

Santa Ana Regional Water Quality Control Board

May 19, 2014

Shaun J. Stone
Jurupa Community Services District
11201 Harrell Street
Jurupa Valley, CA 91752

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR BLY CHANNEL SEWER REPAIR PROJECT, JURUPA
VALLEY, RIVERSIDE COUNTY (ACOE CORPS FILE NO. N/A) (SARWQCB
PROJECT NO. 332014-10)**

Dear Mr. Stone,

On May 8, 2014, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from Jurupa Community Services District for a project in Jurupa Valley, Riverside County. The project involves the replacement of an existing deteriorated sewer main, which crosses beneath the concrete-lined Bly Channel, a Riverside County Flood Control District facility. The applicant has also submitted a filing fee of \$1201.00, 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:

The project entails the excavation and removal of approximately 110 linear feet of an 8-inch diameter sewer constructed of vitrified clay and plastic sewer pipe, and replacement of that segment with 110 linear feet of 12-inch diameter ductile iron sewer pipe along the same alignment. The project also includes, but may not be limited to, sewer bypassing, channel repair and restoration. Project activities will cause temporary impacts to approximately ten linear feet of the existing concrete-lined Bly Channel. Following the replacement of the pipeline, the approximately seven cubic yard excavation will be backfilled with native soils and

covered to original design and grade within the channel with concrete.

The work will take place within Section 10 of Township 2 South, Range 6 West, of the U.S. Geological Survey *Fontana* 7.5 minute topographic quadrangle map (34° 0' 27.59" N/ -117° 29' 23.56" W).

Receiving water: Bly Channel, tributary to Santa Ana River Reach 3, which has the following present or potential beneficial uses: agricultural supply, groundwater recharge, body contact and non-contact recreation, warm freshwater habitat, wildlife habitat and rare, threatened or endangered species habitat.

Fill area:

Temporary Impact to Streambed Habitat	0.008 acre	10 linear feet
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Dredge/Fill volume: 7 cubic yards

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 3 (Non-Notifying)

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:

- None.

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.

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 conditions contained in any other permit or approval for this

project issued by the State of California, or any subdivision thereof, may result in appropriate enforcement action, including imposition of administrative civil liability.

The Jurupa Community Services District filed a California Environmental Quality Act (CEQA) Notice of Exemption for the project with the County of Riverside on April 10, 2014. Board staff has determined that according to Public Resources Code Division 13 Sections 21080 (b)(2) and (b)(3), which are exemptions applicable to emergency repairs of public facilities and to actions needed to prevent or mitigate an emergency, respectively, the reporting requirements of CEQA do not apply to the project. The Board acknowledges that the applicant's project is exempt from the provisions of CEQA, and has independently determined that the project will not adversely affect water quality provided that it is carried out as proposed.

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 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.
- 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 soils or 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) 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.
- 7) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 8) 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/
- 9) 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

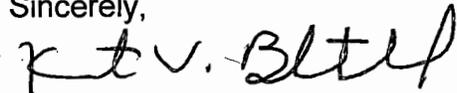
remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure 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 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

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):

Jurupa Communities Services District – Eddie Rhee – erhee@jcsd.us
U. S. Army Corps of Engineers, Los Angeles Office - Jason Lambert
CA Department of Fish and Wildlife – Joana Gibson
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