



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Colorado River Basin Regional Water Quality Control Board

November 3, 2014

RECEIVED
NOV 06 2014

Mr. Mike Wong
Riverside County Flood Control and Water Conservation District
1995 Market Street
Riverside, CA 92501

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

Dear Mr. Wong:

SUBJECT: ORDER FOR TECHNICALLY-CONDITIONED CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS

PROJECT: This federal Clean Water Act Section 401 Water Quality Certification (WQC) (33 U.S.C. § 1341) is written for the Riverside County Flood Control and Water Conservation District (RCFC&WCD) - Palm Canyon Wash downstream of Golf Club Drive Project, WDID NO. 7A333143001

APPLICANT: RCFC&WCD

- ACTION:**
- 1. Order for Standard Certification
 - 2. Order for Technically-Conditioned Certification
 - 3. Order for Denial of Certification

STANDARD CONDITIONS:

The following standard conditions apply to all certification actions, except as noted above under Action 3 for denials.

- 1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and Section 3867 of Title 23 of the California Code of Regulations (23 CCR).
- 2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Section 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

ELLEN WAY, CHAIR | ROBERT PERDUE, EXECUTIVE OFFICER

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3. The validity of any non-denial certification action (Actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR Section 3833, unless otherwise stated in writing by the certifying agency.
4. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under State law. For purposes of Clean Water Act (CWA) section 401(d), 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 Water Quality Certification (WQC).
 - a. In response to a suspected violation of any condition of this WQC, the Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Colorado River Basin Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - b. In response to any violation of the conditions of this WQC, the Colorado River Basin Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

ADDITIONAL CONDITIONS:

The following additional conditions apply to this certification:

1. This WQC applies towards the proposed project (Project) as described in a 401 application received by the Colorado River Basin Water Board on July 17, 2014 and an updated Section 7b (Impacted Water Bodies) of the application and the fee were received on October 31, 2014.
2. The Applicant shall provide the Colorado River Basin Water Board and other interested agencies with written notification of any significant modifications made to the Project prior to implementation of the modifications.
3. This WQC does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
4. This WQC does not authorize the Applicant or any associated party to trespass on any land or property unless the Applicant has obtained written authorization or acquired a special use authorization permit from the land or property owner.
5. A copy of this WQC shall be provided to the appropriate onsite Supervisor for the Project. All personnel performing work on the proposed Project shall be familiar with the content of this WQC. Copies of the WQC shall be readily available at the Project site at

all times during periods of active work and shall be presented to regulatory agency representatives upon request.

6. The Applicant shall grant Colorado River Basin Water Board staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to enter the Project site at reasonable times, to ensure compliance with the terms and conditions of this WQC and/or to determine the impacts the Project may have on waters of the United States.
7. The proposed Project shall not be enlarged or extend beyond the proposed Project impact area. The Applicant shall delineate the Project boundaries and staging areas with stakes, flags and/or temporary construction fencing.
8. The area of vegetation and soil disturbance shall be restricted to the smallest extent possible.
9. The Project shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.
10. The Project shall not discharge waste classified as "hazardous" as defined in Title 23 California Code of Regulations (CCR) section 2521, California Health and Safety Code section 25140, and Title 22, CCR, section 66260.10 et seq.
11. No oil, petroleum products, or rubbish shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the United States.
12. No equipment maintenance will be done within or near any stream channel where petroleum products or other pollutants from the equipment may enter waters of the United States.
13. Equipment refueling shall not occur within waters of the United States.
14. Any oil or grease leaks shall be immediately cleaned up.
15. The Applicant shall ensure that all contaminated material and/or contaminated soil removed or excavated from the Project site is properly loaded, transported, and disposed of in accordance with Federal, State, and local regulations.
16. Staging/storage areas for equipment and materials shall be located outside of waters of the United States.
17. The Applicant shall ensure that all disturbed and filled areas are adequately stabilized and protected from erosion and siltation by implementing appropriate soil stabilization, sedimentation and silt control measures.
18. Any flow diversion used during construction shall be designed in a manner to prevent pollution, minimize siltation, and shall provide flows to downstream reaches. Flows shall be maintained to support existing aquatic life and riparian wetlands and habitat that may be located upstream and downstream from any temporary diversion.

19. The Applicant shall restore drainages, to the greatest extent possible, to the original bank configuration, stream bottom width, and channel gradient.
20. All temporary facilities and impacts shall be removed and restored to the preexisting conditions and contours to the extent practicable.
21. Construction related materials and wastes shall be removed from the Project site upon completion of the Project.
22. The Applicant shall submit Notice to the Colorado River Basin Water Board within 60-days of completion of the Project that terminates on the expiration date of the Nationwide Permits 3 and 31 in 2017. The Notice shall include: 1) a detailed summary of the mitigation and restoration activities implemented during the Project and 2) provide photographic documentation that supports the information summarized in the Notice.
23. The Colorado River Basin Water Board reserves the right to suspend, cancel, or modify and reissue this WQC, after providing notice to the Applicant and/or responsible Site-Supervisor, if the Colorado River Basin Water Board determines that the Project fails to comply with any of the terms or conditions of this WQC.
24. The Applicant shall orally notify the Colorado River Basin Water Board of any noncompliance that may impact the beneficial uses of waters of the United States, as soon as notification is possible and notification can be provided without substantially impeding measures necessary to address the noncompliance.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

If you have any questions, please contact Jay Mirpour, Water Resources Control Engineer, at (760) 776-8981 or jmirpour@waterboards.ca.gov.

WATER QUALITY CERTIFICATION:

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.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' Project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Colorado River Basin Water Board's Water Quality Control Plan (Basin Plan).

