California Regional Water Quality Control Board
Santa Ana Region

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Edmund G. Brown, Jr.
Governor

January 25, 2011

Warren D. Williams
Riverside County Flood Control and
Water Conservation District
1995 Market Street
Riverside, CA 92501

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE FLOOD CONTROL FACILITIES MAINTENANCE PROJECT, HEMET, MORENO VALLEY, AND NORCO, COUNTY OF RIVERSIDE, CALIFORNIA (ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 332010-23)

Dear Mr. Williams:

On August 31, 2010, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the Riverside County Flood Control and Water Conservation District for the repair and stabilization of eroded side slopes at four existing flood control facilities. You have reported that the proposed work is necessary to maintain the designed function of the channels, remove excess material in channel beds, and restore design line and grade. 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:

Hemet Channel

Located in the city of Hemet, southwest of Hemet-Ryan Airport. The reach requiring maintenance is the earthen section approximately four miles in length between Station 71+00 at Salt Creek and Station 1174+00 at Stetson Avenue. Channel bottom width is 20 feet with 4:1 side slopes to natural ground from Station 71+00 to a transition at approximately Station 135+00. At Station 135+00 the channel transitions to a bottom width of 10 feet with 1.5:1 side slopes to natural ground and continues to Station 1174+00 at Stetson Avenue.

In addition to erosion repair, maintenance will also include removal of sediment, woody debris, broken asphalt and concrete and other obstructions to flow. The heavy equipment to be used will be excavators, loaders, and dump trucks. The work will take place within Sections 19, 23, 24, 25, 26, and 27 of Township 5 South, Ranges 1 and 2 West, of the U.S. Geological Survey *Winchester* quadrangle map (33.729° N/ 117.021° W).

Perris Valley Channel Lateral A

Located in the city of Moreno Valley between the Perris Valley Storm Drain main channel and Heacock Street. The reach requiring maintenance is the channel section from the Perris Valley Storm Drain Station 2+00 to Station 110+80; at Station 43+16.72, the channel transitions to a bottom width of 100 feet and remains at that width to Station 110+80, at Heacock Street. The repair in Lateral A will involve rebuilding the eroded side slopes by moving material with a bulldozer from the channel bottom to the slopes. The slopes will be compacted using a bulldozer and water truck. The work will take place within Sections 29 and 30 of Township 3 South, Range 3 West, of the U.S. Geological Survey *Perris* quadrangle map (33.882° N/ 117.243° W).

Perris Valley Channel Lateral B

Located in the city of Moreno Valley, approximately one mile south of Lateral A, also between the Perris Valley Storm Drain main channel and Heacock Street. The reach requiring maintenance is the section from the Perris Valley Storm Drain at approximately Station 32+50 to Station 105+00 at Heacock Street. Channel bottom width is 55 feet with 2:1 side slopes from Station 32+50 to Station 53+03.38 where it then transitions at Station 79+14.09 to a bottom width of 46 feet with 2:1 side slopes to Station 78+05.23. The channel transitions again at Station 79+14.09 to a bottom width of 40 feet with 2:1 side slopes to Station105+00. The repair in Lateral B will involve rebuilding the eroded side slopes by moving material with a bulldozer from the channel bottom to the slopes. The slopes will be compacted using a bulldozer and water truck. The work will take place within Sections 31 and 32 of Township 3 South, Range 3 West, of the U.S. Geological Survey *Perris* quadrangle map (33.859° N/ 117.244° W).

South Norco Channel
Located in the City of Norco between Mountain and Hamner Avenues. The reach requiring maintenance is the section from Station 60+00 to Station 76+00. The interim channel bottom width is 10 feet with 3:1 side slopes from Station 60+00 to the vicinity of Station 68+00. At Station 68+00 the channel begins a transition to a bottom width of 8 feet with 1.5:1 side slopes to Station 76+00. The side slopes will be repaired by using an excavator from the access road and moving material from the channel bottom to the side slopes. A truck will be used to import material as necessary to restore eroded areas. A water truck will be used for slope compaction and dust control. Excess material will be removed and stockpiled offsite on District right-of-way. The work will take place within Section 13 of Township 3 South, Range 7 West, of the U.S. Geological Survey *Corona North* quadrangle map (33.906° N/ 117.562° W).

Receiving water: Hemet Channel, Perris Valley Channel Lateral A and B, and South Norco Channel

Fill area: Hemet Channel: 21,000 linear feet of temporary impact to streambed habitat.
Perris Valley Channel Lateral A: 10,800 linear feet of temporary impact to streambed habitat.
Perris Valley Channel Lateral B: 9,100 linear feet of temporary impact to streambed habitat.
South Norco Channel: 1,600 linear feet of temporary impact to streambed habitat.

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 31

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:

- None

Offsite Water Quality Standards Mitigation Proposed:

- None

Standard water quality related best management practices (BMPs) will be employed during construction activities, including:

- Schedule major grading operations during dry months when practical. Allow enough time before rainfall begins to stabilize the soil with vegetation or physical means or to install sediment trapping devices.
- Wind Erosion Control: Require provisions for dust control plans; Enforce compliance with California air pollution control laws; Require records of dust control measures from contractor; Integrate dust control measures into SWPPP.
- Stockpile Management: Locate stockpiles a minimum of 50 ft away from concentrated flows of storm water, drainage courses, and inlets; Protect all stockpiles from storm water runon using a temporary perimeter sediment barrier such as berms, dikes, fiber rolls, silt fences, sandbag, gravel bags, or straw bale barriers; Manage stockpiles of contaminated soil in accordance with WM-7, Contaminated Soil Management; Place bagged materials on pallets under cover.
- Spill Prevention and Control: Spills of oil, petroleum products, substances listed under 40 CFR parts 110, 117, and 302, and sanitary and septic wastes should be contained and cleaned up immediately; Designate responsible individuals to oversee and enforce control measures

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.

Pursuant to the California Environmental Quality Act (CEQA), Riverside County Flood Control and Water Conservation District has determined that the project is subject to a ministerial exemption from provisions of CEQA (CEQA Guidelines Section 15268) and that it is categorically exempt from CEQA, according to CEQA Guidelines section 15301 as a project that is for the maintenance of existing facilities, not expanding their use.

The Regional Board has independently reviewed the project and concludes that it is categorically exempt pursuant to CEQA Guidelines section 15031, because the project will not expand the channels beyond their original design capacity and is therefore properly considered maintenance of an existing facility.

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.

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 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

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