



California Regional Water Quality Control Board

Colorado River Basin Region



Linda S. Adams
Secretary for
Environmental Protection

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Edmund G. Brown Jr.
Governor

June 29, 2011

Mr. William O. Bayne - City Engineer
City of Cathedral City
68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234

**RE: ORDER FOR TECHNICALLY-CONDITIONED CLEAN WATER ACT SECTION 401
WATER QUALITY CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR
FILL MATERIALS**

PROJECT: Cathedral Canyon Drive Low Water Crossing Replacement (New Bridge) at the
Whitewater River Project

APPLICANT: City of Cathedral City

- ACTION:**
1. Order for Standard Certification
 2. Order for Technically-Conditioned Certification
 3. Order for Denial of Certification

STANDARD CONDITIONS:

The following standard conditions apply to all certification actions, except as noted above under Action 3 for denials.

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR section 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. The validity of any non-denial certification action (Actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.
4. 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 Clean Water Act (CWA) section 401(d), 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 Water Quality Certification (WQC).
 - a. In response to a suspected violation of any condition of this WQC, the Regional Water Quality Control Board (Regional Water 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 Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - b. In response to any violation of the conditions of this WQC, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

ADDITIONAL CONDITIONS:

The following additional conditions apply to this certification:

This WQC applies towards the proposed project (Project) as described in the 401 application received by the Regional Water Board on November 1, 2010. The issuance of the WQC was delayed because the Applicant was waiting for the California Environmental Quality Act (CEQA) to be adopted.

The Applicant shall provide the Regional Water Board and other interested agencies with written notification of any significant modifications made to the project prior to implementation of the modifications.

1. This WQC does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
2. This WQC does not authorize the Applicant or any associated party to trespass on any land or property unless the applicant has obtained written authorization or acquired a special use authorization permit from the land or property owner.
3. A copy of this WQC shall be provided to the appropriate onsite Supervisor for the Project. All personnel performing work on the proposed project shall be familiar with the content of



this WQC. Copies of the WQC shall be readily available at the project site at all times during periods of active work and shall be presented to regulatory agency representatives upon request.

4. The Applicant shall grant Regional Water Board staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to enter the project site at reasonable times, to ensure compliance with the terms and conditions of this WQC and/or to determine the impacts the project may have on waters of the United States.
5. The proposed project shall not be enlarged or extend beyond the proposed project impact area. The Applicant shall delineate the project boundaries and staging areas with stakes, flags and/or temporary construction fencing.
6. The area of vegetation and soil disturbance shall be restricted to the smallest extent possible.
7. The Project shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.
8. The Project shall not discharge waste classified as "hazardous" as defined in Title 23 California Code of Regulations (CCR) section 2521, California Health and Safety Code section 25140, and Title 22, CCR, section 66260.10 et seq.
9. No oil, petroleum products, or rubbish shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the United States.
10. No equipment maintenance will be done within or near any stream channel where petroleum products or other pollutants from the equipment may enter waters of the United States.
11. Equipment refueling shall not occur within waters of the United States.
12. Any oil or grease leaks shall be immediately cleaned up.
13. The Applicant shall ensure that all contaminated material and/or contaminated soil removed or excavated from the Project site is properly loaded, transported, and disposed of in accordance with Federal, State, and local regulations.
14. Staging/storage areas for equipment and materials shall be located outside of waters of the United States.
15. The Applicant shall ensure that all disturbed and filled areas are adequately stabilized and protected from erosion and siltation by implementing appropriate soil stabilization, sedimentation and silt control measures.



16. Any flow diversion used during construction shall be designed in a manner to prevent pollution, minimize siltation, and shall provide flows to downstream reaches. Flows shall be maintained to support existing aquatic life and riparian wetlands and habitat that may be located upstream and downstream from any temporary diversion.
17. The Applicant shall restore drainages, to the greatest extent possible, to the original bank configuration, stream bottom width, and channel gradient.
18. All temporary facilities and impacts shall be removed and restored to the preexisting conditions and contours to the extent practicable.
19. Construction related materials and wastes shall be removed from the project site upon completion of the project.
20. The Applicant shall submit Notice to the Regional Water Board within 60-days of completion of the Project. The Notice shall include: 1) a detailed summary of the mitigation and restoration activities implemented during the project and 2) provide photographic documentation that supports the information summarized in the Notice.
21. The Regional Water Board reserves the right to suspend, cancel, or modify and reissue this WQC, after providing notice to the Applicant and/or responsible Site-Supervisor, if the Regional Water Board determines that the project fails to comply with any of the terms or conditions of this WQC.
22. The Applicant shall orally notify the Regional Water Board of any noncompliance that may impact the beneficial uses of waters of the United States, as soon as notification is possible and notification can be provided without substantially impeding measures necessary to address the noncompliance.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

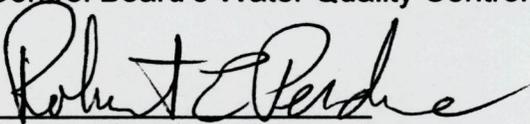
If you have any questions, please contact Jay Mirpour, Water Resources Control Engineer, at (760) 776-8981 or jmirpour@waterboards.ca.gov.



