



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
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Arnold Schwarzenegger
Governor

April 11, 2008

Gabriel Garcia
Parks and Community Services
City of Corona
400 South Vicentia Avenue
Corona, CA 92882

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR STAGECOACH PARK, CITY OF CORONA (ACOE REFERENCE NO. NOT AVAILABLE)

Dear Mr. Garcia:

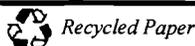
On August 21, 2007, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification), submitted on your behalf by Michael Brandman Associates, for the proposed Stagecoach Park in the City of Corona. As part of Regional Board staff's original review of your application, Regional Board staff requested a copy of a report that was to have been submitted in compliance with Provision XI.E. of Regional Board Order No. R8-2002-0011, NPDES Permit No. CAS618033, commonly known as the Riverside County Urban Storm Water Runoff Permit. Provision XI.E. of Regional Board Order No. R8-2002-0011 requires that:

"Within twenty (20) months of this Order's adoption, the Permittees shall complete an assessment of their MS4s to evaluate opportunities to configure and/or to reconfigure channel segments to function as pollution control devices and to optimize beneficial uses. These modifications may include in-channel sediment basins, bank stabilization, water treatment wetlands, etc. This shall be reported in the 2004-2005 Annual Report."

The submitted "BMP Siting Study", dated May 2005 and prepared by RBF Consulting in conformance with Provision X.I. E, does not include an evaluation of the Stagecoach Park site or the adjacent detention basin, nor has the information been submitted independently. Alternately, Regional Board staff has requested information necessary to evaluate the potential use of the Stagecoach Park site "to evaluate opportunities to configure and/or to reconfigure channel segments to function as pollution control devices" pursuant to Provision XI.E. This information has also not been provided.

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) and subsequent Basin Plan amendments:

California Environmental Protection Agency



Project Description: Construction of a community park on 5.7 acres of an 11.8-acre site. The site lies largely below the proposed spillway elevation of Prado Dam, is currently vacant, and is owned by the U.S. Army Corps of Engineers. Park construction includes the construction of a small parking lot (approximately 20 spaces), picnic areas, play equipment, turf sports fields, walking paths, and sewer restrooms, and tentatively, a basketball court. The proposed park site is located north of the intersection of Corydon Street and Stagecoach Drive.

The park improvements include the widening of Corydon Street and the subsequent relocation of a storm drain inlet there. Discharges from a storm drain outfall onto the site, near Hemingway Drive to the north, will be conveyed around the proposed Park in a new storm drain line along Stagecoach Drive. Discharges from the Hemingway Drive outfall are from a detention basin on the opposite side of the Drive. The basin is in the City of Corona and under the City's control, but drains a tributary area of over 100-acres that includes portions of both the Cities of Norco and Corona. Construction of the park will result in the diversion of flows from, and the fill of, a riparian drainage that is supported by nuisance flow. With the exception of the relocated storm drain inlet, an open channel along Corydon Street to the inlet, will not be affected.

The project is located within Section 15 and 7 of Township 3 South, Range 7 West, of the U.S. Geological Survey *Corona North, California*, 7.5-minute topographic quadrangle map (33 deg. 54 min. 25 sec. N/ -117 deg. 35 min. 58 sec. W).

Receiving water: An un-named riparian ephemeral drainage tributary to Prado Lake.

Fill area: 0.16 acre of permanent impact to a riparian ephemeral drainage, including 0.06 acre of wetlands (770 linear feet).

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 42

You have proposed to mitigate water quality impacts as described in your Certification application and subsequent submittals. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed:

- Nuisance flow and 'first-flush' discharges from the Park will be treated in bio-swales and infiltration trenches according to conceptual site plans submitted electronically on February 12, 2008.
- Discharges from the parking lot will be treated using a storm drain inlet filter. When the inlet's capacity is exceeded, discharges will overflow into one of the bio-swales and then into an infiltration trench.
- In the event that the slopes along the constructed Park are landscaped, nuisance flow and 'first-flush' discharges from those areas will be infiltrated.
- Additional site-specific best management practices (BMPs) will be specified in the final Water Quality Management Plan (WQMP) and in the site's Storm Water Pollution Prevention Plan(s) (SWPPP).

