



California Regional Water Quality Control Board Santa Ana Region



Matthew Rodriguez
Secretary for
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Edmund G. Brown Jr.
Governor

November 4, 2011

Hans W. Kernkamp, General Manager-Chief Engineer
Riverside County Waste Management Department
14310 Frederick Street
Moreno Valley, CA 92553

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE PEDLEY LANDFILL NORTH BANK STABILIZATION
PROJECT, COUNTY OF RIVERSIDE, CALIFORNIA (SARWQCB PROJECT NO.
332011-19)**

Dear Mr. Kernkamp:

On August 31, 2011, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the Riverside County Waste Management Department (RCWMD) for the Pedley Landfill North Bank Emergency Stabilization Project. As indicated in the application, this project is necessary to repair the severe slope erosion that occurred adjacent to the landfill footprint, exposing the landfill's waste. This letter responds to the 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) (Basin Plan) and subsequent Basin Plan amendments:

Project Description: RCWMD is proposing to repair slope erosion damage that occurred adjacent to the Pedley Landfill footprint and to protect the slope from further erosion. The erosion damage is the result of the December 2010 rain storm events. Repair activities will include: removing eroded material from landfill, placing clean fill material on a reworked flattened slope, installing slope erosion protection, which will consist of articulated concrete blocks (ACBs), and re-vegetating the slope in accordance with a re-vegetation plan provided by a qualified biologist. The ACBs will stabilize and protect the landfill slope from future erosion. All excavated material will be re-buried on-site at the top deck of the landfill and covered with a minimum of two foot of compacted clean soil material. The work will take place within Section 25 of Township 2 South, Range 6 West, of the U.S. Geological

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Survey 1980 Riverside West quadrangle map (33° 57' 39" N/
117° 27' 53" W).

Receiving water: The Santa Ana River

Fill area: 0.15 acre (475 linear feet) of permanent impact to Waters of
the U.S. (open water)

Dredge/Fill volume: None

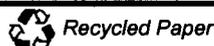
Federal permit: U.S. Army Corps of Engineers Nationwide Permit Nos. 13
and 45

RCWMD has proposed to mitigate water quality impacts as described in the
Certification application. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed:

- Standard water quality related best management practices (BMPs) will be employed during project construction activities and for the useful life of the project, as required by Order No. R8-2010-0033 (NPDES Permit No. CAS618033), commonly known as the Riverside County Municipal Storm Water Permit.
- All post-construction BMPs for the site will be implemented according to the Riverside County Municipal Storm Water Permit.
- The discharger will remove any waste materials that are accidentally discharged into the waters of the U.S. as a result of the construction activities.
- Inadvertent discharges of clean native soil, the slope protection materials listed in the project description, and materials needed to carry out the mitigation, may be discharged into the channel during excavation and fill activities. However, the RCWMD will install silt fences reinforced by sand bags at the toe of the existing slope to minimize any loose soil or excavated material from entering the river during excavation and fill placement.
- In compliance with Section 6.1.2-Riverine/Riparian Areas of the Western Riverside County Multiple Species Habitat Conservation Plan, RCWMD will

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mitigate for the loss of approximately 0.15 acres of Riparian habitat. A re-vegetation plan shall be prepared, which includes proposals for long-term monitoring, as well as success criteria. The site will be re-vegetated to a biologically equivalent or superior state. Furthermore, a biological monitor will be present throughout all remediation activities to ensure that impacts to biological resources are minimized. The project will result in a functional net gain of Riparian/Riverine habitat by eliminating the negative impacts of erosion while minimizing environmental impacts by only removing what is necessary to repair and stabilize the bank.

- Reporting to respective agencies will be according to the Project's *North Slope Remediation Workplan for the Pedley Landfill*.

Offsite Water Quality Standards Mitigation Proposed:

- None

A Biological Resource Assessment/MSHCP Consistency Analysis was prepared for the project on June 13, 2011. No sensitive or special status plant or animal species were found onsite. The RCWMD shall adhere to mitigations measures listed in the North Slope Remediation Workplan report for the Pedley Landfill.

The proposed project is subject to Nationwide Permit Nos. 13 and 45 issued by the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act.

Because this project is considered to be necessary emergency work, it is exempt from the permit requirements of the California Fish and Game Code to obtain a Streambed Alteration Agreement. However, RCWMD will notify California Department of Fish and Game at least 14 days after the start of the project in accordance with Fish and Game Code Section 1610.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15269, emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to public health, safety or welfare are exempt from the requirements of CEQA. A Notice of Exemption was filed by RCWMD for the project on February 24, 2011.

Based on the mitigation proposed 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. The Regional Board independently finds that changes or alterations have been required or incorporated into the project that will avoid or mitigate impacts to water quality to a less than significant.

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) All materials generated from construction activities associated with this project shall be managed appropriately. This shall include identifying all potential pollution sources within the scope of work of this project, and incorporating all necessary pollution prevention BMPs as they relate to each potential pollution source identified.
- 3) The project proponent shall utilize Best Management Practices during project construction to minimize the controllable discharges of sediment and other wastes to drainage systems or other waters of the state and of the United States.
- 4) Substances resulting from project-related activities that could be harmful to aquatic life, including, but not limited to, petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, portland cement concrete or asphalt concrete, and washings and cuttings thereof, shall not be discharged to waters of the state. All waste concrete shall be removed.
- 5) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such a manner that petroleum products or other pollutants from the equipment may enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the state on-site, except as necessary to complete the proposed project. No equipment shall be operated in areas of flowing water.
- 6) Regional Board staff and other authorized representatives shall be allowed:
 - a. Entry upon premises where storm water treatment facilities are located, or where records are kept under the requirements of this Certification and applicable waste discharge requirements;
 - b. Access to copy any records that are kept under the requirements of this Certification and applicable waste discharge requirements;
 - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations related to the treatment of storm water runoff from the project site; and
 - d. To photograph, sample and monitor for the purpose of assuring compliance with this Certification and applicable waste discharge requirements.
- 7) This Certification and any subsequent amendments must be maintained on site as a denoted element of any project SWPPP, WQMP or MMRP.
- 8) All mitigation identified above must be completed in a timely manner.
- 9) Applicant shall submit copies of CDFG-, USFWS-, and/or ACOE-required mitigation and monitoring plans and associated progress reports to Regional Board staff, on the same submittal schedule specified by those agencies.

- 10) Waters of the Region shall be free of changes in turbidity that adversely affect beneficial uses. During the sediment removal activities, the turbidity upstream of the project and at the downstream end of the project in which sediment removal activities are occurring shall be compared on a daily basis. There shall not be an increase in turbidity resulting from controllable factors at the downstream monitoring point when compared with turbidity monitored at the upstream (background) monitoring point that exceeds the following:
- a. If background turbidity is 0-50 NTU, not to increase more than 20%
 - b. If background turbidity is 50-100 NTU, not increase more than 10 NTU
 - c. If background turbidity is > 100 NTU, not to increase more than 10%

Turbidity test results shall be submitted to Regional Board staff in a timely manner.

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

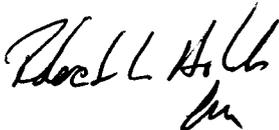
standards and other pertinent requirements incorporated into this certification. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

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. 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 Keith Person at (951) 782-4997, or Cindy Li at (951) 782-4906.

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 Ewing
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