



California Regional Water Quality Control Board

Santa Ana Region



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Arnold Schwarzenegger
Governor

May 12, 2010

Mr. Steve Latino
City of Ontario
303 East "B" Street
Ontario, CA 91764

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR MISSION BOULEVARD WIDENING PROJECT IN THE CITY
OF ONTARIO, SAN BERNARDINO COUNTY (ACOE FILE NO. NOT AVAILABLE)
(SARWQCB FILE NO. 362009-15)**

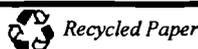
Dear Mr. Latino:

On November 16, 2009, we received an application on your behalf from LSA Associates, Inc., for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") for the proposed widening of an approximately one mile section of Mission Boulevard from four to six lanes between Archibald and Haven Avenues in the City of Ontario, San Bernardino County. This letter responds to your request for certification that the proposed project, described in the 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 ("Basin Plan"):

Project Description: Widen a 1.1-mile segment of Mission Blvd. from four lanes to six lanes, from west of Archibald Ave. to west of Haven Ave. The project will provide three lanes on Mission Blvd in each direction within the project limits. Activities within this project will include:

- 1) Improvements to the Archibald Ave. /Mission Blvd. intersection to provide three through lanes in each direction and left turn lanes in the northbound, eastbound and westbound directions;
- 2) Constructing free right-turn lands in the northbound and southbound directions from Archibald Ave. to Mission Blvd;

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- 3) Installing railroad gate arms and other railroad crossing safety equipment for the Union Pacific Rail Road (UPRR) tracks on Archibald Ave., north of Mission Blvd;
- 4) Remove approx. 142 eucalyptus trees along the northern and southern shoulder of the westbound Mission Blvd., from just west of Haven Ave. to just west of Archibald Ave.;
- 5) Raising the profile of Archibald Ave and Mission Blvd. and north of UPRR to improve line-of-sight distance along Archibald Ave.;
- 6) Installing a raised median on Mission Blvd. from 770 feet west of Haven Ave. to Proforma Ave.;
- 7) Installing raised curb medians, storm drain facilities, landscaping, pavement striping and marking, street lighting and traffic signals and signage;
- 8) Raising the elevation of the Mission Blvd. westbound travel lanes from 1200 feet west of Haven Ave. to 500 feet west of Archibald Ave., to eliminate water ponding and to match elevations of the eastbound travel lanes;
- 9) Relocate existing utilities as needed;
- 10) Appending a double-box culvert to the existing Turner Avenue bridge over the Lower Deer Creek channel and construct wing walls to join into the existing channel walls;
- 11) Installing storm drain infrastructure to collect street runoff through bioswales and a CDS system.

The project is located within Section 35 of Township 1 South and Range 7 West of the U.S. Geological Survey *Guasti, California*, 7.5-minute topographic quadrangle map (117° 35' 00.66" W/ 34° 02' 29.23" N).

Receiving Waters:	Lower Deer Creek
Fill Area:	0.007 acre of temporary impact to streambed (50 linear feet) 0.003 acre of permanent impact to streambed (25 linear feet).
Dredge Volume:	N/A
Federal Permits:	US 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:

- Best Management Practices (“BMPs”) will be specified in the project Storm Water Pollution Prevention Plan (“SWPPP”).
- Post-construction BMPs will include the installation of a storm drain infrastructure system for the project, which will include adequately engineered and managed bioswales, and CDS system.

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. R8-2010-0036 (NPDES Permit No. CAS618033), commonly known as the San Bernardino County Municipal Storm Water (MS4) Permit, and subsequent iterations thereof. Order No. R8-2010 -0036 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 and Water Quality Management Plan.

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 City of Ontario adopted a Mitigated Negative Declaration for the project on March 16, 2009. The Regional Board has considered this Mitigated Negative Declaration in the issuance of this Certification and finds that changes or alterations have been required, or incorporated into the proposed project, which avoid or mitigate impacts to water quality to a less than significant level.

This certification addresses impacts to water quality standards associated with the dredging or filling of waters of the United States. Construction and post-construction water quality impacts resulting from the use of the roadways and from the project are addressed by waste discharge requirements issued to the County of San Bernardino by the Regional Water Quality Control Board in Order No. RB8-2010-0036. As a co-permittee in Order No. RB8-2010-0036, the City of Ontario is obligated to comply with certain requirements of the Order. These requirements include the development and implementation of appropriate Best Management Practices for removing construction-related and transportation-related pollutants from discharges from the City’s rights-of-way and easements.

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) A copy of this Certification and any subsequent amendments must be maintained on site for the duration of work, as a denoted element of the project Storm Water Pollution Prevention Plan (SWPPP) or Water Quality Management Plan (WQMP)
- 3) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 4) 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.

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. 200-0017-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 – Mark Durham
State Water Resources Control Board, OCC – David Rice
State Water Resources Control Board, DWQ – Water Quality Certification Unit
U.S. EPA – Supervisor of the Wetlands Regulatory Office WTR- 8
CDFG, Region 6, Ontario Office – Michael Flores

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