WATER QUALITY CERTIFICATION:

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.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



ROBERT PERDUE
Executive Officer

JJM/

cc: Veronica Chan, U.S. Army Corps of Engineers, Los Angeles District Office
Bill Orme, SWRCB, Division of Water Quality, Water Quality Certification Unit
Elizabeth Goldmann, U.S. Environmental Protection Agency, Region 9
Thomas A. Vandenberg, Office of Chief Counsel, SWRCB

File: City of Cathedral City - Cathedral Canyon Drive New Bridge Project, WDID No.
7A333099001



Mailing List:

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Note: (*) will e-mail electronic copy



PROJECT INFORMATION

Application Date: The 401 application received by the Regional Water Board on November 1, 2010. The issuance of the WQC was delayed because the Applicant was waiting for the CEQA to be adopted.

Applicant: City of Cathedral City

Contact: Mr. William O. Bayne, City Engineer, (760) 770-0360

Applicant Representative: Mr. John D. Criste - AICP
(760) 341-4800

Project Name: City of Cathedral City - Cathedral Canyon Drive New Bridge Project, WDID No. 7A333099001

Project Start and Completion: July 1, 2011 – April 1, 2014

Project Description (purpose/goal): The purpose of this Project is to eliminate potential safety problems for vehicles and pedestrians by replacing an existing low water crossing with an all weather bridge over the Whitewater River and provide essential all-weather access.

Project Location: City or Area: Cathedral City, County: Riverside, Longitude: 116 ° 28 ' 00" W/ Latitude: 33 ° 47 ' 26" N, Township/Range: Cathedral City USGS 7.5 Minute Quad Map; The project location may also be described as a portion of the SE ¼ and a portion of the SW ¼ of Section 28, Township 4 South, Range 5 East, San Bernardino Base & Meridian.

Receiving Water(s): Whitewater River Stormwater Protection Channel

Fill/Excavation Area (acres): Between approximately 108,778 to 113,399 cubic yards of material will be excavated from the Whitewater River channel, and between approximately 3,678 and 3,997 cubic yards of only those materials will be discharged back into the Whitewater River channel to construct the bridge and associated structures. Excess cut will be exported from the site.

Dredge Volume (cy): None



Mitigation:

- A Stormwater Pollution Prevention Plan (SWPPP) has been prepared for this project which includes Best Management Practices (BMPs) installed during construction that are designed to reduce or eliminate the release of pollutants during or after construction. The SWPPP also includes a program for the maintenance, inspection, and repair of BMP facilities. BMPs selected for this project include scheduling to minimize exposure to seasonal runoff, earthen dikes and drainage swales, a series of sediment basins, and wind erosion controls. Tracking control BMPs, as well as non-storm water management BMPs and waste management and materials pollution control BMPs will also be implemented.
- The project Water Quality Assessment Report (WQAR) has been prepared for this project which includes Source Control BMPs such as: property education for operators, employees and others; activity restrictions for staging and stockpiling construction and landscaping materials and prohibitions on street and landscape maintenance that could result in pollutant discharge; irrigation system and landscape maintenance; drainage facility inspection and maintenance, slope and channel protection, and others. The WQAR also specifies responsibility for BMP facility maintenance and implementation dates. In addition:
 - No toxic and/or hazardous materials shall be stored near or within wash/drainage areas. To extent possible, these materials will be offsite and/or placed in appropriate secondary containment.
 - Work will be performed under "no flow" conditions to preclude potential impacts to water quality.
 - Work and staging areas and temporary access routes will be sized, located and flagged so as to limit potential impacts to natural areas. Previous disturbed areas will be used to the extent feasible.
 - No fueling or maintenance of equipment and/or vehicles shall occur adjacent or within the wash/drainage areas.
 - Following the repair activities, the channel bottom will be restored to pre-existing contours and conditions to the extent feasible.



Federal Permit(s): U.S. Army Corps of Engineers section 404 permit (pending).

Status of CEQA: A Notice of Determination was prepared for this project pursuant to the provisions of CEQA on June 8, 2011. Lead Agency: City of Cathedral City, State Clearinghouse Number: 2011041037

File: City of Cathedral City - Cathedral Canyon Drive New Bridge Project, WDID No. 7A333099001

