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Santa Ana Regional Water Quality Control Board

November 5, 2014

Russell Williams  
Riverside County Transportation  
Department  
3525 14<sup>th</sup> Street  
Riverside, CA 92502

**REVISED CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
CERTIFICATION FOR THE I-215 & NEWPORT ROAD INTERCHANGE  
IMPROVEMENT PROJECT, COUNTY OF RIVERSIDE, CALIFORNIA (ACOE  
REFERENCE NO. SPL201000446\_NWP) (SARWQCB PROJECT NO. 332012-36)**

Dear Mr. Williams,

This correspondence represents a revision to the Clean Water Act Section 401 Water Quality Standards Certification (Certification) issued from this office on September 13, 2013 for the subject project. This revised Certification supersedes the September 13, 2013 Certification for the project.

On December 24, 2012, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") and the associated filing fee of \$40,252.00 from the Riverside County Transportation Department (RCTD). On August 28, 2014 a request was received from RCTD to revise the proposed compensatory mitigation for the project. The aforementioned submittal was for a project in the City of Menifee, to modify the existing diamond interchange at I-215 and Newport Road, into a partial cloverleaf interchange configuration. Upon receiving further clarifying information regarding the proposed mitigation, this letter responds to your request to revise the existing 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 includes the widening of the Newport Road overcrossing and the northbound I-215 bridge over Salt Creek. Temporary impacts to the bed, channel and bank within jurisdictional Waters of the U.S. include a total of 0.594 acre (1,297 linear feet). Permanent impacts total 2.041 acres (4,593 linear feet). Fill material consisting of 34,000 cubic yards (CY) of earthen fill, 35 CY of reinforced concrete and 310 CY of rock

rip rap (totaling 34,345 CY) will be placed within Waters of the U.S. at this location. The work will take place as part of a larger I-215 project within Sections 2, 3, 34, & 35 of Townships 5 & 6 South, Range 3 West, of the U.S. Geological Survey *Romoland* quadrangle map (33.685017° N/ -117.171410° W).

Receiving water:  
Salt Creek and unnamed ephemeral tributary drainages

Fill area:

Permanent impact to Wetland Habitat	0.003 acre	15 linear feet
Temporary impact to Wetland Habitat	0.036 acre	92 linear feet
Permanent impact to Streambed Habitat	1.986 acres	4,164 linear feet
Temporary impact to Streambed Habitat	0.536 acre	1,170 linear feet

Dredge/Fill volume:

34,000 CY of native materials; 35 CY reinforced concrete, and 310 CY of rock rip rap

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: None

- Standard water quality related best management practices (BMPs) will be employed during construction activities.
- Temporary impacts to non-wetland Waters of the State will include returning temporarily impacted on-site areas to preconstruction contours and hydrological conditions, where feasible.

Offsite Water Quality Standards Mitigation Proposed:

- Compensatory mitigation is proposed through payment into the Riverside Corona Resource Conservation District In-lieu Fee Program. Compensatory mitigation will include rehabilitation and/or re-establishment on a total of 2.787 acres for permanent impacts to wetlands at a 3:1 ratio and to non-wetland Waters of the U.S. at a 2:1 ratio; and for temporary impacts to wetland and non-wetland Waters of the U.S. acres at a 1:1 ratio at the Reynolds Property, controlled by Western Riverside County Regional Conservation Authority (RCA), tributary to Temescal Wash, Santa Ana River Watershed.
- An additional 1.47 acres of waters of the State will be enhanced at the RCA Wolfskill-Driscoll site through the Santa Ana Watershed Association In-lieu Fee Program.

0.49 acre of permanent impact to non-wetland and other waters	mitigated at 2:1	0.982 acre
0.003 acre of permanent impact to seasonal wetland	mitigated at 3:1	0.009 acre
0.454 acre of temporary impact to non-wetland and other waters	mitigated at 1:1	0.454 acre
0.036 acre of temporary impact to seasonal wetland	mitigated at 2:1	0.072 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. 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.

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 (ND) 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.

As required by Section 15096, the Regional Board has considered the mitigated ND prepared for the proposed project and information provided subsequently in the application, in approving this Certification. The Regional Board has independently considered the county's Mitigated Negative Declaration in making this certification and 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) 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 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) 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.
- 11) Prior to grading, excavation, or discharge of fill or construction materials for the project in waters of the U.S. slated to be impacted by the project, functional assessments of the wetlands and riparian habitats that will be impacted by the project, and of proposed mitigation sites, shall be conducted using the California Rapid Assessment Method, February 2012. Mitigation site assessments shall be conducted in the period between October 1 and December 31, until success criteria are met for consecutive years. This information shall be reported to <http://www.californiawetlands.net/tracker/>

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](http://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):

URS Corporation – Greg Hoisington – [greg.hoisington@urs.com](mailto:greg.hoisington@urs.com)  
U. S. Army Corps of Engineers, Los Angeles Office – James Mace  
CA Department of Fish and Wildlife - Kim 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