

Colorado River Basin Regional Water Quality Control Board

Certified Mail: **7020 1810 0002 0761 0452**

September 9, 2021

Scott Quinnell
 California Department of Transportation
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DENIAL OF WATER QUALITY CERTIFICATION FOR CALIFORNIA DEPARTMENT OF TRANSPORTATION, 08-1K520 VALENTINE’S DAY 2019 STORM EMERGENCY PROJECT, RIVERSIDE COUNTY, WDID 7A333226001

Dear Mr. Quinnell:

On the January 4, 2021 the Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) received a Clean Water Act Section 401 Water Quality Certification from the California Department of Transportation (Caltrans) for the 08-1K520 Valentine’s Day 2019 Storm Emergency Project- Compliance (Project).

Caltrans requested a retroactive certification for emergency roadway repairs in the Idyllwild area that have already been completed. The State Route (SR) 243 roadway was damaged by a rainstorm on February 14, 2019. Emergency repair work was necessary at Post Mile (PM) 22.79 and PM 23.8, consisting of excavation and backfill, debris removal, reconstruction of slope embankments, and repair and replacement of damaged drainage systems. The Project caused temporary and permanent impacts to a water of the United States, as shown in Table 1 below.

Table 1: Valentine’s Day 2019 Storm Emergency Project Impacts.

Impact Site ID	Aquatic Resource Type	Temporary Impact		Permanent Impact	
		Physical Loss of Area		Physical Loss of Area	
		Acres	L.F. ¹	Acres	L.F.
1	Drainage and Stream Channel	0.004	126	0.0074	30

¹ Linear Feet

The Colorado River Basin Water Board will not be taking an after-the-fact Water Quality Certification action for the Project. Caltrans staff communicated with Colorado River Basin Water Board staff early in the process to discuss the need for this Project, the need to avoid delaying implementation of this Project, and the best management practices Caltrans planned to implement to minimize and avoid water quality impacts when working within the Project area. Due to the emergency nature of the Project and Caltrans' coordination with Colorado River Basin Water Board staff early in the process, the Colorado River Basin Water Board will use its discretion to not take enforcement action against Caltrans for failure to obtain a Water Quality Certification for the Project, subject to compliance with the following conditions:

- **Post-Project Monitoring:** Visually inspect the Project site during the rainy season for one year to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the Colorado River Basin Water Board within three (3) working days. The Colorado River Basin Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

The Colorado River Basin Water Board's decision to not issue an after-the-fact Water Quality Certification and to not take enforcement action is applicable to this Project and the impacts identified in Table 1 and is not intended to set a precedent for future activities conducted without a Water Quality Certification. Caltrans should notify the Colorado River Basin Water Board of other proposed non-exempt projects in the Project area in order to determine if a Clean Water Act Section 401 Water Quality Certification must be obtained prior to site disturbance and to address any water quality concerns.

If you have questions concerning this matter, please contact Kai Dunn at (760) 776-8986 or via email at Kai.Dunn@waterboards.ca.gov.

Respectfully,

Original Signed By

Paula Rasmussen
Executive Officer
Colorado River Basin
Regional Water Quality Control Board

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Cc (via email):
Cesar Garcia, California Department of Transportation, Cesar.Garcia@dot.ca.gov