



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221
www.waterboards.ca.gov/santaana

Arnold Schwarzenegger
Governor

March 9, 2010

Dan Rodriguez
Jurupa Area Recreation & Park District
4810 Pedley Road
Riverside, CA 92509

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE CENTENIAL PARK PROJECT (JURUPA AREA RECREATION & PARK DISTRICT), CITY OF RIVERSIDE, RIVERSIDE COUNTY (ACOE REFERENCE NO. NOT AVAILABLE) (RWQCB REFERENCE NO. 332009-16)

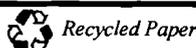
Dear Mr. Rodriguez:

On August 31, 2009, this office received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification), submitted on your behalf by Cadre Environmental, for modifications to the Jurupa Detention Basin in the City of Riverside. Verbal notice that the application was incomplete due to lack of CEQA documentation was provided to Mr. Trip Hord of Trip Hord Associates by Regional Board staff on January 5, 2010. Following receipt of the required information on March 2, 2010, the application was deemed complete.

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) and subsequent Basin Plan amendments:

Project Description: Modification of an existing earthen Riverside County Flood Control District detention basin, to create a dual purpose facility: detention basin and community recreational (sports fields) facility. Modifications to include grading not exceeding 10,000 cubic yards of native soil materials, the realignment of an existing highly disturbed drainage channel to the basin perimeter, the seeding of four (4) grass sports fields, and the construction of several attendant features, including roadway and parking facilities. No diversion of flow will be required. The basin is located along the southwestern intersection of Camino Real and Jurupa Road, within Section 7 of Township 2 South and Range 5 West, of the U.S. Geological Survey *Fontana, California*, 7.5-minute topographic quadrangle map (34 deg. 00 min. 19.21 sec. N/ -117 deg. 26.min. 41.17 sec. E).

California Environmental Protection Agency



Receiving water: Jurupa Basin Channel (un-named detention basin on maps), tributary to Reach 3 of the Santa Ana River.

Fill area: 0.26 acres of temporary impact to a detention basin and 1490 linear feet of permanent impact to an un-name water of the U.S.

Dredge/Fill volume: 0.26 acres, due to channel realignment.

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 42

Offsite Mitigation proposed: None

Impacts to beneficial uses associated with the relocation/realignment of the existing earthen drainage channel will be minimal, as the project will replace the present channel by installing a swale, to include the permanent presence of grasses (red fescue), which will be supported and maintained through routine field maintenance operations.

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 Game will ensure those impacts are mitigated to an acceptable level. Appropriate Best Management Practices will be implemented to reduce construction-related impacts to Waters of the State. When considering the overall project construction activities associated with this project (e.g. grading and planting of grass for four soccer fields, irrigation system installation and construction of attendant features), the overall area of disturbed soils for this project exceeds one acre. Therefore, coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 2009-0009- DWQ, (currently in effect) or Water Quality Order No. 2009-0009-DWQ (effective July 10, 2010), is required, as is the development of a SWPPP to control the discharge of pollutants from the project site.

Appropriate BMPs will be implemented to reduce impacts from the project to Waters of the State 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, Water Quality Order 99-08-DWQ (currently in effect) or Water Quality Order No. 2009-0009-DWQ (effective July 10, 2010), including the preparation of a SWPPP.

You have applied for a Nationwide Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have applied for a Streambed Alteration Agreement with the California Department of Fish and Game. Pursuant to the California Environmental Quality Act (CEQA), the County of Riverside adopted a Negative Declaration for this project on March 1, 2010. The Executive Officer has considered the County's Negative Declaration in the issuance of this Certification.

This Water Quality Certification relies, in part, on the assumption that all related local, regional, state, and federal permits and approvals shall be fully and completely satisfied. Accordingly, failure to meet any conditions herein or any water quality related conditions contained in any related local, regional, state, and federal permit or approval may result in enforcement action(s) including, but not limited to, injunctive relief and administrative civil liability.

This 401 Certification is contingent upon the execution of the following conditions:

1. This Certification and any subsequent amendments must be maintained on site as a denoted element of any project SWPPP and/or Water Quality Management Plan (WQMP).
2. The project WQMP shall include institutional controls and BMPs to prevent the discharge of trash and debris accumulation, as well as, pesticide or nutrient wastes at concentrations that could adversely affect beneficial uses of waters of the state during all post construction facility maintenance operations.
3. This Certification is transferable only upon written notice to the Executive Officer. The notice must include written acknowledgement of this Certification by the transferee's authorized representative.
4. The discharger must comply with all conditions and provisions of the U.S. Army Corps of Engineers' Clean Water Act Section 404 Permit(s).

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.

Although we anticipate no further regulatory involvement, 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, we may formulate Waste Discharge Requirements.

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 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.

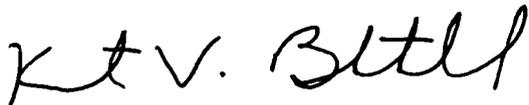
In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (Regional Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance. Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. Please notify our office five (5) days before construction begins on this project.

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. 200-0017-DWQ is available at www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf

Should there be any questions, please contact Marc Brown at (951) 321-4584, or Mark Adelson at (951) 782-3234.

Sincerely,



for GERARD J. THIBEAULT
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Mark Durham
State Water Resources Control Board, OCC – Erik Spiess
State Water Resources Control Board, DWQ-Water Quality Certification Unit – Bill Orme
California Department of Fish and Game, Ontario Office – Jeff Brandt
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini and David Smith

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