



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

May 24, 2010

Mr. Craig Wentworth
Caltrans
464 4th Street, 8th Floor MS 822
San Bernardino, CA 92401

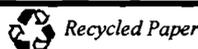
**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR INTERSTATE-15 (I-15) V-DITCH EXTENSION PROJECT
BETWEEN MILE MARKER 44.26 TO 44.31, IN NORCO, RIVERSIDE COUNTY
(CORPS FILE NO. NOT AVAILABLE) (332009-21)**

Dear Mr. Wentworth:

On November 30, 2009, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") for the proposed extension of a concrete v-ditch within Caltrans right-of-way, adjacent to I-15, from post miles 44.26 to 44.31, in the city of Norco, Riverside County. This letter responds to your request for certification that the proposed project, described in the 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 ("Basin Plan"):

Project Description: Construction activities will extend a 285-foot long concrete v-ditch by an additional 275 feet northerly within an existing Caltrans constructed drainage swale, to facilitate drainage from the interstate highway. This project will include excavation from the northern terminus of the existing v-ditch, using hand tools and a single backhoe. Access to the project site will be via Wraymar Lane. The project is located on the east side of the interstate, between 3rd Street and Wraymar Lane in the city of Norco within Section 12 of Township 3 South and Range 7 West of the U.S. Geological Survey *North Corona, California*, 7.5-minute topographic quadrangle map (117 33' 23" W / 33 55' 03" N).

California Environmental Protection Agency



Receiving Waters: Unnamed tributary to Santa Ana River

Fill Area: 0.03 acre of temporary impact to streambed (345 linear feet)
0.10 acre of permanent impact to streambed (275 linear feet).

Dredge Volume: None

Federal Permits: US Army Corps of Engineers Nationwide Permit No. 3.

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:

- Best Management Practices (“BMPs”) will be specified in the project Storm Water Pollution Prevention Plan (“SWPPP”).
- Any temporarily-impacted areas will be re-vegetated with native vegetation.

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. 99-06-DWQ, issued to the Department of Transportation by the State Water Resources Control Board and subsequent iterations thereof. These requirements include the development and implementation of appropriate Best Management Practices for the purpose of removing construction-related and transportation-related pollutants from discharges from Caltrans’ rights-of-way and easements. In addition to the aforementioned Order, portions of this project may fall under 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.

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 conditions contained in any other permit or approval for this project issued by the State of California, or any subdivision thereof, may result in appropriate enforcement action, including imposition of administrative civil liability.

The proposed 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. Pursuant to the California Environmental Quality Act (CEQA), Caltrans filed a CEQA Guidelines Section 15301(b) "Class 1" Categorical Exemption on May 12, 2009, which declares that the project consists of the reconstruction of existing facilities where the new facilities will be located on the same site as the facilities replaced and will have substantially the same purpose and capacity as the facilities replaced. The proposed project will not expand the existing earthen swale beyond its original design capacity and is intended to maintain the hydraulic capacity of an existing storm water drainage facility. The Regional Board has considered Caltrans' Categorical Exemption in the issuance of this Certification.

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) A copy of this Certification and any subsequent amendments must be maintained on site as a denoted element of the project's storm water pollution prevention program.
- 3) Thirty (30) days prior to the start of beginning construction of this project, the applicant must notify this office that construction is about to begin.
- 4) Temporarily impacted areas shall be re-vegetated with native vegetation.
- 5) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.

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.

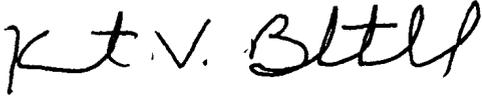
In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean 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. 200-0017-DWQ is available at: 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,



for GERARD J. THIBEAULT
Executive Officer

cc (via electronic message):

U. S. Army Corps of Engineers, Los Angeles Office – Mark Durham
State Water Resources Control Board, OCC – David Rice
State Water Resources Control Board, DWQ – Water Quality Certification Unit
U.S. EPA – Supervisor of the Wetlands Regulatory Office WTR- 8

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