

Santa Ana Regional Water Quality Control Board

September 10, 2014

Margery Lazarus
City of Moreno Valley
14177 Fredrick Street
Moreno Valley, CA 92552

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE STATE ROUTE 60/MORENO VALLEY BEACH DRIVE
IMPROVEMENT PROJECT, MORENO VALLEY, RIVERSIDE COUNTY (ACOE
CORPS FILE NO. N/A) (SARWQCB PROJECT NO. 332014-08)**

Dear Ms. Lazarus,

On April 17, 2014, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the City of Moreno Valley for a project in the City of Moreno Valley, Riverside County. The purpose of the proposed project is to improve the State Route 60/ Moreno Valley Beach Drive Interchange and the Nason Street Overcrossing (Project). A portion of the proposed project includes adding a concrete headwall with associated rip rap, for erosion protection, to the existing Line K-1 drainage facility operated by Riverside County Flood Control and Water Conservation District (RCFC&WCD). The applicant has also submitted a filing fee of \$1,408.00, 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: To comply with the RCFC&WCD's Moreno Master Drainage Area Plan, Project activities include extending an existing segment of Line K-1, which will convey storm drain flows to the Nason Basin. This basin is located northeast of the SR-60/Nason Street interchange. The approximately 1,700 foot long Line K-1 storm drain system is located along the north side of Ironwood Avenue from approximately 400 feet west of Pettit Street to Line K (approximately 700 feet west of Moreno Beach Drive). The existing Line K-1 segment that conveys flows southerly beneath Ironwood Avenue consists

of a 90-inch diameter pipe and 7-foot by 7-foot reinforced concrete box culvert and associated inlet and outlet. The project involves the installation of approximately 218 cubic yards of 1/2 ton rock rip rap, adjacent to a newly constructed concrete culvert headwall at the downstream outlet, south of Ironwood Avenue.

The work will take place within Sections 34 & 35 of Township 2 South, Range 3 West, of the U.S. Geological Survey *Sunnymead*, CA 7.5 minute topographic quadrangle map (33° 56' 47.24" N / -117° 50' 84" W).

Receiving water: Unnamed watercourse that discharges to the Nason Basin. Any discharges from the Nason Basin flow to the Perris Valley Drain and eventually to the SanJacinto River. These watercourses have present or potential beneficial uses, including: agricultural supply (AGR), ground water recharge (GWR), municipal and domestic supply (MUN), water contact recreation (REC1), non-contact water recreation (REC2), warm freshwater habitat (WARM), and wildlife habitat (WILD).

Fill area:

Temporary Impact to Streambed Habitat	0.03 acre	40 linear feet
Permanent Impact to Streambed Habitat	0.04 acre	40 linear feet

Dredge/Fill volume: N/A

Federal permit: NWP 31, Section 404 Non-Notifying Project

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:

- Temporary impacts will be restored to their pre-project conditions. Vegetation will be restored through natural recruitment.
- 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.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an EIR or Negative Declaration 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 Negative Declaration prepared and filed for the proposed project on June 29, 2007, and information provided subsequently in the project application, in approving this Certification. Additionally, Caltrans filed a NEPA Determination on August 18, 2011, which states that based on the examination of the project's proposal and supporting information, that Caltrans has determined the project is a Categorical Exclusion under Guidelines Section 6005 of 23 U.S.C. 327. The Regional Board has independently considered the applicant's Categorical Exemption in the issuance of this Certification and independently 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) 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) 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.

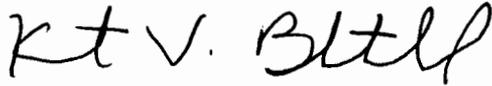
In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean 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
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

Parsons – Ryan Todaro – ryan.todaro@parsons.com
U. S. Army Corps of Engineers, Los Angeles Office – Jim Mace
CA Department of Fish and Wildlife – Joanna 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