



Santa Ana Regional Water Quality Control Board

January 9, 2015

Scott Quinnell
California Department of Transportation
Environmental Planning (MS 822)
464 West 4th St, 6th Floor
San Bernardino, CA 92401

scott.quinnell@dot.ca.gov

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE BRIDGE MAINTENANCE ON I-15 PM 25.55 OVER
GAVILAN WASH PROJECT, LAKE ELSINORE, COUNTY OF RIVERSIDE,
CALIFORNIA (ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT
NO. 332014-19)**

Dear Mr. Quinnell:

On September 2, 2014, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the California Department of Transportation for a project that entails: extending and repairing the rock slope protection (riprap) to prevent scouring of the Interstate 15 bridge structures over Gavilan Wash, which is a tributary to Temescal Creek Reach 5 and Lake Elsinore. The applicant has also submitted a filing fee of \$1,201.00, which satisfies part of this project's fee requirement of \$4087.00 for the 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 California Code of Regulations, Division 3, Chapter 9, Article 1, section 2200 (a) (3) in effect when the application was submitted. Regional Board staff has confirmed that the Department of Transportation has requested a check for remainder of the fees for the project's fee requirement. 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 State Department of Transportation proposes to repair 230 linear feet of the existing rock slope protection of both the north and southbound I-15 Gavilan Wash bridges. The project will result in 0.021 acres of permanent impacts and

0.059 acres of temporary impacts to Gavilan Wash streambed resulting from the repair and replacement of the existing rock slope protection.

The work will take place within Section 23 of Township 5 South, Range 5 West, of the U.S. Geological Survey *Lake Elsinore, California* 7.5 minute topographic quadrangle map (33.726602° N, -117.374210° W).

Receiving water: Gavilan Wash, Temescal Creek Reach 5 , and Lake Elsinore which have present or potential beneficial uses, including: Agricultural Supply (AGR), Groundwater Recharge (GWR), contact recreation (REC1), non-contact recreation (REC2), Rare, Threatened or Endangered Species (RARE), wildlife habitat (WILD), and warm freshwater habitat (WARM).

Fill area:

Permanent Impact to Streambed Habitat	0.021 acres	72 linear feet
Temporary Impact to Streambed Habitat	0.059 acres	158 linear feet

Dredge/Fill volume: 645 cubic yards of rock riprap

Federal permit: U.S. Army Corps of Engineers Permit Nationwide No. 3 (applied for).

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.
- California Department of Transportation will restore 0.022 acres of ephemeral drainage by hydroseeding native plant species appropriate for the project area.

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 according to the requirements of Order No. 2012-0011 DWQ (NPDES Permit No. CAS000003), commonly known as the CalTrans Storm Water Permit, and subsequent iterations thereof.

Pursuant to the California Environmental Quality Act (CEQA), the California Department of Transportation filed a CEQA Guidelines Section 15301 "Class 1d" Categorical Exemption with the State Clearinghouse of the Office of Planning and Research on December 12, 2013, which declares that the project involves the restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety. The configurations and uses of the rock slope protection will remain unchanged. The Regional Board has independently considered the Department of Transportation'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 shall provide documentation, which illustrates the location(s), as well as the specific area(s) within the locations where the proposed mitigation will be implemented.
- 3) 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.
- 4) 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, WQMP and/or HMMP
- 5) Proposed mitigation shall be timely implemented. Plans of the methods and materials of restoration, proposed as mitigation 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.
- 6) 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. Additionally no materials maybe stored within waters of the United States or Waters of the State of California.

- 7) 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.
- 8) The project proponent shall delineate the work area with brightly colored fencing or other methods to ensure both temporary and permanent impacts to Waters of the United States and Wasters of the State of California do not exceed the limits (0.004 acres of permanent and 0.022 acres of temporary) authorized in this certification.
- 9) 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.
- 10) 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.
- 11) 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.
- 12) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 13) 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

Scott Quinnell
California Department of Transportation
RWQCB #: 302014-19 CIWQS #: 809330

- 6 -

January 9, 2015

Should there be any questions, please contact Jason Bill at (951) 782-3295 or Marc Brown at (951) 321-4584.

Sincerely,



Kurt V. Berchtold
Executive Officer
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

California Department of Transportation - Maggi Elgeziry –
maggi.elgeziry@dot.ca.gov
U. S. Army Corps of Engineers, Los Angeles Office- Veronica C. Li
State Water Resources Control Board, OCC- David Rice
State Water Resources Control Board, DWQ -Water Quality Certification Unit
California Department of Fish and Wildlife – Kim Freeburn-Marquez
U.S. Environmental Protection Agency, Supervisor of the Wetlands Regulatory
Office – Tim Vendlinski WTR- 8