011. Pending final Section 404 and Section 1602 permit approvals, the rock lined trapezoidal channel, downstream of the drop structure, will feature either ungrouted rock riprap (Sheet 8A) or concreted ¼ ton rock/cobble/gravel substrate (Sheet 8B). The project also includes the construction, operation, and maintenance of approximately 2,600 linear feet of concrete-lined rectangular channel upstream of Lucretia Avenue.

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A 15-ft wide access road with base material will be constructed on each side of the rectangular channel upstream of Lucretia Avenue. Additional construction includes a double, reinforced concrete box culvert (each cell will be 19.5'W x 13'H) to replace four existing 72-inch diameter corrugated metal culvert pipes at Lucretia Avenue. Reconstruction of existing connector pipes and the relocation of any interfering utility lines within the same jurisdictional area that would be disturbed by the project are also be part of the proposed channel project. The work will take place within Section 29 of Township 2 South, Range 6 West, of the U.S. Geological Survey *Corona North* quadrangle map (33.97° N/ 117.533° W).

Receiving water:	Day Creek Channel
Fill area:	1.0 acre of permanent impact to riparian habitat (1,152 linear feet), and 2.10 acres of permanent impact to streambed habitat (2,600 linear feet)
Dredge/Fill volume:	Fill: 6700 cubic yards (cy) of concrete and 9,300 cy rock rip rap
Federal permit:	USACOE Section 404 Individual Permit No. SPL-2009-00882-FBV

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:

- None

Offsite Water Quality Standards Mitigation Proposed:

- The applicant will provide a total of 4.1 acres of compensatory mitigation acreage, at predetermined locations, as stated within application documents.
- The proposed mitigation acreage consists of providing 2.1 acres of riverine habitat enhancement and management by removing non-native vegetation to allow for natural re-colonization.

- The remaining 2.0 acres will be constructed riparian habitat, comprised of Southern Willow Scrub and Mulefat Scrub.
- The applicant will contract with the Inland Empire Resources Conservation District to maintain and manage the designated area in perpetuity.

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 an Individual 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 Riverside County Flood Control and Water Conservation District (District) adopted a Mitigated Negative Declaration for the project on May 18, 2010. 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 District'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 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) Damage to vegetation within Day Creek and its tributaries must be minimized to the maximum extent practicable.
- 7) Rip rap and other similar non-native fill material which has been placed within waters of the State as an interim measure to address the channel erosion, must be removed from the work area and disposed of. In lieu of removal of the material, inert material may be buried in incidental excavations made during the course of the work or utilized in the repair, if suitable.
- 8) All vehicles and equipment entering the work area must be free of viable propagules of non-native plant species that could be discharged to waters of the State or to land where they may eventually be discharged to waters of the State.
- 9) A copy of this Certification and any subsequent amendments must be maintained on site as a denoted element of the project's storm water pollution prevention program.
- 10) Proposed mitigation shall be timely implemented. Materials documenting that the applicant has entered into an agreement for perpetual management of the project's off-site mitigation areas shall be provided to this office prior to the discharge of fill to, or the dredging or excavation of material from, waters of the state.



- 11) Applicant shall follow all procedures and policies specified for this project in the project's HMMP dated January 2011.
- 12) Applicant shall ensure compliance with all procedures and policies described and illustrated in the project's Operation and Maintenance Plan.

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.

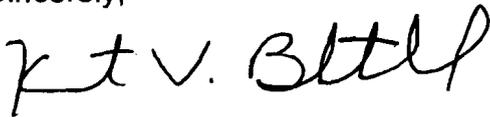
This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related 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, Prado Office – Crystal Doyle
Department of Fish and Game – Michael Flores
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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