



California Regional Water Quality Control Board

Santa Ana Region



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Secretary for
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Arnold Schwarzenegger
Governor

April 19, 2010

Guy Pegan
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

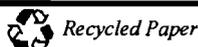
**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE PERRIS VALLEY STORM DRAIN IMPROVEMENT AND
HEACOCK BRIDGE REPLACEMENT PROJECT, CITY OF MORENO VALLEY,
RIVERSIDE COUNTY (ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB
PROJECT NO. 332009-22)**

Dear Mr. Pegan:

On December 3, 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 Perris Valley Storm Drain (PVSD) system and the replacement of the PVSD's Heacock Street Bridge, in the City of Moreno Valley, Riverside County. 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 Heacock Street Bridge, which crosses over the PVSD Lateral A, will be removed. The existing PVSD flood control/drainage structure will be modified by the construction of a four-celled Reinforced Concrete Box culvert, with 12.5' x 8.0' cells. A road crossing constructed above the box culvert will join the existing two-lane Heacock Street and accommodate future improvements to local arterial highways. The existing rip rap pad with grouted rip rap will be extended to the channel sidewalls and ungrouted rip rap will be placed on the channel bottom, downstream from the box culvert. The project is located east of the I-215 and is adjacent to the east side of March Air Reserve Base, along the southeast portion of the base, in the City of Moreno Valley. The work will take place within an

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unsectioned portion of Township 3 South, Range 3 West, of the U.S. Geological Survey *Lake Elsinore, California*, 7.5-minute topographic quadrangle map (33 ° 53' 57.47" N/ - 117° 14' 37.48" W).

Receiving water: Perris Valley Storm Drain Line "A" and Heacock Channel Line "B", tributary to the San Jacinto River.

Fill area: 0.126 acre of permanent impact and 0.321 acre of temporary impact to an ephemeral waterway (320 linear feet total).

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:

- Best Management Practices ("BMPs") will be specified in the project Storm Water Pollution Prevention Plan ("SWPPP").
- The City shall conduct a pre-construction presence/absence survey for the Western Burrowing Owl 5 to 7 days prior to the start of project construction.
- If construction occurs between February 5th and August 31st, a pre-construction survey will be conducted prior to construction activities to determine the presence or absence of active breeding migratory bird nests within or adjacent to the project site. A qualified biologist shall conduct the survey. Should nests be identified during the survey, no construction will occur until nesting/rearing is completed.

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. R8-2009-009 (NPDES Permit No. CAS618033), commonly known as the Riverside County Municipal Storm Water Permit, and subsequent iterations thereof. Order No. R8-2009-009 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), the City of Moreno Valley adopted a Negative Declaration for this project on December 10, 2009. The Executive Officer has considered the City's Negative Declaration 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 must remain at the project site for the duration of the work and be available for inspection upon request.

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.

Although we anticipate no further regulatory involvement, 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.

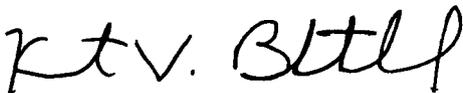
In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean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