
State Water Resources Control Board

State Water Resources Control Board
Division of Water Quality
Water Quality Certification Program

Public Notice of Application for Water Quality Certification of the Regional General Permit of Existing Flood Control Facilities

Pursuant to federal law (Title 33, United States Code, Section 1341; Clean Water Act Section 401), applicants for a federal license or permit for activities which may discharge to waters of the United States must seek Water Quality Certification from the state or Indian tribe with jurisdiction. Such Certification is based on a finding that the discharge will meet water quality standards and other applicable requirements. In California, Regional Water Quality Control Boards (Regional Water Boards) issue or deny Certification for discharges within their geographical jurisdiction. The State Water Resources Control Board (State Water Board) has this responsibility for projects affecting waters within multiple Regional Water Board jurisdictions.

The following information is provided in satisfaction of the public notice requirements of Section 3858, Title 23, of the California Code of Regulations, which govern the State's Certification Program.

On August 12, 2015, the State Water Resources Control Board (State Water Board) received an application requesting Federal Clean Water Act section 401 water quality certification for activities related to the Regional General Permit for Existing Flood Control Facilities (Project) from the Riverside County Flood Control and Water Conservation District (Applicant). The application was deemed incomplete on September 1, 2015. The Applicant submitted supplemental information on October 28, 2015 and the application was deemed complete on November 20, 2015. On March 29, 2016 the State Water Board staff issued a Denial Without Prejudice for the proposed Project on the basis that additional information was needed to authorize the proposed Project.

Specifically, State Water Board staff asserted that proposed Project activities and facilities did not qualify for the following California Environmental Quality Act (CEQA) Exemptions:

- Ongoing Project (statutory exemption). (Cal Code Regs., tit. 14 section 15261, subd. (a).)
- Existing Facilities (categorical exemption). (Cal. Code Regs., tit. 14 section 15301)
- Replacement or Reconstruction (categorical exemption). (Cal. Code Regs., tit. 14, section 15302.)

The Applicant has since conducted a CEQA Initial Study and adopted a Mitigated Negative Declaration for the proposed Project on March 28, 2017 (SCH No. 2017021032).

State Water Board staff is planning to certify proposed Project activities and facilities through issuance of a general order for classes of activities. The Applicant proposes to qualify about 235 flood control facilities in the General Order and would propose annual maintenance activities to

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channels, levees, basins and dams, on an as-needed basis. Maintenance activities would include sediment and debris removal, slope and erosion repairs, side-slope tracking and/or reshaping, landscape maintenance and vegetation control (where applicable), structure rehabilitation and/or replacement, rip-rap and grout repair, removal and replacement of concrete channel linings, and repair and backfill of washouts. Maintenance activities would not result in a change of capacity and facilities would only be maintained to as-built specifications. No new construction is proposed.

The proposed Project spans the jurisdiction of more than one Regional Water Quality Control Board, and therefore, the State Water Board has jurisdiction over the Project. Activities would be conducted within the Santa Ana, Colorado River Basin, and the San Diego Regional Water Quality Boards. State Water Board staff will consider all comments submitted in writing and received at this office during a 45-day comment period that begins on the first date of issuance of this letter and ends at 5:00 p.m. on the last day of the comment period. If you have any questions, please contact Ana Maria Saenz at (916) 341-5480 (anamaria.saenz@waterboards.ca.gov).

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State Water Resources Control Board Staff Contact:

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***Note: No regulatory decision on the application
is implied or intended in this public notice.
KEEP INFORMED OF PROJECT MILESTONES***

To be informed of milestones in the development of this proposed Water Quality Certification, any interested persons should enroll in the State Water Board's 401 Program e-mail notification service.

Click the SUBSCRIBE button under the "Quick Links" section of the 401 Program Webpage at: http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml

By enrolling in this list, you will receive notices for all current 401 project applications, including the project announced in this notice. You will need a valid e-mail address to use this service. If you do not have internet access or do not wish to participate in the Lyris list, contact the staff person named in the notice to express your interest in receiving notices by other means. You can enroll or un-enroll at any time. The State Water Board will not disclose your name or e-mail information to any outside parties, and will not use this information for any other purpose.