



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221
www.waterboards.ca.gov/santaana

Arnold Schwarzenegger
Governor

September 30, 2010

Mr. Russ Krieger
Southern California Edison
300 North Lone Hill Avenue
San Dimas, CA 91773

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE SANTA ANA RIVER NO. 1 DIVERSION DAM GABION
INSTALLATION PROJECT IN THE SAN BERNARDINO NATIONAL FOREST AREA,
SAN BERNARDINO COUNTY (ACOE FILE NO. SPL-2009-00735-SLP) (SARWQCB
FILE NO. 362010-05)**

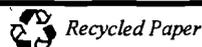
Dear Mr. Krieger,

On June 8, 2010, we received an application on your behalf from PBS&J, for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") for the proposed Santa Ana River 1 Diversion Dam Gabions project in the San Bernardino National Forest area of San Bernardino County. The purpose of the project is to improve the route from the access road to the dam footing, as well as to provide stability to the toe of the dam by controlling scouring and erosion. 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:

Two sets of Hilfiker ArtWeld Gabions (welded, Class III zinc-coated, wire mesh baskets filled with rock) will be installed at the project site. The first set of gabions will be between six and nine feet long and three feet wide, running perpendicular from the base of the dam, along the western bank of the riverbed. The second set will run approximately 30 feet in length and nine feet wide, and will be placed parallel along the toe of the dam to prevent scouring and erosion. Installation of the gabions will require excavation of native rock and boulders to a depth of approximately six feet below the stream bottom. Project access will be from Forest Service Road (1N-13).

California Environmental Protection Agency



The project is located within the northeast quadrant of Section 19 of Township 1 North and Range 1 West of the U.S. Geological Survey *Keller Peak, California*, 7.5-minute topographic quadrangle map (34.164 N/ -117.015 W).

Receiving Waters: Santa Ana River

Fill Area: 0.007 acre of permanent impact to streambed (50 linear feet)

Dredge Volume: N/A

Federal Permits: US Army Corps of Engineers Nationwide Permit No. 17.

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

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 Santa Ana Regional Water Quality Control Board filed a CEQA Guidelines Section 15301(d) "Class1" Categorical Exemption on September 23, 2010, which declares that the project consists of the restoration or rehabilitation of deteriorated or damaged structures and will have substantially the same purpose and capacity as the facilities replaced. Because the proposed project will not expand the existing diversion dam beyond its current capacity, it is properly considered restoration and maintenance of an existing facility. Furthermore, the Regional Board finds that no changes or alterations to the proposed project are necessary to avoid or mitigate impacts to water quality to a less than significant level

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.
- 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.
- 5) The project proponent shall utilize Best Management Practices 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.
- 6) 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.
- 7) 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.

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.

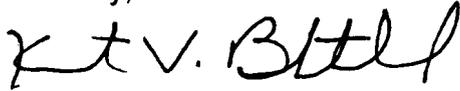
For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements 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/wqo_2003-0017.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

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

x:\401\draft certs with comments\sa river 1 diversion gabions_362010-05_final draft_30sep10.doc