

**Santa Ana Regional Water Quality Control Board**

May 15, 2013

David Thomas  
Riverside County Transportation  
Commission  
3850 E. Vine Street, Suite 210  
Riverside, CA 92507

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
CERTIFICATION FOR THE SR-91 CORRIDOR IMPROVEMENT PROJECT, COUNTY  
OF RIVERSIDE, CALIFORNIA (ACOE REFERENCE NO. NOT AVAILABLE)  
(SARWQCB PROJECT NO. 332012-27)**

Dear Mr. Thomas:

On August 10, 2012, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification"), from the Riverside County Transportation Commission for a long-term project to increase the traffic carrying capacity of the SR-91 and I-15 corridor area, in order to more effectively serve existing and future travel demands between and within Riverside and Orange counties. 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:** Implementation of the subject project will be managed in two phases, over a 20-year period, beginning with the Initial Phase and culminating in the Ultimate project.

The Initial Phase (IP) consists of improvements on SR-91 from approximately the Orange/Riverside County line to the I-15 interchange (a distance of approximately 8 miles) and single-lane direct connectors between the SR-91 and I-15 interchange and the I-15 and Ontario Avenue interchange (a distance of approximately 3 miles). Project components for the initial phase generally include the construction of two express lanes, one general purpose lane, and auxiliary lanes along the SR-91. An additional express lane will be constructed along the I-15 between Ontario Avenue and SR-91.

The Second Phase or Ultimate Project (UP) will be constructed after the Initial Phase has been completed. This phase will include the construction of a SR-91 general-purpose (GP) lane and the conversion of an existing SR-91 HOV lane to an express lane, between I-15 and Pierce Street. Along the I-15, one express lane will be constructed between Cajalco Road to Ontario Avenue, and from the SR-91 and I-15 Interchange to Hidden Valley Parkway. The UP will also include further improvements on SR-91 from SR-241 to SR-71. This will include the construction of one GP lane in each direction; improvements on SR-91 from I-15 to Pierce Street, which would include one GP lane in each direction; improvements on I-15 from Ontario Avenue to Cajalco Road; and improvements on I-15 between SR-91 and Hidden Valley Parkway, which would include direct connectors between SR-91 eastbound to the I-15 northbound and I-15 southbound to the SR-91 westbound. The UP will also include extending the express lane access point to Cajalco Road.

The work will take place within Sections 5, 8, 16, and 17 of Township 4 South, Range 6 West, of the U.S. Geological Survey *Corona South* quadrangle map (33° 52' 13.64" N / - 117° 44' 41.63" W).

Receiving waters:

27 named and unnamed watercourses tributary to Santa Ana River Reaches 2 and 3, in the area between:

Gypsum Canyon Road and SR 91, on the west;  
Corona Avenue and I-15, on the north;  
Pierce Street and SR 91 on the east; and,  
Cajalco Road and I-15 on the south.

Named watercourses include:

Temescal Ck. Reaches 1 and 2  
Arlington Valley Channel

Wardlow Wash / Fresno Canyon

These watercourses are listed on Table 4. "Description of Activities, Features and Affected Acreages," and shown on the "401 Impacts Exhibit," submitted on February 13, 2013.

Fill area:

Permanent impact to Wetland Habitat	0.162 acre	306 linear feet
Temporary impact to Wetland Habitat	0.06 acre	58 linear feet
Permanent impact to Streambed Habitat	0.2637 acre	1,255 linear feet
Temporary impact to Streambed Habitat	1.92 acre	2,763 linear feet

Dredge/Fill volume: N/A

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:

- Standard water quality related best management practices (BMPs) will be employed during construction activities.

Offsite Water Quality Standards Mitigation Proposed:

- The applicant will acquire mitigation credits from the Riverside-Corona Resource Conservation District's (RCRCD) In-Lieu Fee Program to compensate for the impacts to waters of the U.S. at the following impact-to-mitigation ratios:

0.162 acre of permanent impact to Wetlands	mitigated at 5:1	0.81 acre
0.2637 of permanent impact to Streambed Waters	mitigated at 3:1	0.79 acre
1.9775 of temporary impacts (Wetland and Streambed)	mitigated at 1:1	1.98 acre

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 Wildlife 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 (NPDES Permit No. CAS000003), commonly known as the CalTrans Storm Water Permit, and subsequent iterations thereof. (While the California Department of Transportation (CalTrans) is not the applicant, the project

CalTrans' specifications include measures to comply with Order No. 99-06-DWQ.) Upon completion, each phase of the project will be transferred to the CalTrans, which will become responsible for its operation and maintenance (O&M). Future O&M of the project will be conducted according to the requirements of Order No. 99-06-DWQ (NPDES Permit No. CAS000003) and subsequent iterations thereof.

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 Section 401 Certification. 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.

As required by Section 15096, the Regional Board has considered the EIR prepared for the proposed project, and information provided subsequently in the Riverside County Transportation Commission's application, in approving this Certification. Based on the mitigation proposed and the conditions set forth in this Certification, Board staff has concluded that the project's impacts to water quality will be reduced to a less than significant level and beneficial uses will be protected. The Regional Board has independently considered those parts of the project's EIR that are related to the Board's jurisdiction in making this certification, and finds that changes or alterations have been required or incorporated into the proposed project which avoid impacts to water quality or which mitigate impacts 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) Proposed mitigation shall be timely implemented. Materials documenting the purchase of necessary mitigation credits 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.
- 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 appropriate 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) Construction de-watering discharges, including temporary stream diversions necessary for project construction 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 Minimus) Threat to Water Quality. For more information, please review Order No. R8-2009-0003 at [www.waterboards.ca.gov/santaana/](http://www.waterboards.ca.gov/santaana/)
- 10) California Rapid Assessment Method, February 2012 (CRAM) studies of in-lieu mitigation sites designated for this project shall be conducted annually, beginning in the year prior to when project impacts are scheduled to occur. CRAM studies will continue annually thereafter, until success criteria are met for consecutive years within each respective in-lieu mitigation site. Findings of CRAM studies shall be reported to <http://www.californiawetlands.net/tracker/>.

- 11) 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.
- 12) Applicant shall ensure all procedures and policies specified within the project's WQMP shall adequately address any hydraulic conditions of concern generated during and as a result of this project.
- 13) 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.

David Thomas  
Riverside County Transportation  
Commission  
401 Certification No. 332012-27

- 7 -

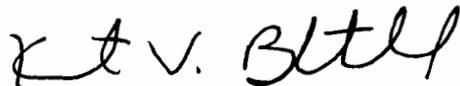
May 15, 2013

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](http://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  
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

Parsons - Stephanie Blanco, [Stepanie.blanco@parsons.com](mailto:Stepanie.blanco@parsons.com)  
U. S. Army Corps of Engineers, Los Angeles Office - Jason Lambert  
Department of Fish and Wildlife - Juan J. Lopez-Torres  
SWRCB, Office of Chief Counsel - David Rice  
SWRCB, DWQ -Water Quality Certification Unit  
U.S. EPA -Supervisor of the Wetlands Regulatory Office WTR-8