

Colorado River Basin Regional Water Quality Control Board

April 14, 2016

Ms. Deirdre West
The Metropolitan Water District of Southern California
P.O. Box 54153
Los Angeles, CA 90054-0153

RE: 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 Metropolitan Water District of Southern California (MWD) - Whitewater River / Colorado River Aqueduct Siphon Scour Protection Project, WDID No. 7A333152001

APPLICANT: The Metropolitan Water District of Southern California

- 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.

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 December 17, 2015. Updated information was received on April 12, 2016.
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.

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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.

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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. 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.

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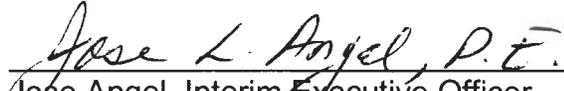
REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

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).



Jose Angel, Interim Executive Officer
Colorado River Basin Regional Water Quality Control Board

JJM/

cc: 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: The Metropolitan Water District of Southern California - Whitewater River/
Colorado River Aqueduct Siphon Scour Protection Project, WDID No. 7A333152001

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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 December 17, 2015. Updated information was received on April 12, 2016.

Applicant: The Metropolitan Water District of Southern California
Contact: Deirdre West
Phone No. 213-217-6696

Applicant's Representative: Helix Environmental Planning, Inc.
Contact: Mr. Karl Osmundson
619-462-1515

Project Name: The Metropolitan Water District of Southern California - Whitewater River / Colorado River Aqueduct Siphon Scour Protection Project, WDID No. 7A333152001

Start and Completion: Startup: 04/01/2016, Completion: 04/01/2017

Project Description: The Metropolitan Water District of Southern California plans to conduct required construction and maintenance activities within its right-of-way (ROW) in order to immediately repair and prevent continued erosion, scour and down-cutting of the streambed above the Colorado River Aqueduct (CRA) Whitewater Siphon. The CRA Whitewater Siphon is a double-barreled siphon approximately 2,200 feet long, constructed of two reinforced concrete pipes 11.5 and 13.0 feet in diameter, respectively, running perpendicular to the Whitewater River below the channel bed. The width of the water surface of the Whitewater River where the siphon crosses is less than 150 feet under average flow conditions and was approximately 730 feet for the largest storm on record, in 1938.

Following a large storm event in 1993 that exposed the siphon, MWD installed protective measures including a 25-foot-wide by 250-foot-long concrete apron across the siphon within the active channel of the Whitewater River, and a 760-foot-long earthen berm that runs north from the eastern end of the concrete apron then curves eastward and functions to divert larger storm flows in the Whitewater River away from the eastern end of the siphon. This berm also protects two

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manhole structures located near the eastern end of the siphon, where top cover is minimal and the risk of exposure of the CRA by erosion is high.

Since 1993, the earthen berm has deteriorated, and it nearly failed in the storms that occurred between January and February 2004. Although the concrete apron continues to protect the siphon, ongoing erosion and head-cutting downstream of the concrete apron causes undermining and progressive failure of the concrete apron that will ultimately destroy it and the protection it affords the siphon. Critical maintenance activities will include construction of protective barriers/structures to protect two existing manhole structures and to minimize the effects of erosion of the Whitewater River to the eastern end of the Whitewater River/CRA Siphon. The project would consist of the construction of a grade control/drop structure, reconstructing the existing concrete apron with a 25-foot-wide concrete slab, replacement of the existing earthen berm on the eastern side of the concrete slab with a gabion faced earthen berm approximately 550 feet long, and the replacement of the existing earthen berm on the western side of the concrete apron with a gabion faced earthen berm approximately 650 feet long.

Temporary construction access, storage, and staging will be restricted to an approximately 12.3-acre work area (i.e., limits of construction) within MWD's ROW. Temporary equipment staging and storage will be restricted to existing disturbed uplands outside of the Whitewater River floodplain. Equipment access and operation outside of required grading limits are not expected to require the removal of vegetation, although it is expected that construction vehicles will have to track over and crush vegetation to obtain access to construction and maintenance areas. Flows would be temporarily diverted around or away from work areas during construction through the use of temporary aqua dams, earthen berms, sandbags, pump, and hose or pipe. Temporary diversions would be placed within the temporary impact area on the upstream side of the Whitewater River crossing. Flows would be conveyed around or away from work areas, where they would be diverted and discharged back into the Whitewater River on the downstream end of the work areas. Areas temporarily impacted would be

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returned to pre-construction contours. Temporary fills within Regional Water Quality Control Board (RWQCB) jurisdiction would be removed in their entirety and the affected areas will be returned to pre-construction elevations.

Project Location:

City or area: Riverside County, California
Longitude/ Latitude: 116 38.29W / 33 56.12N
Township/Range: S2, T 3S, R 3E (San Bernardino Meridian).

Receiving Water(s):

Unincorporated community of Whitewater to Salton Sea

Acres and Linear Feet Impacted:

Construction of the proposed project would result in 0.40 acre (Permanent Streambed unvegetated) and 1.41 acre (Temporary Streambed unvegetated), 120 linear feet (Permanent Streambed unvegetated) and 563 linear feet (Temporary Streambed unvegetated) impact.

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 stored 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. Previous 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.

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**Additional Site
Specific BMPs:**

Construction-related impacts to downstream of the U.S. Army Corps of Engineers (USACE) jurisdiction will be avoided and minimized through the implementation of the project's construction BMPs, which are listed below:

- Installation of erosion control measures.
- Using aqua dams, earthen berms, sandbags, or other temporary diversions to create a dam then pumping water around construction areas.
- Installation and maintenance of silt fences, straw wattle and diking during construction.
- Maintaining and servicing all construction equipment regularly.
- Parking all construction equipment in upland areas away from water courses and/or the elevated terrace.
- Fueling, lubrication, or maintenance of construction equipment will be located outside the elevated terrace area within uplands, such that they will not result in a discharge to the drainage.
- Any spill materials will be contained and immediately cleaned up and disposed of properly.
- Temporary staging and stockpile areas will be located outside of the elevated terrace area within uplands, such that they will not result in a discharge to the drainage.

The project is not anticipated to change deposition, siltation or erosion which may modify the channel of a river or stream or the bed of a lake. The project will comply with the National Pollution Discharge Elimination System general permit and a Storm Water Pollution Prevention Plan (SWPPP) will be required for this project due to its size of greater than 1.0 acre.

Federal Permit(s):

U.S. Army Corps of Engineers, Nationwide Permit No.12 (Utility Line)

Status of CEQA:

A Notice of Determination was prepared for this project pursuant to the provisions of CEQA on March 12, 2013. Lead Agency: Metropolitan Water District, State Clearinghouse Number 2005071069.

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On March 12, 2013, the Board of Director of The Metropolitan Water District of Southern California as a Lead Agency reviewed and considered the above described project and made the following determinations:

- 1) The project will not have a significant effect on the environment.
- 2) An Environmental Impact Report (EIR) was prepared and adopted for this project pursuant to the provisions of CEQA.
- 3) Mitigation measures were made a condition of the approval for this project.
- 4) A mitigation Monitoring Report or Monitoring Plan was adopted for this project.
- 5) A Statement of Overriding Considerations was not adopted for the project.
- 6) Findings were not made pursuant to the provisions of CEQA.

The Colorado River Basin Water Board staff has reviewed the EIR, the mitigation measures, and the mitigation reporting or monitoring plan considered for the project. Based on its review, Board staff has concluded that compliance with the mitigation measures specified in the plan will avoid or reduce to less than significant any water quality impacts.

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