
Santa Ana Regional Water Quality Control Board

January 22, 2016

Deirdre West
The Metropolitan Water District of Southern California
700 North Alameda Street
Los Angeles, CA 90054

dwest@mwdh2o.com

**AMENDED CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR UPPER FEEDER STA 75+38 ARIZONA CROSSING
PROJECT, NORTHWESTERN UNINCORPORATED RIVERSIDE COUNTY (USACE
FILE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 332014-28)**

Dear Ms. West,

On March 15, 2015, we issued a Clean Water Act Section 401 Water Quality Standards Certification ("Certification") to the Metropolitan Water District of Southern California (MWD) (Applicant) to construct an Arizona Crossing within an unnamed tributary to the Riverside Canal located in unincorporated Riverside County. On October 29, 2015, we received from MWD a request to amend the Certification to modify the design of the crossing structure. The revised project (Project) will remove and replace an existing road crossing that extends over a 12-inch diameter culvert with a road crossing constructed over two concrete headwalls with two 18-inch drainage culverts. On December 29, 2015, MWD submitted a check for \$600.00, which satisfies the Project fee requirement for consideration of an amendment to a 401 Certification. This fee amount was determined using the Dredge and Fill Fee Calculator on the State Water Resources Control Board (SWRCB) web site, which is based on the most current iteration of California Code of Regulations, Division 3, Chapter 9, Article 1, Section 2200 (a) (3). 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 Applicant proposes to construct a new road crossing at the location of an existing unpaved access road that crosses over an unnamed drainage. That section of the unpaved road crosses over a 12-inch culvert. The Project is to replace that section with a new road crossing that will be constructed between two double headwalls and over two 18-inch plastic pipes. The construction includes removal and replacement of

the 12-inch PVC pipe with two 38 foot long 18-inch diameter plastic culverts with smooth interiors installed on 12-inches of sand or compacted subsoil. Loose rock within the limits of grading will be removed from the ground surface and used in grouted rip-rap slope protection. The pipes under the new road crossing will be covered with concrete slurry and topped with 6 inches of crushed cement-treated aggregate road base. The road base will be contained with a redwood header.

The work will take place within Sections 21 and 22 of Township 4 South, Range 6 West, of the U.S. Geological Survey *Corona South* and *Lake Matthews* 7.5 minute topographic quadrangle maps (33.805° N/ -117.500° W).

Receiving water: Unnamed tributary of the Arlington Channel, which flows into Reach 1a of Temescal Creek. Temescal Creek, Reach 1a has designated beneficial uses (existing or potential) that include: non-contact water recreation (REC2), warm freshwater habitat (WARM), and wildlife habitat (WILD).

Fill area:

Temporary Impact to Wetland Habitat	0.002 acre	19 linear feet
Temporary Impact to Non-Wetland Waters	0.0001 acre	<1 linear foot
Permanent Impact to Wetland Habitat	0.005 acre	14 linear feet
Permanent Impact to Non-Wetland Waters	0.0003 acre	<1 linear foot

Dredge/Fill volume: 10 cubic yards

Federal permit: U.S. Army Corps of Engineers (USACE) Permit Nationwide No. 14 – Linear Transportation Projects

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.
- Temporary impact areas will be restored to pre-construction contours and revegetated.

Offsite Water Quality Standards Mitigation Proposed:

- None

Based on habitat present adjacent to the project area and the proximity to mapped populations in the California Department of Fish and Wildlife's California Natural Diversity Database, the unnamed tributary to the Arlington Channel at the Project location has the potential to support populations of least Bell's vireo (LBV), California gnatcatcher (CAGN), and Steven's kangaroo-rat (SKR) and the species' habitats. The LBV is a federal and State listed endangered species. The SKR is listed as federally endangered and state threatened and the CAGN is listed as federally threatened. 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 the State Water Resources Control Board General NPDES Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order Number 2012-0006-DWQ.

Pursuant to the California Environmental Quality Act (CEQA), the Applicant filed CEQA Guidelines Section 15301 "Class 1" and Section 15302 "Class 2" Categorical Exemptions with the Riverside County Clerk/Recorder and State Clearinghouse of the Office of Planning and Research on November 26, 2014. "Class 1" declares that the Project involves the minor alteration of existing public or private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. "Class 2" consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The Regional Board has independently considered the CEQA Categorical Exemptions 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) This Order for Water Quality Certification will remain valid until the USACE 2012 Nationwide permits expire on March 18, 2017, or through an extended period beyond the expiration date that is authorized in writing by the USACE.
- 2) The Applicant must comply with the requirements of the applicable Clean Water Act Section 404 permit.

- 3) The 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.
- 4) A copy of this 401 Certification and any subsequent amendments must be maintained on-site for the duration of work as a denoted element of any Project Storm Water Pollution Prevention Plan (SWPPP).
- 5) Prior to construction activities, the Applicant shall delineate the work area with brightly colored fencing or other methods to ensure both temporary and permanent impacts to waters of the United States and waters of the State of California do not exceed the limits authorized in this Certification.
- 6) 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. Additionally, no materials may be stored within waters of the United States or waters of the State of California.
- 7) 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.
- 8) 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 from the Project site.
- 9) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such manner that petroleum products or other pollutants from the equipment might 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.
- 10) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 11) Construction dewatering discharges, including temporary stream diversions necessary to carry out the Project, are subject to regulation by Regional Board Order No. R8-2015-0004, 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. R8-2015-0004 at www.waterboards.ca.gov/santaana/.

- 12) This 401 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 condition contained herein, or any conditions contained in any other permit or approval issued by the State of California or any subdivision thereof, may result in appropriate enforcement action, including the revocation of this Certification and imposition of administrative civil or criminal liability.

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 that the Applicant submit a Report of Waste Discharge and obtain Waste Discharge Requirements.

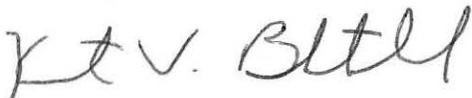
In the event of any violation or threatened violation of the conditions of this 401 Water Quality Certification, the holder of any permit or license subject to this Certification shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of Section 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 certify 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

Should there be any questions, please contact Jason Bill at (951) 782-3295 or jason.bill@waterboards.ca.gov, or Wanda Cross at (951) 782-4468 or wanda.cross@waterboards.ca.gov.

Sincerely,



Kurt V. Berchtold
Executive Officer

cc (via electronic mail):

The Metropolitan Water District – Malinda Stalvey– mstalvey@mwdh2o.com

U. S. Army Corps of Engineers, Los Angeles Office - James Mace

CA Department of Fish and Wildlife – Kim Freeburn-Marquez

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 – Jason Brush