



# California Regional Water Quality Control Board Santa Ana Region



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Matthew Rodriguez  
Secretary for  
Environmental Protection

Edmund G. Brown Jr.  
Governor

October 31, 2011

Robert Eisenbeisz  
City of San Bernardino  
300 N. "D" Street  
San Bernardino, CA 92418

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
CERTIFICATION FOR THE REPAIR OF 2<sup>ND</sup> STREET BRIDGE AT WARM CREEK  
PROJECT, COUNTY OF SAN BERNARDINO, CALIFORNIA (ACOE REFERENCE  
NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 362011-18)**

Dear Mr. Eisenbeisz:

On September 15, 2011, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from ICF International, for the City's project to restore the structural integrity of the existing 2<sup>nd</sup> Street Bridge to its original condition. 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:** Replace seven existing timber piles to restore the structural load-bearing capacity of the bridge. Remove the existing 12-inch piles to 3 feet below grade and replace them with new reinforced concrete columns that are approximately 1 foot square. Install a series of six-inch micropiles around each new concrete column. Install new concrete footings around the base of each replacement pile to encompass the new reinforced concrete column as well as the column's cluster of new micropiles. Two piles will be replaced along the bridge's western abutment, three piles along the eastern abutment, and two piles along the center of the bridge. Native soil will be removed in order to remove and replace the existing piles and install the new micropiles and concrete footings. The work will take place within Section 7 of Township 1 South, Range 4 West, of the U.S. Geological Survey (USGS) *San Bernardino South* quadrangle map (34° 10' 27.49" N/ 117° 28' 85.38" W).

*California Environmental Protection Agency*

Receiving water: Warm Creek (Tributary to Lytle Creek, Santa Ana River, and the Pacific Ocean)

Fill area: 0.264 acres of temporary impact to streambed habitat (99 linear feet); 0.005 acres of permanent impact to streambed habitat (35 linear feet)

Excavation/Fill volume: 102.1 cubic yards

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 3

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.
- Following bridge restoration activities, the applicant will restore the streambed habitat impacted by construction activities to its pre-construction condition.

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. R8-2010-0036 (NPDES Permit No. CAS618036), commonly known as the San Bernardino County Municipal Storm Water 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.

Pursuant to the California Environmental Quality Act ("CEQA"), City of San Bernardino determined that the proposed project is categorically exempt from provisions of CEQA

under Guidelines Section 15301 for the repair, maintenance, or minor alteration of an existing structure or facility, involving no expansion of capacity or use. The Regional Board has considered the City's categorical exemption in the issuance of this Certification and independently 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) The applicant must implement the onsite water quality standards mitigation proposed, as shown above.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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.

Robert Eisenbeisz  
City of San Bernardino

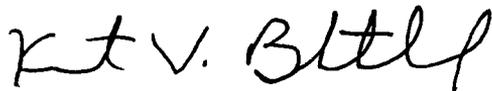
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This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which 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/wqo\\_2003-0017.pd](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo_2003-0017.pd)

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):

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  
California Department of Fish and Game – Joanna Gibson  
U.S. EPA– Supervisor of the Wetlands Regulatory Office WTR- 8  
ICF International – Megan Jameson – [mjameson@icfi.com](mailto:mjameson@icfi.com)

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