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**Santa Ana Regional Water Quality Control Board**

December 23, 2013

Ms. Patricia Castillo  
Riverside County Transportation  
Commission  
4080 Lemon Street, 3<sup>rd</sup> Floor  
Riverside, CA 92501

**REVISED CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
CERTIFICATION FOR INTERSTATE-215 (I-215)/STATE ROUTE-60 (SR-60)  
CONNECTOR LANES TO EXISTING HIGH OCCUPANCY VEHICLE CONNECTOR  
PROJECT AT DAY STREET AND EAST JUNCTION RAILROAD CULVERT  
IMPROVEMENT PROJECT, UNINCORPORATED RIVERSIDE COUNTY NEAR THE  
CITY OF MORENO VALLEY (ACOE CORPS FILE NO. NOT AVAILABLE)  
(SARWQCB PROJECT NO. 332010-02)**

Dear Ms. Castillo,

This correspondence revises and replaces the Clean Water Act Section 401 Water Quality Standards Certification ("Certification") issued for this project on April 1, 2010 by the Regional Board. Revisions have been made in response to requests (dated October 3, 2013 and November 22, 2013) by LSA Associates, Inc., acting on behalf of the Riverside County Transportation Commission, to amend Certification No. 332010-33. The referenced correspondence was submitted to clarify certain project revision details.

On January 19, 2010, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") for the proposed expansion of two additional High Occupancy vehicle (HOV) connector lanes to augment the existing HOV lanes on SR-60 at Day Street. On October 3, 2013 the application was amended to include the proposed East Junction Railroad Culvert Improvement, in an unincorporated area of Riverside County. This letter responds to your request for certification 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: .

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

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**Project Description:** Construction of two new HOV connector lanes, which will connect the existing HOV lanes on SR-60 at Day Street to the I-215 HOV lanes located west of Box Springs Road. This project includes:

- 1) The reconstruction of the northbound I-215 mainline to achieve a 16.5-foot clearance where I-215 crosses under eastbound SR-60;
- 2) The realignment and widening of Box Springs Road to accommodate the widening of northbound I-215 over the existing railroad tracks;
- 3) Converting an existing earthen drainage channel, located adjacent to the railroad tracks at the northern portion of the realignment of Box Springs Road, to a soft-bottomed, riprap-banked trapezoidal channel; and,
- 4) The installation of approximately 800 feet of 72-inch diameter reinforced concrete pipe (RCP), to drain the existing detention basin at the northeastern end of River Crest Drive, south of the I-215/SR-60 interchange, into the channel described in 3), above.

**Construction of the East Junction Railroad Culvert Improvements includes:**

- 1) Replacement of existing dual arch culverts under the RCTC's San Jacinto Branch Line railroad track with four 8-foot wide by 4-foot tall precast reinforced concrete boxes. The total length of the structure is approximately 96 feet with headwalls on both upstream and downstream ends. Additional length of the proposed replacement structure results from changing the skew of the culverts under the existing track to better align them with the prevailing runoff flow direction;
- 2) Installation of a riprap pad downstream of the culvert for energy dissipation and erosion protection;
- 3) Grading of the channel downstream of the culvert for approximately 180 feet. Downstream channel grading is proposed to improve flow conveyance and mitigate backwater conditions at the culvert outlet;

- 4) Installation of a decomposable temporary channel stabilization mat for scour protection while vegetation reestablishes in the graded channel;
- 5) The construction activities will require a temporary track closure, removal of track, removal of earthwork, removal and disposal of the existing dual arch culverts, installation of replacement culvert sections, backfill, and replacement of the railway road bed and tracks.
- 6) Installation of precast headwalls in accordance with railway safety requirements.

The work will take place within Section 33 of Township 2 South, Range 4 West, of the U.S. Geological Survey *Riverside East, California* 7.5 minute topographic quadrangle map (33° 56' 50" N/ -117° 17' 53" W).

