

**Santa Ana Regional Water Quality Control Board**

August 9, 2013

Russell Williams  
Riverside County Transportation  
Department  
3525 14<sup>th</sup> Street  
Riverside, CA 92502

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
CERTIFICATION FOR THE GILMAN SPRINGS ROAD SHOULDER WIDENING AND  
REALIGNMENT PROJECT, COUNTY OF RIVERSIDE, CALIFORNIA (ACOE  
REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 332013-08)**

Dear Mr. Williams,

On April 17, 2013, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the Riverside County Transportation Department (RCTD) for a project to perform safety improvements along a segment of Gilman Springs Road. The modifications include adding paved shoulders, improving horizontal alignments, and enhancing night-time guidance. 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 project includes shoulder widening, installation of centerline rumble stripes, rumble strips along the edge of the travel lane and the realignment of horizontal curves for approximately 1.12 miles (from 2,920 feet southwest of Alessandro Boulevard to approximately 8,820 feet southeast of Alessandro Boulevard). The project will widen the paved shoulder from the existing, one foot width to six feet. The graded shoulder area within the project area will be increased to two feet on either side of the roadway. The aforementioned project activities will impact approximately 0.09 acre of ephemeral streambed habitat, which abuts to the existing roadway. The work will take place within Sections 8, 9 16, and 21 of Township 3 South, Range 2 West, of the U.S. Geological Survey *El Casco* quadrangle map (33.925625° N/ -117.116015° W).

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)

Receiving water:

Unnamed ephemeral drainages tributary to Mystic Lake and Reach 4 of the San Jacinto River

Fill area:

Permanent impact to Streambed Habitat	0.01 acre	79 linear feet
Temporary impact to Streambed Habitat	0.08 acre	951 linear feet

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:

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

Offsite Water Quality Standards Mitigation Proposed:

- RCTD is proposing to commit funds toward the enhancement of non-wetland, un-vegetated, or vegetated Waters of the U.S. and State to compensate for the temporary and permanent losses. Upon acceptance of this proposal, and issuance of the requested regulatory permits, RCTD will prepare a Memorandum of Agreement (MOA) between the County and a mutually-agreed upon mitigation provider (i.e. Santa Ana Watershed Association or equivalent in-lieu fee program provider) to provide funds to enhance and restore wetland, non-wetland, un-vegetated or vegetated jurisdictional waters. Following approval of the MOA, and prior to any impacts to Water of the U.S. and State, RCTD will deliver the negotiated funds to the mitigation bank entity.

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 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.

Pursuant to the California Environmental Quality Act (CEQA), RCTD filed a CEQA Guidelines Section 15301 "Class 1" Categorical Exemption on March 12, 2013, which declares that the project involves the operation, repair, maintenance, and minor alteration of public/private structures which result in a negligible expansion of uses. The Regional Board has independently considered the RCTD's Categorical Exemption in the issuance of this Certification and finds that no changes or alterations to the proposed project are necessary to 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) The applicant's mitigation proposal is acceptable. Proposed mitigation shall be timely implemented. Mitigation shall take place within the watershed of Reach 4 of the San Jacinto River<sup>1</sup>, unless otherwise approved by Board staff. 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) 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.
- 4) 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.

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<sup>1</sup> The Basin Plan describes Reach 4 of the San Jacinto River as being between Nuevo Road and the north-south mid-section line of T4S/R1W, Section 8, that is, approximately. 2200 feet west of Highway 74

- 5) 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.
- 6) 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.
- 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.
- 8) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 9) 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/)
- 10) 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.
- 11) Prior to any grading for the project in areas slated to be impacted, functional assessments of these proposed areas of wetland and riparian habitats and riparian mitigation sites shall be conducted using the California Rapid Assessment Method, February 2012. Site mitigation assessments shall be conducted from October through December, until success criteria are met for consecutive years. This information shall be reported to <http://www.californiawetlands.net/tracker/>

**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 certify 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](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo_2003-0017.pdf)

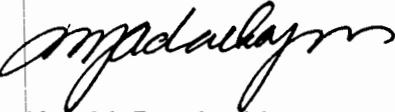
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401 Certification No 332013-08

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Should there be any questions, please contact Marc Brown at (951) 321-4584, or Mark Adelson at (951) 782-3234.

Sincerely,

*for*   
Kurt V. Berchtold  
Executive Officer

cc (via electronic mail):

NOREAS Inc. – Lenny Malo  
U. S. Army Corps of Engineers, Los Angeles Office -Jason Lambert  
CA Department of Fish and Wildlife - Juan J. Lopez-Torres  
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