



California Regional Water Quality Control Board

Santa Ana Region



Matthew Rodriguez
Secretary for
Environmental Protection

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Edmund G. Brown Jr.
Governor

October 5, 2011

Debbie Anderson
City of Riverside Public Works
3900 Main St, 4th Floor
Riverside, CA 92522

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE VAN BUREN BOULEVARD WIDENING FROM JURUPA
AVENUE TO THE SANTA ANA RIVER BRIDGE PROJECT, COUNTY OF
RIVERSIDE, CALIFORNIA (ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB
PROJECT NO. 332011-09)**

Dear Ms. Anderson:

On June 15, 2011, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the City of Riverside Public Works for a project to widen approximately 0.3 mile of Van Buren Blvd. to accommodate a six-lane roadway expansion between Jurupa Ave. and the Santa Ana River Bridge. The County of Riverside is also widening portions of the roadway within the project area to coincide with and accommodate its Van Buren Bridge Replacement project. The County's project to replace the Van Buren Bridge received Certification on September 5, 2007. 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) (Basin Plan) and subsequent Basin Plan amendments:

Project Description: South of the Santa Ana River, realign Van Buren Blvd. to the east of its current location, and widen it to accommodate a six-lane roadway between Jurupa Ave. and the Santa Ana River Bridge, a distance of approximately 0.3 miles. Grade for two new 12-foot lanes on the northbound side of Van Buren Boulevard and construct a retaining wall west of the southbound lanes. Reconstruct, narrow, and shift the roadway's median easterly. This project extends from approximately 300 feet northerly of Jurupa Avenue to the southerly abutment of the proposed Van Buren Bridge.

California Environmental Protection Agency

The work will take place within Sections 25 and 35 of Township 2 South, Range 6 West, of the U.S. Geological Survey *Riverside West* quadrangle maps (33° 57' 36.43" N/ 117° 27' 50.73" W).

Receiving water: Unnamed tributary to Santa Ana River, Santa Ana River

Fill area: 0.023 acres of permanent impact to wetland habitat (15 linear feet), and 0.012 acres of temporary impact to wetland habitat (32 linear feet)

Dredge/Fill volume: 3.0 cubic yards (cy) pre-cast concrete structure; 1.5 cy of riprap; 40 cy of soils will be removed from the project site and redistributed in other locations of the project. Total volume of imported and native fill soils will amount to 110 cy within the project area.

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 14

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

Onsite Water Quality Standards Mitigation Proposed:

- Standard water quality related best management practices (BMPs) will be employed during construction activities.
- The 0.012 acre of temporary impacts to the southern willow scrub area will be mitigated at a ratio of 1:1. Mitigation shall occur on-site through revegetation following construction activities.

Offsite Water Quality Standards Mitigation Proposed:

- Concurrent with or following construction of the bridge, the City shall mitigate for impacts to southern willow scrub through the creation of replacement habitat that is biologically equivalent or superior to the area being disturbed.
- The 0.0023 acre of permanent impacts to riparian/riverine area (southern willow scrub) shall be mitigated at a ratio of 3:1 (resulting in 0.069 acre being mitigated). Mitigation shall occur through the purchase of mitigation credits through the Riverside County Habitat Conservation Agency (RCHCA).

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 BMPs will be implemented to reduce construction-related impacts to Waters of the State according to the requirements of Order No. R8-2010-0033 (NPDES Permit No. CAS618033), commonly known as the Riverside County Municipal Storm Water Permit, and subsequent iterations thereof. Order No. R8-2010-0033 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, including the preparation and proper implementation of a SWPPP during construction activities and a Water Quality Management Plan (WQMP), which shall include post construction monitoring and maintenance criteria.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an EIR or Negative Declaration prepared by the lead agency in determining whether to approve a Section 401 Certification. A responsible agency has responsibility for mitigating and avoiding only the direct and indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve. Further, the responsible agency must make findings as required by Section 15091 and, if necessary, 15093, for each and every significant impact of the project. The Regional Board has considered the City's Mitigated Negative Declaration, approved on May 10, 2011, in the issuance of this Certification. The Regional Board finds that changes or alterations have been required, or incorporated into the proposed project, which avoid or mitigate impacts to water quality to a less than significant level.

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

- 1) The applicant must comply with the requirements of the applicable Clean Water Act section 404 permit.
- 2) Proposed mitigation shall be timely implemented. Materials documenting the purchase of necessary mitigation credits shall be provided to this office prior to the discharge of fill to, or the dredging or excavation of material from, waters of the state.

- 3) All materials generated from construction activities associated with this project shall be managed appropriately. This shall include identifying all potential pollution sources within the scope of work of this project, and incorporating all necessary pollution prevention BMPs as they relate to each potential pollution source identified.
- 4) The project proponent shall utilize BMPs during project construction to minimize the controllable discharges of sediment and other wastes to drainage systems or other waters of the state and of the United States.
- 5) Substances resulting from project-related activities that could be harmful to aquatic life, including, but not limited to, petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, portland cement concrete or asphalt concrete, and washings and cuttings thereof, shall not be discharged to soils or waters of the state. All waste concrete shall be removed.
- 6) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such a manner that petroleum products or other pollutants from the equipment may enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the state on-site, except as necessary to complete the proposed project. No equipment shall be operated in areas of flowing water.
- 7) This Water Quality Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any the conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.
- 8) A copy of this Certification and any subsequent amendments must be maintained on site for the duration of work as a denoted element of any project SWPPP or WQMP.
- 9) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 10) Applicant shall ensure all procedures and policies specified within the project's WQMP shall adequately address any hydraulic conditions of concern that may result from this project.

- 11) Applicant shall implement all proposed mitigation efforts in a timely manner.
- 12) Construction de-watering discharges, including temporary stream diversions necessary for project construction, may be regulated under Regional Board Order No. R8-2009-0003, 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. R8-2009-0003 at www.waterboards.ca.gov/santaana/

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.

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, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification 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. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

Debbie Anderson
City of Riverside Public
Works Department

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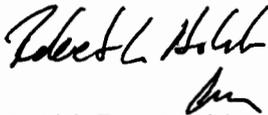
October 5, 2011

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. 2003-0017-DWQ is available at:

www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Should there be any questions, please contact Marc Brown at (951) 321-4584, or Mark Adelson at (951) 782-3234.

Sincerely,



Kurt V. Berchtold
Executive Officer
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Jason Lambert
Department of Fish and Game – Joanna Gibson
State Water Resources Control Board, Office of Chief Counsel – David Rice
State Water Resources Control Board DWQ – Water Quality Certification Unit
U.S. EPA – Supervisor of the Wetlands Regulatory Office WTR- 8
City of Riverside – Edward Lara, P.E., elara@riversideca.gov

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