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## Santa Ana Regional Water Quality Control Board

March 30, 2016

Mr. Craig Wentworth  
Senior Environmental Planner  
California Department of Transportation, District 8  
464 West 4th St., 8th Floor, MS 622  
San Bernardino, California 92401

craig.wentworth@dot.ca.gov

### **CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR STATE ROUTE 79 DRAINAGE INLET PROJECT, UNINCORPORATED RIVERSIDE COUNTY (USACOE CORPS FILE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 332016-08)**

Dear Mr. Wentworth:

On January 9, 2016, we received from the California Department of Transportation (Applicant) an application requesting Clean Water Act Section 401 Water Quality Standards Certification ("Certification") for a project to install road drainage systems at 19 locations to alleviate the ponding of water on the paved surface of State Route (SR) 79 between the cities of Beaumont and San Jacinto (Project). The Applicant submitted a check for \$2,667.00 with the Certification application materials, and a second check for \$1200.00 on March 9, 2016, which satisfies the fee requirement for consideration of 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 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, as 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) proposes to install 19 drainage systems to collect water from the paved surface of SR-79 for conveyance through downdrains to Lamb Canyon Creek, which is located adjacent to the roadway. Impacts to Lamb Canyon Creek will

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WILLIAM RUH, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

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result as the flared metal end-sections of the downdrains and the energy dissipating structures, which reduce flow velocities as the water leaves the drainage systems, are being constructed.

The work will take place within Sections 10, 15, 16, 21, 28, 32, and 33 of Township 3 South, Range 1 West and Section 5 of Township 4 South, Range 1 West, of the U.S. Geological Survey Lakeview, Beaumont, and *San Jacinto* 7.5 minute topographic quadrangle maps (33° 49' 38.67" N/ - 116° 58' 44.94" W).

Receiving water: Lamb Canyon Creek, a tributary to the San Jacinto River, Reach 4, has designated beneficial uses (existing or potential) that include: agricultural supply (AGR), groundwater recharge (GWR), contact recreation (REC1), non-contact recreation (REC2), warm freshwater habitat (WARM), and wildlife habitat (WILD).

Fill area:

Permanent Impacts to Non-Wetland Waters of the United States	0.0016 acre	20 linear feet
Temporary Impacts to Non-Wetland Waters of the United States	0.05 acre	222 linear feet

Dredge/Fill volume: Not Applicable

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.

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 per the requirements of State Water Resources Control Board Order No. 2015-0036-EXEC (NPDES Permit No. CAS000003), commonly known as the State of California Department of Transportation Statewide Storm Water Permit, and subsequent iterations thereof.

Pursuant to the California Environmental Quality Act (CEQA), Caltrans filed a CEQA Guidelines Section 15301 "Class 1" Categorical Exemption with the State of California Office of Planning and Research on May 29, 2015. The "Class 1" Exemption declares the proposed Project involves the alteration of an existing public structure for the purpose of public safety, involving negligible or no expansion of use beyond that existing at the time of the Department's determination. The Regional Board has independently considered the CEQA 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) 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) Effective perimeter control BMPs must be in place at all times to control the discharge of pollutants from the Project site during construction. Construction waste must be contained and protected against wind and exposure to storm water at all times unless being actively handled. Chemical, fuel, and lubricant containers must be kept closed and protected from damage or upset at all

times unless being actively used. Dirt and landscaping material stockpiles must have effective erosion control BMPs in place to prevent their being transported in storm water or directly into the channel, and may not be located within waters of the United States. Discharges of wastewater from the site are prohibited.

- 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) 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.
- 11) Construction de-watering 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/](http://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 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/wqo2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf)

Mr. Craig Wentworth  
CA Department of Transportation, District 8  
SARWQCB File Number 332016-08

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

Sincerely,



Kurt V. Berchtold  
Executive Officer

cc: Caltrans District 8 – Denesse Segura – [dennesse.segura@dot.ca.gov](mailto:dennesse.segura@dot.ca.gov)  
U. S. Army Corps of Engineers, Los Angeles Office – Veronica Li  
CA Department of Fish and Wildlife – Jeff Brandt  
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 Section – Jason A. Brush