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SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Santa Ana Regional Water Quality Control Board

September 25, 2013

Kishen Prathivadi  
City of Beaumont  
550 E. 6<sup>th</sup> Street  
Beaumont, CA 92223

### **CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE STATE ROUTE 60/POTRERO BOULEVARD INTERCHANGE PROJECT, COUNTY OF RIVERSIDE, CALIFORNIA (ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 332012-17)**

Dear Mr. Prathivadi:

On August 27, 2012, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the City of Beaumont, in cooperation with California Department of Transportation (Caltrans), for a project to construct a new interchange connection to SR-60 at Potrero Boulevard, in Beaumont, Riverside County. The applicant has also submitted a filing fee of \$3,529.00, which satisfies this project's fee requirement for consideration of a 401 Certification. This fee amount was determined using the Dredge and Fill Fee Calculator on the State Water Resources Control Board (SWRCB) web site, which is based on the most current iteration of California Code of Regulations, Division 3, Chapter 9, Article 1, section 2200 (a) (3). 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:** This two-phase project is for the construction of a new Potrero Boulevard – SR-60 Interchange. The first phase includes construction of a 6-lane Potrero Boulevard overcrossing of SR-60. The second phase includes widening the south side of the existing SR-60 bridge crossing over Coopers Creek, reported in the application as "San Timoteo Creek Bridge No. 56-0065", which is approximately 3200 feet west of the proposed Potrero Boulevard – SR-60 interchange.

CAROLE H. BESWICK, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | [www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)

The first phase of project will cause permanent impacts to streambed habitat of unnamed, ephemeral tributaries to Coopers Creek. The second phase of the project will require the removal of riparian vegetation and cause permanent impacts to the riparian and streambed habitat of Coopers Creek, and an intermittent tributary stream. Permanent impacts will occur to Southern cottonwood-willow riparian forest habitat as a result of the construction of new, permanent bridge structures.

The "San Timoteo Creek Bridge No. 56-0065"widening will also require temporary diversion of Coopers Creek. Cofferdams will be put into place within the part of the creek bed where construction will take place. While the creek is dry, 21, two foot diameter concrete piles will be installed to support the widened "San Timoteo Creek Bridge No. 56-0065". Once the widened bridge section is completed, the diversion materials will be removed and the streambed will be restored.

The work will take place within Section 9 of Township 4 South, Range 4 West, of the U.S. Geological Survey *Steele Peak* quadrangle map (33° 56' 01" N/ -117° 01' 00" W).

Receiving water:

Coopers Creek, Tributary to San Timoteo Creek, Tributary to Santa Ana River

Fill area:

Permanent impact to Streambed Habitat	2.053 acre	2,336 linear feet
Permanent impact to Wetland Habitat	0.0075 acre	linear feet N/A
Permanent impact to Riparian Habitat	0.104 acre	112 linear feet
Temporary impact to Riparian Habitat	0.20 acre	170 linear feet

Dredge/Fill volume:

N/A

Federal permit:

U.S. Army Corps of Engineers Section 404 NWP 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:

- Standard water quality related best management practices (BMPs) will be employed during construction activities.

Offsite Water Quality Standards Mitigation Proposed:

- The applicant proposes to purchase in-lieu fee credits within the Santa Ana River Wetlands Habitat Mitigation Bank, through the Riverside County Park and Open Space District, at the following ratios:

Impacts	Mitigation Ratio	Mitigation Proposed
Permanent impacts to 0.104 acre of riparian habitat and 0.0075 acre of wetlands	3:1	0.3445 acres <sup>1</sup>
Impacts to 2.0530 acres of ephemeral streambed and associated habitat	2:1	4.106 acres

- Notes:
  - 2.0530 acres of the permanent impact to streambed include 0.3885 acres of USACE non-wetland waters of the U.S.
  - The total mitigation in-lieu fee purchase for impacts to 0.1040 acre of riparian habitat and 2.0530 acres of streambed is 4.4505 acres.

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 Wildlife 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 State Water Resources Control Board Order No. 2012-0011-DWQ (NPDES Permit No. CAS618036), commonly known as the Statewide CalTrans Storm Water Permit, and subsequent iterations thereof. These requirements include the development and implementation of appropriate Best Management Practices for the purpose of removing construction-related and transportation-related pollutants in discharges from CalTrans' rights-of-way and easements. Additionally, appropriate BMPs will be implemented according to the requirements of Order No. R8-2010-33 (NPDES Permit No. CAS618033), commonly known as the Riverside County Municipal Storm Water Permit, and subsequent iterations thereof. Order No. R8-2010-33 requires that you substantially comply with the requirements of State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction

<sup>1</sup> To ensure compliance with the "no net loss" policy, proposed mitigation will include 0.0075 acre of wetland restoration

Activity, including the preparation of a SWPPP.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an Environmental Impact Report (EIR) or Negative Declaration (ND) prepared by the lead agency in determining whether to approve a project. A responsible agency has responsibility for mitigating and avoiding only the direct and indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve. Further, the responsible agency must make findings as required by Sections 15091 and, if necessary, 15093, for each and every significant impact of the project.

As required by Section 15096, the Regional Board has considered the mitigated ND (MND) prepared for the proposed project and filed on March 4, 2013 by CalTrans at the Riverside County Clerk's Office, and information provided subsequently in the application, in approving this Certification.

In the issuance of this Certification, the Executive Officer has considered those sections of the MND that relate to water quality. In its MND, the applicant has identified mitigation measures for impacts to water quality standards the project will cause. Based on the mitigation measures proposed in the applicant's MND, 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 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) Proposed mitigation shall be timely implemented. Materials documenting the purchase of necessary mitigation credits shall be provided to this office prior to the discharge of fill to, or the dredging or excavation of material from, waters of the state.
- 3) In order to ensure compliance with the "no net loss of wetlands" policy, the applicant shall include 0.0075 acre of wetland restoration within the proposed mitigation.
- 4) 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.

- 5) The project proponent shall utilize BMPs 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.
- 6) 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 soils or waters of the state. All waste concrete shall be removed.
- 7) 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.
- 8) 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.
- 9) A copy of this Certification and any subsequent amendments must be maintained on site for the duration of work as a denoted element of any project SWPPP or WQMP.
- 10) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 11) Construction de-watering discharges, including temporary stream diversions necessary for project construction may be regulated under Regional Board Order No. R8-2009-0003, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality. For more information, please review Order No. R8-2009-0003 at [www.waterboards.ca.gov/santaana/](http://www.waterboards.ca.gov/santaana/)
- 12) Applicant shall ensure that all fees associated with this project shall be paid to each respective agency prior to conducting any on-site construction activities.

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.

Kishen Prathivadi  
City of Beaumont  
401 Certification No. 332012-17

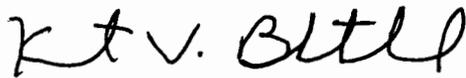
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This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which 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](http://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  
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

Mark Thomas and Company, Inc. – Jimmy Sims – [jsims@markthomas.com](mailto:jsims@markthomas.com)  
U. S. Army Corps of Engineers, Los Angeles Office -Jason Lambert  
CA Department of Fish and Wildlife -Daniel Orr – [Daniel.orr@wildlife.ca.gov](mailto:Daniel.orr@wildlife.ca.gov)  
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