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GOVERNOR

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SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

May 16, 2012

Anne Mayer
Riverside County Transportation Commission (RCTC)
4080 Lemon Street, 3rd Floor
Riverside, CA 92502-2208

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE PROJECT TO WIDEN I-215 FROM SCOTT ROAD TO NUEVO ROAD, COUNTY OF RIVERSIDE, CALIFORNIA (USACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 332012-04)

Dear Ms. Mayer:

On February 24, 2012, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the Riverside County Transportation Commission (RCTC), for the widening of approximately 12.5 miles of Interstate 215 (I-215) between Scott Road and Nuevo Road. The overall project length is reported to be 14.3 miles. 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: Widen I-215 from four mixed-flow lanes to six mixed-flow lanes. The third lane will be added in each direction within the median from Scott Rd. to ~1 mile north of I-215/SR-74 East interchange and added along the outside of the existing I-215 lanes from ~1 mile north of I-215/SR-74 East interchange to Nuevo Rd. The project includes widening bridges crossing the Romoland Flood Control Channel, the San Jacinto River, and Salt Creek, and lengthening San Jacinto River overflow culverts. The work will take place within:

Section 29, 30, 32, 33 of Township 4 South, Range 3
West, of the U.S. Geological Survey *Romoland*,
California quadrangle map

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Section 3, 4, 9, 16, 21, 27, 28, 34 of Township 5
South, Range 3 West, of the U.S. Geological Survey
Romoland, California quadrangle map

Sections 2, 3, 10, 11, 14, 15, 22 of Township 6 South,
Range 3 West, of the U.S. Geological Survey *Perris,*
California quadrangle map

(33.684949° N/ -117.171616 °W).

Receiving water: Romoland Flood Channel, San Jacinto River, and Salt Creek

Fill area: A total of 1.59 acres, comprising:

- a. 0.370 acre of permanent impact to streambed habitat (non-wetland waters of the U.S.)
- b. 1.132 acres of temporary impact to streambed habitat (non-wetland waters of the U.S.)
- c. 0.033 acres of permanent impact to wetland habitat, comprised of 0.016 acre of wetland and 0.017 acre of vernal pools
- d. 0.050 acre of temporary impact to wetland habitat, comprised of 0.041 acre of wetland and 0.009 acre of vernal pools

Dredge Volume: N/A

Fill volume: 2130 cubic yards (CY), comprised of 303 CY native soil materials; 467 CY reinforced concrete; 1,360 CY rock riprap

Federal permit: Individual CWA Section 404 permit applied for February 12, 2012

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:

- Avoidance, minimization and mitigation measure are specified in the project's environmental documentation and summarized in the Applicant's application. Standard water quality related best management practices (BMPs) will be employed during construction activities.
- Onsite mitigation for temporary impacts to vernal pools is addressed by the Applicant's March 2012, Habitat Mitigation and Monitoring Plan (HMMP), which calls for rehabilitation of 0.020 acre of vernal pool and 0.035 acre of associated watershed at the site of the temporary impacts.

Offsite Water Quality Standards Mitigation Proposed:

- Offsite mitigation for impacts to vernal pools is addressed in the March 2012, HMMP, which calls for re-establishment of 0.70 acre of vernal pools and 5.1 acres of associated watershed.
- Mitigation for impact to streambed habitat (non-wetland waters of the U.S.) is addressed in the April 2012 Compensatory Mitigation Plan, which calls for restoration of 1.110 acre of non-wetland waters of the U.S.
- Mitigation for impact to wetland habitat, is addressed in the April 2012 Compensatory Mitigation Plan, which calls for restoration of 0.080 acre of wetland waters of the U.S.
- Compensation for permanent impacts to riparian-riverine resources at a 3:1 ratio (thus 1.110 acres of mitigation) and compensation for permanent impacts to wetland resources at a 5:1 ratio (thus 0.080 acres of mitigation) is proposed. This will be coordinated with CWA permitting and DFG 1602 Streambed Alteration Agreement acquisition to ensure efficiencies with the mitigation effort.

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 (USFWS) and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. The USFWS issued a February 14, 2012, Biological Opinion (BO) for this project. The BO was to determine consistency with the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP).

Appropriate BMPs will be implemented to reduce construction-related and post-construction impacts of the project on waters of the State according to the requirements of:

- A. Order No. R8-2010-0033 (NPDES Permit No. CAS618033), commonly known as the Riverside County Municipal Storm Water Permit, and subsequent iterations thereof, which 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; and/or,
- B. Order No. 99 – 06 - DWQ (NPDES No. CAS000003) for Storm Water Discharges from the State of California, Department of Transportation (Caltrans) Properties, Facilities, And Activities, and subsequent iterations thereof; and/or,
- C. Order No. 2009-0009-DWQ General Permit for Storm Water Discharges Associated with Construction Activity, as amended by Order No. 2010-0014-DWQ.

The project owner will require the construction contractor to prepare a Stormwater Pollution Prevention Plan (SWPPP) for the project.

On April 12, 2012, the California Department of Transportation adopted a Mitigated Negative Declaration (MND). Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an environmental impact report (EIR) or negative declaration prepared by the

lead agency in determining whether to approve a project. 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. The Regional Board has considered the applicant's MND and independently concludes that by implementing the mitigation measures specified in the MND and herein, the project will not adversely affect water quality standards.

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) Offsite mitigation identified above shall be timely implemented. Not later than 30 days prior to start of construction, the applicant shall submit documentation that all in-lieu mitigation fees have been paid and fee payment acknowledged by the in lieu fee program manager.
- 3) Functional assessments of impacted vernal pools and vernal pool mitigation sites shall be conducted using the California Rapid Assessment Method, February 2012, as specified in the HMMP, and reported to <http://www.californiawetlands.net/tracker/>
- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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.

- 8) 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.
- 9) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 10) Outstanding application fees in the amount of \$5778 shall be paid to the State Water Resources Control Board at this office not later than June 30, 2012.
- 11) 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 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.

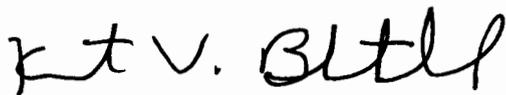
If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge 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 Marc Brown 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):

Riverside County Transportation Commission– Lisa DaSilva, LDaSilva@rctc.org
U. S. Army Corps of Engineers, Los Angeles Office – Jason Lambert
Department of Fish and Game –Kimberly Freeburn
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