



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

March 11, 2010

Don Copeland
California Department of Transportation
464 North Fourth Street
Sixth Floor
San Bernardino, CA 92401-1400

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE CULVERT REPAIR AT POST MILE 36.25 OF STATE ROUTE 330, SAN BERNARDINO COUNTY (SARWQCB NO. NOT AVAILABLE) (CORPS FILE NO. NOT AVAILABLE)

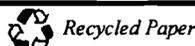
Dear Mr. Copeland:

On March 10, 2010, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification) for the proposed repairs to a culvert located at post mile 36.25 of State Route 330 (SR 330) in San Bernardino 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:

Excavation and removal of failed 11-foot diameter by 270-foot long corrugated metal pipe culvert beneath the SR330 roadway and the installation of a similarly sized culvert in the same location. Replacement of excavated fill, roadbed and surface pavement. The work area will be accessed by heavy equipment using existing road as an access point. The culvert is located within the southwest $\frac{1}{4}$ Section 12 of Township 1North and Range 3 West of the U.S. Geological Survey Harrison Mountain, *California*, 7.5-minute topographic quadrangle map (33° 10' 55.44" North / 117° 08' 59.45" West). The work area is the location where a combination of runoff and debris flow is undermining the existing culvert, compromising the integrity of the roadway above, creating a safety hazard and resulting in the need for immediate repair work.

California Environmental Protection Agency



Receiving Waters: Unnamed tributary to Plunge Creek, tributary to Little Mill Creek.

Fill Area: Up to 0.073 acre of permanent impact (266 total linear feet).

Dredge Volume: N/A

Federal Permits: US Army Corps of Engineers Nationwide Permit Nos. 3 & 33.

This certification addresses impacts to water quality standards associated with the dredging or filling of waters of the United States. Construction and post-construction impacts resulting from the project and use of the roadways are addressed by waste discharge requirements issued to the Department of Transportation (Caltrans) by the State Water Resources Control Board in Order No. 99-06 DWQ. These requirements include the development and implementation of appropriate Best Management Practices for the purpose of removing construction-related and transportation-related pollutants from discharges from Caltrans' rights-of-way and easements.

You have submitted an application for coverage under nationwide permits 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 California Environmental Quality Act (CEQA), Caltrans and the Regional Board have determined that the project is exempt from provisions of CEQA under Guidelines Section 15301, as this project is a minor alteration of an existing facility that involves negligible or no expansion of an existing use.

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

- 1) Damage to vegetation within the Plunge Creek and its tributaries must be minimized to the maximum extent practicable.
- 2) Rip rap and other similar non-native fill material which has been placed within waters of the State as an interim measure to address the channel erosion caused by the culvert failure, must be removed from the work area and disposed of properly. In lieu of removal of the material, inert material may be buried in incidental excavations made during the course of the work or utilized in the repair, if suitable.
- 3) All vehicles and equipment entering the work area must be free of viable propagules of non-native plant species, which may be discharged to waters of the State or to land where they may eventually be discharged to waters of the State.

- 4) Operation of motorized equipment in waters of the state except as necessary to complete the project is prohibited.
- 5) Work areas shall be re-vegetated with appropriate native plant species.
- 6) A copy of this Certification and any subsequent amendments must be maintained on site as a denoted element of the project's storm water pollution prevention program.
- 7) The applicant must comply with the requirements of the Clean Water Act section 404 permit.
- 8) All applicable Water Quality Standards Certification fees for this project shall be paid to the State Water Resources Control Board prior to commencement of work authorized by US Army Corps of Engineers Nationwide Permit Nos. 3 & 33.

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,



GERARD J. THIBEAULT
Executive Officer

cc (via electronic message):

U. S. Army Corps of Engineers, Los Angeles Office – Stephanie Hall
State Water Resources Control Board, OCC – David Rice
State Water Resources Control Board, DWQ-Water Quality Certification Unit – Bill Orme
California Department of Fish and Game, Ontario Office – Mike Flores
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini and David Smith