

**Santa Ana Regional Water Quality Control Board**

April 29, 2014

Scott Quinnell  
California Department of Transportation  
464 W. 4<sup>th</sup> Street  
San Bernardino, CA 92401

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
CERTIFICATION FOR I-215 CULVERT PREVENTATIVE MAINTENANCE PROJECT,  
MURRIETA, RIVERSIDE COUNTY (ACOE CORPS FILE NO. N/A) (SARWQCB  
PROJECT NO. 332013-17)**

Dear Mr. Quinnell,

On October 22, 2013, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the California Department of Transportation for a project in Murrieta, Riverside County. The project entails modification of three culverts as part of a culvert preventative maintenance program. A filing fee of \$944.00 was submitted for consideration of a 401 Certification. 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:** The California Department of Transportation (CalTrans) will retrofit three existing culverts with pipe liners or by invert-paving between Interstate Highway Route 215 (I-215) mileposts (MP) 9.2 and 13.8, as part of a preventative maintenance program project. Additionally, vegetated areas immediately surrounding the existing inlets and outlets of these culvert crossings will be trimmed to restore the flow line. The following summarizes the locations and type of work involved with each of the three culverts in I-215:

- At MP 9.21, a pipe liner will be installed in an existing 48" diameter culvert pipe. Access to the project area will temporarily disturb a 10ft. x10ft. area.
- At MP 12.38, the invert of a 66" diameter culvert will be paved. Access to this portion of the project will cause a 10ft. x10ft. area of temporary impacts to streambed habitat.

- At MP 13.80, a pipe liner will be installed in the existing 36" diameter culvert, which will temporarily disturb a 4ft. x 5ft. area to streambed habitat due to project access activities.
- Additional temporary impacts will occur in order to access these locations and carry out this work.

The work will take place within an unsectioned area of Township 7 South, Range 3 West, of the U.S. Geological Survey *Murrieta* 7.5 minute topographic quadrangle map (33° 33' 6.63" N/ -117° 10' 49.786" W), and within an unspecified Section, Township and Range of the U.S. Geological Survey *Romoland* 7.5 Minute topographic quadrangle map (33° 38' 23.388" N/ -117° 10' 15.719" W).

Receiving water: Unnamed tributary to Salt Creek, which has intermittent or potential beneficial uses, including: primary (contact) water recreation and secondary (non-contact) water recreation (REC-1 and REC-2); warm freshwater habitat (WARM) and wildlife habitat (WILD)

Fill area:

Temporary Impact to Riparian Habitat	0.02 acre
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Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Permit Nationwide 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.

Offsite Water Quality Standards Mitigation Proposed:

- None

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 Wildlife 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 State Water Resources Control Board Order No. 2012-0011-DWQ (NPDES Permit No. CAS000003), commonly known as the Statewide CalTrans Storm Water Permit, and subsequent iterations thereof. Additionally, appropriate post construction BMPs and operations and maintenance (O&M) activities related to control measures to minimize potential impacts to Waters of the State will be implemented, consistent with management practices required within the Statewide CalTrans Storm Water Permit, and subsequent iterations thereof.

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 conditions contained in any other permit or approval for this project issued by the State of California, or any subdivision thereof, may result in appropriate enforcement action, including imposition of administrative civil liability.

On August 14, 2012, CalTrans filed a California Environmental Quality Act (CEQA) Notice of Exemption for the project, citing the CEQA Guidelines Section 15301(c) "Class1" categorical exemption for existing facilities. In its Notice, CalTrans reports that the project involves the operation, repair, maintenance, and minor alteration of public/private structures that result in a negligible expansion of uses, and therefore qualifies for a Class 1 exemption. The Regional Board has independently considered CalTrans' Categorical Exemption in the issuance of this Certification and finds that no changes or alterations to the proposed project are necessary to 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) 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.
- 3) 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.

- 4) 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.
- 5) 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.
- 6) 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.
- 7) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 8) 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/](http://www.waterboards.ca.gov/santaana/)
- 9) Applicant shall ensure that all fees associated with this project shall be paid to each respective agency prior to conducting any on-site construction activities.

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.

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/wqo\\_2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo_2003-0017.pdf)

Scott Quinnell  
California Department of Transportation  
332013-17

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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):

CalTrans – Scott Quinnell, [Scott.Quinnell@dot.ca.gov](mailto:Scott.Quinnell@dot.ca.gov)  
U. S. Army Corps of Engineers, Los Angeles Office - Jason Lambert  
CA Department of Fish and Wildlife – Joana 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