



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
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Arnold Schwarzenegger
Governor

May 12, 2010

Warren Williams
Riverside County Flood Control and Water
Conservation District
1995 Market Street
Riverside, CA 92501

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE SAN JACINTO RIVER STAGE 2 RESTORATION
PROJECT, CITY OF SAN JACINTO (ACOE REFERENCE NO. NOT
AVAILABLE)(SARWQCB REFERENCE NO. 332009-20)**

Dear Mr. Williams:

On November 23, 2009, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification), for your proposal to re-construct a section of failed concrete sideslope levee protection within the existing District right-of-way. The project is located in the community of Gilman Hot Springs in Riverside County. 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: Reconstruction of a 77-lineal foot section of a failed concrete sideslope levee protection within the existing District right-of-way. The activity will consist of repairing a reach of concrete-lined sideslope, which includes a 2.5 feet high floodwall along the northern edge of the San Jacinto River. The project is located between State Highway 79 and Sanderson Avenue in the northwestern area of San Jacinto. The project is located in an Sections 9, 15 and 16 of Townships 4 South, Range 2 West, of the U.S. Geological Survey *San Jacinto, California*, 7.5-minute topographic quadrangle map (33:49:37.850 North / -116:59:06.421 West).

California Environmental Protection Agency



Receiving water: San Jacinto River

Fill area: 0.03 acre of temporary impact to streambed (77 linear feet total)

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 43

You have proposed to mitigate water quality impacts as described in your Certification application. The proposed mitigation is summarized in part below:

Onsite Water Quality Standards Mitigation Proposed:

- Existing debris and trash will be removed and housekeeping measures will be implemented throughout the duration of the project.
- Erosion source control and treatment best management practices (BMPs) will be employed. Additional BMPs will be identified in the project Storm Water Pollution Prevention Plan (SWPPP).

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 BMPs will be implemented to reduce construction-related impacts to Waters of the State according to the requirements of Order No. R8-2009-009 (NPDES Permit No. CAS618033), commonly known as the Riverside County Municipal Storm Water Permit. Order No. R8-2009-009 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, including the preparation of a SWPPP.

The proposed project is subject to a Nationwide Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. Pursuant to the California Environmental Quality Act (CEQA), the Riverside County Flood Control District filed a Notice of Exemption for this project on November 17, 2009. The Executive Officer has considered the County's Notice of Exemption in the issuance of this Certification.

De-watering discharges from the proposed project may be regulated under Regional Board Order No. R8-2003-0061, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimis) Threat to Water Quality. For more information, please review Order No. R8-2003-0061 at www.waterboards.ca.gov/santaana/pdf/03-61.pdf.

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.

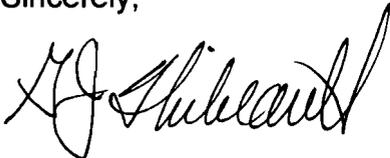
In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (Regional Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the 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.

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) 453-9367, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Dan Swenson
State Water Resources Control Board, OCC – Eric Spiess
State Water Resources Control Board, DWQ-Water Quality Certification Unit –
Nancy Dagle
California Department of Fish and Game, Ontario Office –Anna Milloy
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Tim
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