
Santa Ana Regional Water Quality Control Board

September 4, 2012

Russell Williams
Riverside County Transportation
Department
3525 14th Street
Riverside, CA 92501

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE MAGNOLIA/BNSF RAILROAD GRADE SEPARATION
PROJECT, CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, CALIFORNIA (ACOE
REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 332012-09)**

Dear Mr. Williams:

On May 16, 2012, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification"), from the Riverside County Transportation Department for a project to improve public safety by removing the existing at-grade conflict between vehicular traffic and rail traffic on Magnolia Avenue between Buchanan Street, in the city of Riverside, and Lincoln Street, in the unincorporated community of Home Gardens, 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) (Basin Plan) and subsequent Basin Plan amendments:

Project Description: The project entails elevating Magnolia Avenue by constructing a new four-lane overhead (bridge) over the existing BNSF tracks, approximately 1,480 feet in length with a minimum of 24 feet of clearance above the entire BNSF right-of-way. The total length of the improvements would extend from approximately 500 feet west of Lincoln Street to approximately 550 east of Buchanan Street. The total length of the elevated roadway and bridge would be approximately 2,850 feet, with approximately 1,450 feet west of the crossing and 1,350 feet east of the crossing. The project will include the replacement of Magnolia Avenue's existing concrete-lined median stormdrain system with a series of 24-inch diameter inlets that will drain to a constructed 24-inch

RCP storm drain system. Surface drainage from roadway surfaces within existing BNSF right-of-way will be diverted through a section of constructed 36-inch diameter RCP, which will connect to an existing double 48-inch RCP that outlets to Arlington Channel. Approximately 650-feet of the median drain from the northeasterly limit of the BNSF right-of-way will be replaced with a bridge deck drain system that will outlet to a constructed water quality basin before flows are discharged into the Arlington Channel through an 18-inch diameter RCP. The work will take place within Section 22 of Township 3 South, Range 6 West, of the U.S. Geological Survey *Riverside, CA* quadrangle map (33.889203° N/ -117.501069° W).

Receiving water: Arlington Channel, La Sierra Channel, Magnolia Avenue Median Channel

Fill area: 0.05 acre of permanent impact to streambed habitat and (2,043 linear feet), and <0.80 acre of temporary impact to streambed habitat

Dredge/Fill volume: N/A

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:

- Standard water quality related best management practices (BMPs) will be employed during construction activities.
- Permanent impacts are limited to a low flow-functioning unvegetated median drain that will be converted to a pipe and no impacts to vegetation to occur; as such, no compensatory mitigation is proposed.

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 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. R8-2010-0033 (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.

The applicant reports that the project qualifies for a Public Resources Code Division 13 Section 21080.13 statutory exemption from the provisions of the California Environmental Quality Act (CEQA). The applicant filed a CEQA Notice of Exemption for the project with the County of Riverside on May 11, 2011. Riverside County Transportation Department has submitted a Notice of Exemption stating that the project is excluded from CEQA requirements and qualifies for the Section 21080.13 statutory exemption because the project is a railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation. The Regional Board independently acknowledges that the applicant's project is statutorily exempt from the provisions of CEQA.

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) 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.
- 3) 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.
- 4) 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.
- 5) 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.

- 6) 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.
- 7) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 8) 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.

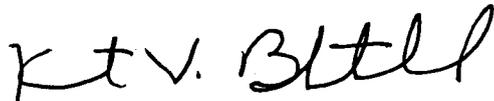
Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

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/wqo2003-0017.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):

ICF International – Lexi Kessans lexi.kessans@icfi.com
U. S. Army Corps of Engineers, Los Angeles Office -Jason Lambert
Department of Fish and Game - Joanna Gibson
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