

Santa Ana Regional Water Quality Control Board

July 26, 2012

Steve King
Planning Director
City of Norco
2870 Clark Avenue
Norco, CA 92860

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE HAMNER WIDENING PROJECT, CITY OF NORCO,
COUNTY OF RIVERSIDE, CALIFORNIA (SARWQCB PROJECT NO. 332012-02)**

Dear Mr. King:

On December 19, 2011, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (401 Certification) from the City of Norco for the above referenced project. Included with the application were the following:

- A copy of the application for the United States Army Corps of Engineers (USACE) Clean Water Act Section 404 Nationwide Permit for the project;
- Documentation that the application for a California Department of Fish and Game (CDFG) Streambed Alteration Agreement had been submitted for the project;
- A copy of the Notice of Determination indicating that the Negative Declaration prepared for the project was certified in compliance with the California Environmental Quality Act (CEQA);
- \$1,794 as the partial filing fee required to complete the process to issue a 401 Certification for this project, as specified by the California Code of Regulations (CCR), Division 3, Chapter 9, Article 1, Section 2200 (a) (3).

Subsequent to submitting the application, the applicant submitted the final CDFG Streambed Alteration Agreement, further information on the project and \$12,829¹ to complete payment of the fee required to process the 401 Certification.

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:

¹ This amount reflects the increase in fees on 9/21/2011 by the State Water Resources Control Board for dredge and fill projects.

Project Description:

The project entails the widening of Hamner Avenue in the City of Norco from 1,500 feet south of Citrus Street to 2,150 feet north of Citrus Street. The project will include traffic signal improvements, storm drain construction, construction of concrete retaining walls, relocation of a 20" domestic water line, and construction of a causeway. A jurisdictional drainage lying adjacent and to the west of Hamner Avenue from Citrus Street to the Santa Ana River will be permanently impacted by the project. What is described as two detention basins will be constructed adjacent and to the west of the widened Hamner Avenue adjacent to the existing drainage. These basins will be linear drainage features approximately 50 feet wide that will carry runoff associated with the existing drainage to the Santa Ana River and to allow percolation of flows. A causeway consisting of an access road will be constructed under Hamner Avenue and will divide the basins. A culvert will carry flows underneath the causeway to allow flows to be carried through the basins to the Santa Ana River.

Receiving water: Unnamed tributary to the Santa Ana River

Fill area: 0.660 acre of impacts

Dredge/Fill volume: NA

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 43

Latitude / Longitude: 33.954894 / -117.558242, Township 2 South, Range 7 West, Sections 31 and 36, and Corona North Quadrangle

Mitigation:

Mitigation for project impacts to water quality and beneficial uses will be the following:

- An off-site mitigation area of approximately 15.39 acres of cottonwood-willow riparian forest will be placed with a conservation easement or deed restriction in favor of a CDFG- approved local conservation entity. Tentatively, the mitigation site will be located to the east of the project site, adjacent to the Santa Ana River on City of Norco property. Implementation of this mitigation must follow the requirements described in the CDFG Streambed Alteration Agreement for the project.
- The proposed detention basins and channel will be maintained free of the giant reed (*Arundo donax*) and tamarisk invasive plant species. If determined to be feasible by the City, mature native riparian vegetation will be allowed to become established in the basins/channel.

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.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board must consider the EIR or Negative Declaration prepared for a project by the Lead Agency, and reach its own conclusions on whether and how to approve the project involved. Regional Board staff has considered the project's environmental impact report before issuing this 401 Certification, particularly those sections of the Negative Declaration that relate to water quality. Based on the mitigation proposed and the conditions set forth in this 401 Certification, the Regional Board independently concludes that the project's impacts to water quality will be reduced to a less than significant level.

This 401 Certification is contingent upon the execution of the following conditions:

- 1) The mitigation requirements, as stated above, must be implemented in a timely manner.
- 2) The applicant must comply with the requirements of the applicable Clean Water Act section 404 permit.
- 3) 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.
- 4) The project proponent shall utilize BMPs 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.
- 5) 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.

- 6) 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.
- 7) 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.
- 8) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 9) Applicant shall ensure that all fees associated with this project shall be paid to each respective agency prior to conducting any on-site construction activities.

Under the 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/wqo2003-0017.pdf

Should there be any questions, please contact Dave Woelfel at (951) 321-4584, or Mark Adelson at (951) 782-3234.

Sincerely



Kurt V. Berchtold
Executive Officer
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

Michael Brandman and Associates - Diana Lloyd
U. S. Army Corps of Engineers, Los Angeles Office -Jason Lambert
Department of Fish and Game -Juan Lopez Torres
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