



California Regional Water Quality Control Board

Santa Ana Region



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Arnold Schwarzenegger
Governor

June 9, 2010

Margery Lazarus
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE IRONWOOD AVENUE AND INDIAN BASIN DETENTION
BASIN PROJECT, CITY OF MORENO VALLEY, RIVERSIDE COUNTY (ACOE
REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 332009-18)**

Dear Ms. Lazarus:

On October 27, 2009, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the City of Moreno Valley for improvements to the roadway and pedestrian right-of-way along Ironwood Avenue and to improve the storm drain inlets along Ironwood Avenue draining to the Indian Detention Basin. 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:

The project has two components:

Part 1: Construct street improvements along the north side of Ironwood Ave. from Heacock St. to Perris Blvd. and along the south side of Ironwood from Nita Drive to Indian Street, widening the section of Ironwood to 64 feet wide (curb to curb). Improvements include modifications to the existing storm drain conveyance system, including partially diverting surface flows from the Ironwood/Heacock intersection via Bale Creek, by constructing drainage line H-1A. This includes the installation of approximately 1,200 feet of 102-inch and 72-inch diameter RCP and catch basins along Ironwood Avenue from Heacock Street to Perris Boulevard, except the southern section of Ironwood Avenue from Heacock Street to Nita Drive. A portion of line H-1A will be installed from Hubbard Street west to an existing connection point at Indian Street. The remaining portion of line H-1A will be installed from an existing connection point just

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west of Kevin Street to the Indian Detention Basin. The existing outlet headwall of Line H-5 in Davis Street will be trimmed and connected to Line H-1A.

Part II: Construct street improvements on the south side of Ironwood Avenue (Heacock Street to Nita Drive) and improvements to the storm drain system (Line H) that drains to the existing Indian Detention Basin. Completion of Line H of the Sunnymead Area Drainage Plan will include construction of approximately 520 feet of main line Reinforced Concrete Box and 1,140 feet of 102-inch RCP, including a standard concrete storm drain outlet structure and catch basins/laterals along Ironwood Avenue. Construct a maintenance access road, starting from Ironwood Avenue and continuing southerly along an unimproved section of Davis Street. The access road will be constructed over Line H and H-1A storm drains and will dead-end before crossing Bale Creek, just northwest of the proposed storm drain outlets. Additionally, a new access ramp will be constructed to the Indian Detention Basin from Davis Street just south of the project area.

The work will take place within Section 6 of Township 3 South, Range 3 West, of the U.S. Geological Survey *Sunnymead, California*, 7.5-minute topographic quadrangle map (33.945575 ° / -117.239503°).

Receiving water:	Bale Creek and Indian Detention Basin, tributary to Perris Valley Storm Drain and the San Jacinto River.
Fill area:	0.041 acre of permanent impact to a wetland habitat 0.102 acre of temporary impact and 0.294 acre of permanent impact to riparian habitat. 0.154 acre of temporary impact and 0.145 acre of permanent impact to streambed habitat.
Dredge/Fill volume:	N/A
Federal permit:	U.S. Army Corps of Engineers Nationwide Permit No. 43.

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.

Offsite Water Quality Standards Mitigation Proposed:

- Mitigation for permanent impacts to wetlands and riparian habitat will be achieved by removing no less than 1.98 acres of invasive species in riparian habitat (including *Tamarisk*. Spp) within the San Jacinto River, subwatershed of the upper Santa Ana River watershed. Mitigation will be carried out by the Santa Ana Watershed Association (SAWA) to restore riparian habitat at designated locations along the San Jacinto River. The cost of carrying out the mitigation will be paid to SAWA by the applicant. This mitigation obligation includes annual reporting to the California Department of Fish and Game (CDFG) for a minimum of five (5) years.

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. 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.

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), the City of Moreno Valley adopted a Mitigated Negative Declaration for the project on March 26, 2009. Pursuant to California Code of Regulations, Title 14, Section 15096, subdivision (f), the Regional Board must consider the environmental effects of the project as shown in the associated negative declaration prior to reaching a decision on the project. The Regional Board has considered the City of Moreno Valley's Mitigated Negative Declaration in the issuance of 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) The applicant shall take steps necessary to remove no less than 1.98 acres of invasive species in riparian habitat (including *Tamarisk*. Spp) within the San

Jacinto River, subwatershed of the upper Santa Ana River watershed, as proposed.

- 3) By September 1, 2010, the applicant shall submit documentation to this office showing that the mitigation described above has been funded and accepted by SAWA.
- 4) Annually reporting the status of mitigation activities conditioned above, according to directives outlined in Notification No. 1600-2009-0115-R6 (revision 2), issued by the CDFG on May 13, 2010.
- 5) A copy of this Certification and any subsequent amendments must be maintained on site for the duration of work, as a denoted element of the project Storm Water Pollution Prevention Plan (SWPPP) or Water Quality Management Plan (WQMP)
- 6) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 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

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,



GERARD J. THIBEAULT
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Jason Lambert
Department of Fish and Game – Anna Milloy
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

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