



# California Regional Water Quality Control Board

## Santa Ana Region



**Linda S. Adams**  
Secretary for  
Environmental Protection

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**Arnold Schwarzenegger**  
Governor

August 6, 2008

Habib Motlagh  
City of Perris  
PO Box 606  
Perris, CA 92572

### **CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE ORANGE STREET CROSSING PROJECT, CITY OF PERRIS (ACOE REFERENCE NO. SPL – 2008 – 00554 – YJC)**

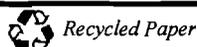
Dear Mr. Motlagh:

On March 21, 2008, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification) for the construction of the Orange Street crossing at Perris Valley Storm Drain (PVSD) in the City of Perris. 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 (Basin Plan) for the Santa Ana River Basin (1995) and subsequent Basin Plan amendments:

**Project Description:** Construction of an 11-cell box culvert crossing for Orange Street over the PVSD. The crossing will include roadway improvements to Orange Street between Murrieta Road and Evans Road and include new storm drain inlets at PVSD. Storm water runoff into the inlets will be treated using inlet filters. The crossing will be designed to pass the 10-year flow event through the culverts; flows exceeding this rate will pass over the road crossing. The project is located within Section 16 of Township 4 South, Range 3 West, of the U.S. Geological Survey *Perris, California*, 7.5-minute topographic quadrangle map (33 deg. 48 min. 56 sec. N/ -117 deg. 12 min. 21 sec. W).

**Receiving water:** Perris Valley Storm Drain.

*California Environmental Protection Agency*



Fill area: 0.38 acre of permanent impact to PVSD, an ephemeral flood control channel (167 linear feet).

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 14

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 Game will ensure those impacts are mitigated to an acceptable level. In order to compensate for impacts to beneficial uses of the drainage ditch, which include the loss of riparian wildlife habitat, you have proposed to pay an in-lieu fee to the Santa Ana Watershed Association for the eradication of 0.38 acre of invasive plant species.

Appropriate Best Management Practices (BMPs) will be implemented to reduce construction-related impacts to Waters of the State according to the requirements of Order No. R8-2002-0011, commonly known as the Riverside County Municipal Storm Water Permit. Order No. R8-2002-0011 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, Water Quality Order 99-08 DWQ, including the preparation of a SWPPP.

You have applied for a Nationwide Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. Pursuant to the California Environmental Quality Act (CEQA), the City of Perris adopted a Mitigated Negative Declaration on October 9, 2007. Pursuant to California Code of Regulations, Title 14, Section 15096, subdivision (f), the Regional Board must consider the environmental effects of a project as shown in the associated negative declaration prior to reaching a decision on the project. The Regional Board has considered the City's Mitigated Negative Declaration in the issuance of this Certification and finds that changes or alterations have been required for, or incorporated into the project. These alterations 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 City of Perris must pay an in-lieu fee to the Santa Ana Watershed Association for the eradication of 0.38 acre of invasive riparian plant species in the San Jacinto Watershed. The fee must include funding for a

- minimum of 20-years of follow-on maintenance. Evidence of the fee payment must be provided to the Executive Officer by October 6, 2008.
- 2) The applicant must comply with the requirements of the Clean Water Act section 404 permit.

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. 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. 200-0017-DWQ is available at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf)

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,

  
for GERARD J. THIBEAULT

Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Yvette Cardenas  
State Water Resources Control Board, OCC – David Rice  
State Water Resources Control Board, DWQ-Water Quality Certification Unit –  
Bill Orme  
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini  
and David Smith

APF:401/certifications/orange st crossing 332008-08