Sincerely,



Robert Perdue
Executive Officer
Colorado River Basin
Regional Water Quality Control Board

JJM/tab

cc: Via Email
James Mace, U.S. Army Corps of Engineers, Los Angeles District
Bill Orme, SWRCB, Division of Water Quality, Water Quality Certification Unit
Elizabeth Goldmann, U.S. Environmental Protection Agency, Region 9
Thomas A. Vandenberg, Office of Chief Counsel, SWRCB

File: WDID NO. 7A333143001, RCFC&WCD- Palm Canyon Wash downstream of Golf Club Drive Project

PROJECT INFORMATION

Application Date: This WQC applies towards the proposed project (Project) as described in a 401 application received by the Colorado River Basin Water Board on July 17, 2014, and updated information (Section 7b, Impacted Water Bodies) and the fee were received on October 31, 2014.

Applicant: RCFC&WCD
Contact: Contact: Mr. Mike Wong, (951) 955-1233

Applicant Representative: N/A

Project Name: RCFC&WCD- Palm Canyon Wash downstream of Golf Club Drive Project, WDID NO. 7A333143001

Start and Completion: Start Date: November 1, 2014, approximately one month duration. Recurring annually or as necessary to maintain flow capacity. This WQC will terminate with the expiration of the Nationwide Permits in 2017.

Project Description: Excavate and remove accumulated sediment in wash downstream of nine existing plugged road culverts to allow the culverts to properly drain. The road and culverts are maintained by the City of Palm Springs. Storm flows from the February 28 - March 1, 2014 storm filled the nine culverts (42"W x 29"H corrugated arch pipes) under Golf Club Drive and deposited sediment downstream of the road.

Removal of accumulated sediment during the fall months will allow full function of the culverts and wash in preparation for the rainy season. Also, Golf Club Drive closures will be averted and allow emergency personnel continued access during future rainstorms.

Project Location: City or area: Area Palm Springs, Riverside County, California.
Longitude/Latitude: 33.798, -116.481
Township/Range: T4S R5E, Section 29, San Bernardino Base Meridian

Receiving Water(s): Palm Canyon Wash

Acres and Linear Feet

Impacted: Total Discharge Length (618 temporary linear feet)
Jurisdictional Wetland (0.03 Temporary Acres)
Streambed (Vegetated) 1.28 temporary acres
Streambed (Unvegetated) 0.15 temporary acres

**Standard Best
Management
Practices (BMPs):**

- No toxic and/or hazardous materials shall be stored near or within wash/drainage areas. To extent possible, these materials will be offsite and/or placed in appropriate secondary containment.
- Work and staging areas and temporary access routes will be sized, located and flagged so as to limit potential impacts to natural areas. Previously disturbed areas will be used to the extent feasible.
- No fueling or maintenance of equipment and/or vehicles shall occur adjacent or within the wash/drainage areas.
- Spoil sites shall not be located where spoil could be washed back into the river, or where spoil will cover aquatic or riparian vegetation. Any materials placed in seasonally dry portions of the canal/ drainage areas that could be washed downstream or could be harmful to aquatic life shall be removed from the streambed prior to inundation by high flows.
- After completing the activities, the disturbed area will be restored to pre-existing contours and conditions to the extent feasible.

Additional BMPs:

EC-2 Preservation of Existing Vegetation: native vegetation will be flagged and avoided to the maximum extent practicable. Invasives within the Temporary Disturbance Area will be removed.

TR-1 Stabilized Construction Entrance/Exit: a stabilized entrance/exit will be installed to prevent track-out onto Golf Club Drive.

WE-1Dust Control: a water truck will be available to contain dust from excavation activities.

Federal Permit(s):

U.S. Army Corps of Engineers Section 404 Nationwide Permits No. 3 (Maintenance) and 31(Maintenance of Existing Flood Control Facilities).

Status of CEQA:

On November 8, 1983, a Notice of Determination was approved pursuant to the provisions of CEQA for the Revised Master Drainage Plan for the Palm Springs Area (Revised MDP), of which the location of the proposed project, Palm Canyon, is listed as an existing facility. Lead Agency: RCFC&WCD, State Clearinghouse Number: 83060601. The mitigated Negative Declaration (MND) approved by the RCFC & WCD Board of Supervisors on November 8, 1983, found that the project would not have a significant adverse effect on water quality.

As a Responsible Agency under CEQA, the Regional Board 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. As required by Section 15096, the Regional Board has considered the RCFC & WCD's MND filed on November 8, 1983, for the proposed project, particularly those sections of the MND that relate to water quality and beneficial uses, in approving this Certification. Based on information provided in the District's application, including mitigation proposed, and the conditions set forth in this Certification, Board staff concludes that the proposed project's impacts to water quality will be reduced to a less than significant level and beneficial uses will be protected. The Regional Board independently finds that changes or alterations have been required or incorporated into the project that avoid or mitigate impacts to water quality to a less than significant level. Accordingly, the Regional Board will be filing a Notice of Determination consistent with these findings.

File: RCFC&WCD- Palm Canyon Wash downstream of Golf Club Drive Project, WDID No. 7A333143001

*Do not mail this REVIEW and APPROVAL page with the main document.
However, please retain with file copy.*

SUBJECT: ORDER FOR TECHNICALLY-CONDITIONED CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS

Review and Approval Block¹

Staff	Date	Initials/staff confirmation
Jay Mirpour	10.17.2014	jm
John Carmona	10.31.2014	jc
M. Serra		
Tom Vandenberg	10.31.2014	tav
EO/AEO		

¹Add your name, the date you reviewed the document and your initials prior to administration mailing.

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