Offsite Water Quality Standards Mitigation Proposed:

- An in-lieu fee will be paid to the Santa Ana Watershed Association or Riverside County Regional Parks and Open Space District towards the eradication of 0.48 acre of invasive plants

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. Appropriate Best Management Practices will be implemented to reduce construction-related impacts to Waters of the State. This project is over one acre. Therefore, coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 99-08 DWQ, is required, as is development of a Storm Water Pollution Prevention Plan (SWPPP), to control the discharge of pollutants from the project site.

The proposed project involves modifications of the City's MS4 in a manner that shunts urban storm water runoff around a riparian drainage that is located on property controlled by the City under a lease from the U.S. Army Corps of Engineers (Corps). The site has the potential to function as a "pollution control device" pursuant to Provision XI.E. through its development as a dual-use sub-regional treatment control BMP for the purpose of treating pollutants in storm water runoff from its tributary area and functioning as a recreational facility. Such facilities have been proposed by the County of Riverside as part of their Selection Hierarchy, Design Standards and Maintenance Plan presented to Regional Board staff on March 28, 2006.

However, a Provision XI.E. evaluation has not been completed for the Stagecoach Park site or the adjacent detention basin. Consequently, Regional Board staff is unable to determine if the proposed Stagecoach Park project would pre-empt a current or future opportunity to construct a facility that would remove pollutants from the MS4 to the Maximum Extent Practicable (MEP). Compliance with the MEP standard is a prerequisite to the issuance of

a Certification for urban storm water runoff. Compliance with the MEP standard is defined, in part, through compliance with relevant provisions and conditions of Regional Board Order No. R8-2002-0011. In order to resolve this, Condition 1 below requires that an evaluation of both the Stagecoach Park site and the adjacent detention basin be completed, according to Provision XI.E., prior to the discharge of fill to waters of the State.

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. You have applied for a Streambed Alteration Agreement with the California Department of Fish and Game. Pursuant to the California Environmental Quality Act (CEQA), the City of Corona adopted a Mitigated Negative Declaration for Stagecoach Park on February 21, 2007. The Executive Officer has considered the City's Mitigated Negative Declaration in the issuance of this Certification.

This 401 Certification is contingent upon the execution of the following conditions:

1. Prior to the discharge of fill to waters of the State, the City of Corona must complete an evaluation of the Stagecoach Park site and the adjacent detention basin, in whole and in part, to include or function as a pollutant control device. The construction of the device is not a pre-requisite to discharge, however, the Stagecoach Park project must not include elements that would preclude future implementation of the device if the evaluation concludes that a device would be technically feasible.
2. This Certification is conditioned upon the construction of all storm water treatment facilities as proposed. All structural storm water treatment facilities must be constructed and operational prior to the authorized public use of the site.
3. Regional Board staff and other authorized representatives must be allowed:
 - a. Entry upon premises where storm water treatment facilities are located, or where records are kept under the requirements of this Certification or other applicable waste discharge requirements;
 - b. Access to copy any records that are kept under the requirements of this Certification or other applicable waste discharge requirements;
 - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations related to the treatment of storm water runoff from the project site; and
 - d. To photograph, sample and monitor for the purpose of assuring compliance with this Certification and other applicable waste discharge requirements.
4. This Certification and any subsequent amendments must be maintained on site as a denoted element of any project SWPPP or WQMP.
5. The City of Corona must pay an in-lieu fee to the Santa Ana Watershed Association or Riverside County Regional Parks and Open Space District towards the eradication of 0.48 acre of invasive plants in, or adjacent to, riparian waters in the upper Santa Ana River. The fee must include 20-years of follow-on maintenance. Evidence of the payment must be provided to the Executive Officer no later than May 22, 2008.



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.

Although we anticipate no further regulatory involvement, 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, we may formulate Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation 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.

In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (Regional Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

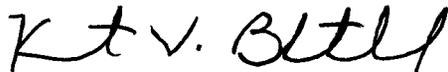
In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance. Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. Please notify our office five (5) days before construction begins on this project.

April 11, 2008

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 www.swrcb.ca.gov/resdec/wqorders/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 – Shannon Pankratz
State Water Resources Control Board, OCC – David Smith
State Water Resources Control Board, DWQ-Water Quality Certification Unit – Bill Orme
California Department of Fish and Game, Ontario Office – Jeff Brandt
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini and David Smith

APF:401/certifications/stagecoach park 332007-28