



California Regional Water Quality Control Board

Santa Ana Region



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Secretary for
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Arnold Schwarzenegger
Governor

July 28, 2010

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

**AMENDED CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE STATE ROUTE 60 @ NASON STREET INTERCHANGE
PROJECT, CITY OF MORENO VALLEY, RIVERSIDE COUNTY (ACOE REFERENCE
NO. ~~NOT AVAILABLE~~ SPL-2009-00883-VCC) (SARWQCB PROJECT NO. 332009-
17)**

Dear Ms. Lazarus:

On September 21, 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 interchange at Nason Street and State Route 60 (SR-60), which include the reconfiguration of freeway ramps and adding turning lanes. On November 30, 2009, the Regional Board issued a Clean Water Act Certification for this project. That certification was revised on December 21, 2009, to reflect updates to the California Environmental Quality Act (CEQA) documents referenced in the aforementioned application.

On May 24, 2010, the City requested amendments to the December 21, 2009, revised Certification to revise the mitigation required for this project and to clarify the project's CEQA compliance. Staff has considered the City's request, and hereby amends the Certification accordingly. Deleted text is shown lined through, and added text is shown underlined.

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: Modification to the existing SR-60/Nason Street interchange by: 1) reconstructing and realigning all four SR-60/Nason Street freeway ramps with auxiliary lanes at the eastbound on-ramp and the westbound off-ramp; 2) installing signals at

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the ramp/Nason Street intersections; 3) widening Nason Street between the eastbound ramps and Fir Avenue; and, 4) constructing a new sidewalk and Class I bikeway on the west side of Nason Street. The project is located on SR-60, from east of Perris Boulevard to west Moreno Valley Beach Drive and on Nason Street from Fir Avenue to Elder Avenue, all in the City of Moreno Valley. The work will take place within Sections 3 & 4 of Township 3 South, Range 3 West, of the U.S. Geological Survey *Sunnymead, California*, 7.5-minute topographic quadrangle map (32 ° 53' N/ -117° 22' W).

Receiving water: Perris Valley Storm Drain, tributary to the San Jacinto River.

Fill area: 0.123 acre of permanent impact to an ephemeral waterway (534 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").
- Any temporarily-impacted areas will be re-vegetated with native vegetation.

Offsite Water Quality Standards Mitigation Proposed:

- ~~Construction of a 0.5 acre basin or riparian-like area, to contain selected plant, tree and riparian/upland seed mixes. This designated area lies immediately north of and east of the SR-60 @ Nason Street interchange (north of SR-60 Township/Range T3S, R3W Sec. 3).~~ Mitigation for permanent impacts to the ephemeral waterway will be achieved by enhancing no less than 0.615 acres within the San Jacinto River watershed by removing invasive species in riparian habitat (including *Tamarisk*. Spp). 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 by SAWA.

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. R8-2002-0011 (NPDES Permit No. CAS618033), commonly known as the Riverside County Municipal Storm Water Permit, and subsequent iterations thereof. Order No. R8-2002-0011 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), CalTrans initially adopted a Programmatic Categorical Exclusion/Categorical Exemption (PCE/CE) for the project on October 24, 2003, and subsequently completed a NEPA/CEQA re-validation form dated July 15, 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 CalTrans' PCE/CE Categorical Exemption 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 (SPL-2009-00883-VCC).
- ~~2. Construction of a proposed 0.5 acre Basin/ Riparian Area shall be planted and fully established prior to project's completion.~~
- ~~3. Maintenance of the above referenced 0.5 acre Basin/Riparian Area shall adhere strictly with the proposed Habitat Mitigation and Monitoring Plan for this project.~~
3. Prior to initiating construction in waters of the U.S., and to mitigate for impacts to 0.123 acre of non-wetland waters of the U.S., the applicant shall provide documentation verifying purchase of 0.615 acres of credits for the enhancement of waters of the U.S. in the San Jacinto River watershed from SAWA.

4. Annually, the applicant shall report to this office the status of mitigation activities conditioned above, according to the requirements of the Streambed Alteration Agreement issued for this project by the California Department of Fish and Game.
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's Storm Water Pollution Prevention Plan (SWPPP), Water Quality Management Plan (WQMP) or plan of similar purpose.
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,



Kurt V. Berchtold
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
Santa Ana Watershed Association – Lee Reeder

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