Receiving water: Unnamed tributary to Santa Ana River in the Box Springs Canyon area of Moreno Valley

Fill area:

<b>Project Area North of the Culvert (impacts associated with Railroad Culvert Improvements):</b>
0.005 acre of permanent impacts to non-wetland waters of the U.S. (8 linear feet)
0.022 acre of permanent impacts to wetlands (74 linear feet)
0.064 acre of temporary impacts to non-wetland waters of the U.S. (151 linear feet)
0.030 acre of temporary impacts to wetlands (139 linear feet)

Dredge/Fill volume: 164 cubic yards

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:

- Best Management Practices ("BMPs") will be specified in the project Storm Water Pollution Prevention Plan ("SWPPP").
- Any temporarily-impacted areas will be re-vegetated with native vegetation.

**Offsite Water Quality Standards Mitigation Proposed:**

- A total of 1.02 acres of riparian habitat within the same sub-watershed as this project will be enhanced by removal of trash and exotic plant species and replanting with native, riparian habitat plant species. The project proponent will participate in the Santa Ana Watershed Association (SAWA) watershed improvement program to enhance approximately 0.5 acre of riparian habitat immediately upstream of the culvert crossing under I-215 at Central Avenue, within 1 mile of the project site. An additional 0.52 acre of riparian enhancement will occur downstream of the culvert crossing in the vicinity of the Quail Run Open Space Area in the City of Riverside.
- A total of 0.31 acre credits will be purchased for riparian habitat "rehabilitation" through the Riverside-Corona Resource Conservation District's approved In-Lieu Fee Program within the same watershed as this project.

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 U.S. 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, Order No. 2009-0009-DWQ, including the preparation of a SWPPP.

Post-construction water quality impacts that may result from the use of the I-215 and SR-60 right-of-way improvement projects that are certified by this document are addressed by waste discharge requirements issued to the Department of Transportation by the State Water Resources Control Board in Order No. 99-06 DWQ, and subsequent iterations thereof. These requirements include the development and implementation of appropriate Best Management Practices for the purpose of removing transportation-related pollutants from discharges from Caltrans' rights-of-way and easements.

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.

You have applied for a permit from the U.S. Army Corps of Engineers, in compliance with Clean Water Act Section 404. CalTrans approved a California Environmental Quality Act (CEQA) Environmental Impact Report (combined with a National Environmental Protection Act Environmental Impact Statement) for the project, in 2002. At the request of the Regional Board, an addendum to the CEQA report was prepared in December 2009.

In the issuance of this Certification, the Executive Officer has considered those sections of Caltrans' Environmental Impact Report and its Addendum that relate to water quality. Based on the mitigation proposed and the conditions set forth in this Certification, 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.

**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) 1.33 acres of riparian habitat enhancements and in-lieu fee payments shall be implemented as proposed.
- 3) Areas that are temporarily impacted shall be mitigated as proposed.
- 4) Maintenance of the 1.33 acres of riparian enhancements and rehabilitation shall strictly adhere to the proposed habitat enhancement plan for this project.
- 5) The proposed habitat enhancement plan for this project shall be submitted for Board staff review within 90 days of the issuance of this certification. The habitat enhancement plan shall be revised to incorporate Board staff comments, and shall be implemented upon approval.
- 6) A copy of this Certification and any subsequent amendments must be maintained on site for the duration of work.
- 7) 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.

- 8) 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.
- 9) 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.
- 10) 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, and wastes from metal cutting, welding, or forming, shall not be discharged to soils or waters of the state. All waste concrete shall be removed.
- 11) 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.
- 12) 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.
- 13) 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.
- 14) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 15) Applicant shall ensure all procedures and policies specified within the project's WQMP, shall adequately address any hydraulic conditions of concern generated during and as a result of this project.

- 16) 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/)
- 17) 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.

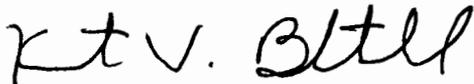
The Clean Water Act Section 401 Water Quality Standards Certification issued for this project on April 1, 2010 is withdrawn.

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)

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  
CA Department of Fish and Wildlife – Daniel Orr, [Daniel.orr@wildlife.ca.gov](mailto:Daniel.orr@wildlife.ca.gov)  
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