



# California Regional Water Quality Control Board Santa Ana Region



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Arnold Schwarzenegger  
Governor

September 5, 2007

Laurie Dobson Correa  
County of Riverside Transportation Dept.  
3525 14th Street  
Riverside, CA 92501

## **CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE PROPOSED REPLACEMENT OF THE VAN BUREN BOULEVARD BRIDGE OVER THE SANTA ANA RIVER, COUNTY OF RIVERSIDE (ACOE REFERENCE NO. 2007 – 00549 – JPL)**

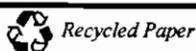
Dear Ms. Correa:

On April 6, 2007, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification), submitted on your behalf by LSA Associates, Inc., for the proposed replacement of the Van Buren Boulevard Bridge over the Santa Ana River in unincorporated Riverside County between the community of Pedley and the City of Riverside. On May 7, 2007, Regional Board staff requested additional information, however, on May 6, 2007 your application was deemed complete, with a final date of July 6, 2007 to take action on the application. During that time, Regional Board staff had requested that the County evaluate additional structural treatment controls for pollutants in storm water runoff from the project site.

Regional Board staff requested that the U.S. Army Corps of Engineers provide a time extension to take action on your request for Certification, and received an extension until July 20, 2007. Because the requested information concerning structural treatment controls had not been received by July 20, 2007, your request for Certification was denied without prejudice. After further discussions with Regional Board staff, the requested information was subsequently received on August 23, 2007, and the Certification application reinstated.

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:** Demolition and replacement of the Van Buren Boulevard Bridge over the Santa Ana River, near the City of Riverside in unincorporated Riverside County. The bridge is two parallel spans, one each for north-bound and south-bound traffic on Van Buren Boulevard. The proposed work will occur over the course of approximately three years and involve the replacement of each bridge span in a phased manner. Each bridge span will be separately demolished and reconstructed during each phase in order to maintain traffic flow across the Santa Ana River. The new spans will be designed to current seismic standards. The spans will be striped for four lanes of traffic each, although ultimately the spans can each be striped for six lanes. There will be a net reduction in the footprint of the bridges' piers and abutments within the riverbed. Old bridge footings will be removed several feet below the riverbed; remaining portions will be left in place below ground. Riparian vegetation will be cleared in order to provide a work area below the bridge spans in the riverbed.

The project also involves improvements to Van Buren Boulevard approaching the bridge from approximately 820 feet north of Jurupa Avenue on the bridge's south side and to the Clay Street intersection on the bridge's north side. The roadway improvements involve widening Van Buren Boulevard to match the ultimate road widths of the bridge. The project is located in Sections 25 and 36 of Township 2 South, Range 6 West of the U.S. Geological Survey *Riverside West, California*, 7.5-minute topographic quadrangle map (34 deg. 57 min. 00 sec. N/-117 deg. 28 min. 00 sec. W).

Receiving water: Santa Ana River

Fill area: See Table 1 below.

Table 1: Summary of Fill Impacts

Waterbody Type	Acres of waters of the State affected by fill discharges	
	Temporary Impacts	Permanent Impacts
Riparian Wetlands	2.43	0.017
Streambed	0.86	0.014

Dredge volume: N/A

Federal permit(s): U.S. Army Corps of Engineers Nationwide Permit Nos. 13, 14, and 33.

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

**Onsite Water Quality Standards Mitigation Proposed:**

- Storm water runoff will be treated in a treatment train consisting of trash baskets and bio-swales.
- Routine street sweeping and trash pick-up will occur.
- Additional site-specific best management practices (BMPs) will be specified in the site's Storm Water Pollution Prevention Plan (SWPPP).
- Temporarily impacted areas of the Santa Ana River will be re-planted with native riparian vegetation in accordance with a Habitat Mitigation and Monitoring Plan.

**Offsite Water Quality Standards Mitigation Proposed:**

- The County of Riverside will contribute funds to the Santa Ana Watershed Association or the Riverside County Regional Park and Open Space District towards the eradication of 0.87 acres of invasive plant species.

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 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.

Construction de-watering discharges may be regulated under Regional Board Order No. R8-2003-0061, 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. R8-2003-0061 at:

[www.waterboards.ca.gov/santaana/pdf/03-61.pdf](http://www.waterboards.ca.gov/santaana/pdf/03-61.pdf).

The County of Riverside has applied for nationwide permits from the U.S. Army Corps of Engineers in accordance 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 CEQA, the County of Riverside adopted a final Mitigated Negative Declaration for the project on August 15, 2006. The Executive Officer has considered the Mitigated Negative Declaration in the issuance of this Certification.

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

1. This Certification is conditioned upon the construction of all structural post-construction storm water treatment controls as proposed.
2. Construction activities must not result in the discharge of viable propagules of invasive plant species to waters of the State or to land where they may be discharged to waters of the State. This includes, but is not limited to, incidental or intentional disturbance or disposal of invasive plant species already within the work area, which may result in the discharge of viable propagules.
3. During construction, the discharger must implement an effective weed abatement program to prevent the growth of invasive plant species within and adjacent to waters of the State and the discharge of viable propagules of invasive plant species to waters of the State.
4. The discharger must contribute funds to the Santa Ana Watershed Association or the Riverside County Regional Park and Open Space District towards the eradication of 0.87 acres of invasive plant species within the Santa Ana River, as proposed in your application. The contribution must include funding for a minimum of 6-years of follow-on maintenance. Evidence of payment must be provided to the Executive Officer no later than December 31, 2007.
5. The discharger must re-vegetate temporarily impacted areas of the Santa Ana River upon completion of construction activities.
  - a. Within 5-years of completion of construction, the re-vegetation effort must achieve a condition of vegetation diversity, cover, and density that is comparable to pre-construction conditions..
  - b. The re-vegetation effort must proceed according to a mitigation plan.
  - c. The re-vegetation effort may partially or fully rely on natural recruitment of native riparian plant species. However, an effective program must be implemented for the control of non-native plants.
6. This Certification and any subsequent amendments shall be maintained on site as a denoted element of any SWPPP.

**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. This letter constitutes a technically conditioned water

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quality certification. Please notify our office five (5) days before construction begins on this project.

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](http://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,



GERARD J. THIBEAULT  
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Jason Lambert  
State Water Resources Control Board, OCC – Erik Spiess  
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 – Tim  
Vendlinski