



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
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Arnold Schwarzenegger
Governor

July 7, 2008

Marty Meisler
Metropolitan Water District of Southern California
700 North Alameda Street
Los Angeles, CA 90012

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR PERRIS VALLEY PIPELINE, SOUTH REACH, RIVERSIDE COUNTY (ACOE REFERENCE NO. SPL – 2008- 137 – FBV)

Dear Mr. Meisler:

On January 17, 2008, we received Metropolitan Water District of Southern California's (MWD, or applicant) request for Clean Water Act Section 401 Water Quality Standards Certification (Certification) for the proposed construction of the South Reach of the Perris Valley Pipeline in Riverside County. On February 29, 2008, we received additional requested information and an amended project description. 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) and subsequent Basin Plan amendments:

Project Description: Construction of the South Reach of the Perris Valley Pipeline. The South Reach consists of a buried 8-foot diameter water pipeline constructed within a 3.9-mile corridor. The South Reach will begin northwest of the intersection of Cactus Avenue and Interstate 215 (I-215) and generally run parallel to the I-215. The Pipeline will be tunneled under Van Buren Boulevard and I-125 and will end at Oleander Boulevard. The project will largely be completed via trenching with surface grades restored to their original condition. Trenching will occur in 500-foot long segments. Approximately 35,000 cubic yards of excess dirt will be hauled off-site for use as daily cover at a landfill. Permanent surface structures, such as manholes and air release, blow-off, and sectioning valves, will be included. The project is located in Section 26 of Township 3 South, Range 4 West, of the U.S. Geological Survey *Riverside East, California*, 7.5-minute topographic quadrangle map (33 deg. 52 min. 51 sec. N/-117 deg. 15 min. 57 sec. W).

California Environmental Protection Agency



Receiving water: Un-named ephemeral drainages tributary to Perris Valley Storm Drain.

Fill area: 0.59 acres of temporary impact to ephemeral drainages, (1,120 linear feet).

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 12.

Appropriate Best Management Practices will be implemented to reduce construction-related impacts to Waters of the State. This project is more than one acre. Therefore, coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 99-08 DWQ, is required, as is development of a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of pollutants from the project site.

The project is subject to a Nationwide Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have applied for a Streambed Alteration Agreement with the California Department of Fish and Game.

The project is part of the larger Perris Valley Pipeline project, consisting of a 6 mile long pipeline to convey water treated at the Henry J. Mills Water Treatment Plant. The project represents the southerly phase of the larger project and includes the terminus of the pipeline. The earlier phase, between the Plant and the start of the proposed project, is currently under construction within the Van Buren Boulevard right of way.

Pipeline operations activities will include discharges from the pipeline. These discharges are subject to the provisions and conditions of Regional Board Order No. R8-2003-0061, NPDES Permit No. CAG998001, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality, and subsequent amendments (Order No. R8-2003-0061). Order No. R8-2003-0061 and its amendments are available at:

www.waterboards.ca.gov/santaana/board_decisions/adopted_orders/orders/2003/03_061_gen_wdr_08222003.pdf

Pursuant to the California Environmental Quality Act (CEQA), the Western Municipal Water District (WMWD), in coordination with the Metropolitan Water District of Southern California, certified an Environmental Impact Report (EIR) for the Perris Valley Pipeline Project (State Clearinghouse No. 2005061028) on December 7, 2005. A Notice of Determination was filed with the Riverside County Clerk on December 7, 2005.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider the EIR 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 and Addendum prepared for the proposed project in approving this Certification. Based on the mitigation proposed in the EIR, and the conditions set forth in this Certification, impacts to water quality will be reduced to a less than significant level and beneficial uses will be protected. Thus, the Regional Board finds that changes or alterations have been required in, or incorporated into, the project that avoid or mitigate impacts to water quality to a less than significant level.

Additionally, the EIR concluded that project-specific short-term air quality impacts will not be mitigated to a less than significant level. Pursuant to Section 15093, the WMWD and MWD adopted a statement of overriding considerations which finds that the benefits of constructing the pipeline outweigh the significant air quality impacts. As a responsible agency, the Regional Board does not have the authority or jurisdiction to require or implement mitigation measures that may reduce air quality impacts. Thus, consistent with the WMWD and MWD, and pursuant to Section 15093, the Regional Board hereby adopts a statement of overriding considerations and finds that the benefits of constructing and operating the pipeline, including: 1) the reduction of potential water shortages in the future; 2) increasing the treated-water delivery capacity of local water retailers to meet existing and future water demands; and 3) maximizing the production capacity of existing water treatment facilities and avoiding the cost of constructing new facilities, outweigh the significant impacts to air quality caused by this project.

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

1. This Certification and any subsequent amendments must be maintained on site as a denoted element of the project SWPPP.
2. MWD must implement and maintain site-specific BMPs that will be specified in the site's SWPPP and comply with the State Water Board's General Storm Water Permit.
3. MWD must promptly notify the Regional Board if any state- or federally-listed endangered species or their habitat are found at the site,
4. Any discharge from the project must 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, the Basin Plan water quality objectives and with other applicable requirements of State law.

5. The applicant must comply with the requirements of the Clean Water Act section 404 permit.

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.

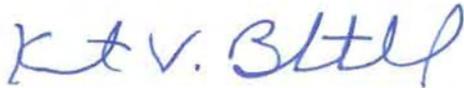
This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related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

July 7, 2008

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 Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



for

GERARD J. THIBEAULT
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Gerry Salas
State Water Resources Control Board, OCC – David Rice
State Water Resources Control Board, DWQ-Water Quality Certification Unit – Bill Orme
California Department of Fish and Game, Ontario Office – Jeff Brandt
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini and David Smith

APF:401/certifications/perris valley pipeline S-Reach 332008-02