



California Regional Water Quality Control Board Santa Ana Region



Matthew Rodriguez
Secretary for
Environmental Protection

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Edmund G. Brown Jr.
Governor

September 6, 2011

Annesley Ignatius
San Bernardino County Public Works
825 East Third Street, Room 200
San Bernardino, CA 92415

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE SOUTH FORK ROAD BRIDGE REPLACEMENT PROJECT, COUNTY OF SAN BERNARDINO, CALIFORNIA (ACOE REFERENCE NO. SPL-2006-01762-SLP) (SARWQCB PROJECT NO. 362011-10)

Dear Mr. Ignatius:

On June 6, 2011, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from San Bernardino County Public Works to reconstruct a bridge and culvert on South Fork Road, in the community of Lytle Creek. The project will handle the highest expected stream flow while providing better vehicular access, fish passage, and stream bank stabilization to the Lytle Creek area. 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: The project proposes to remove the existing culvert abutment and 12-foot diameter corrugated metal pipe (CMP) culvert on South Fork Road where it crosses Lytle Creek Wash, and replace them with a new prefabricated concrete bridge. Grouted rip rap will be installed for slope protection beneath the new bridge. Removal and replacement of roadbed and installation of new guardrails will also be included as part of the project. The work will take place within Section 22 of Township 2 North, Range 6 West, of the U.S. Geological Survey *Devore* quadrangle map (34.23928 ° N/ -117.49843 ° W).

Receiving water: Lytle Creek Wash

California Environmental Protection Agency

Fill area: 0.95 acres of temporary impact to streambed habitat (\pm 700 linear feet)

Dredge/Fill volume: Approximately 21,253 cubic yards of material will be removed from the project site and 18,675 cubic yards will be returned as backfill along the slopes.

Federal permit: U.S. 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:

- Standard water quality related best management practices (BMPs) will be employed during construction activities.
- All vegetation will be restored to its original state by replacement with in-kind species. A total of six (6) willow trees may potentially be lost during on-site activities. Should this occur, affected trees shall be replaced at a 3:1 ratio with in-kind species.
- Within 30 days of project completion the Applicant shall seed the "excess material area" (identified in the plans submitted to the Department on June 10, 2011) with a U.S. Forest Service (USFS)-approved native seed plant mix. Species shall be indicative of those found within the immediate area of the project site.
- Within 30 days of project completion, the Applicant shall replant the 0.99 acre temporary impact area, "T3", upstream of the South Fork Bridge, and any other graded earth backfill area where replanting is feasible. This will include the permanent impact areas identified (under the OHWM) on the new impact map being submitted. Replanting shall be representative of the species that currently exist on site and shall maintain the ratios of species currently present on site. All container plantings shall be approved in coordination with the USFS. Removal of saplings/trees shall be mitigated at the following replacement ratios:
 - 10:1 poles/cuttings for willow (*Salix* spp.) or mule fat (*Baccharis salicifolia*)
 - 3:1 container plants for willow or mule fat

- 1:1 container plants for white alder saplings with a DBH of 1" or less
- 3:1 container plants for white alder saplings with a DBH ranging between 1-3"
- 5:1 container plants for any species of saplings/trees with a DBH ranging between 3-6"
- 10:1 container plants for any species of saplings/trees with a DBH greater than 6"

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), San Bernardino County Public Works and the Regional Board have determined that the proposed project is categorically exempt from provisions of CEQA according to CEQA Guidelines Section 15302, for the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the original.

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 permits.

- 2) 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.
- 3) 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.
- 4) All areas within the project shall be returned to their original design size and grade.
- 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, or channel 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.
- 7) 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.
- 8) A copy of this Certification and any subsequent amendments must be maintained on site for the duration of work as a denoted element of any project SWPPP or WQMP.
- 9) A copy of the project's SWPPP must be maintained on-site during the course of construction activities.
- 10) Work shall be conducted during the dry season to avoid any diversion of Lytle Creek.

11) Any construction de-watering discharges, including temporary stream diversions necessary for project construction may be regulated under Regional Board Order No. R8-2009-0003, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality. For more information, please review Order No. R8-2009-0003 at www.waterboards.ca.gov/santaana/

12) Proposed mitigation shall be completed in a timely manner.

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.

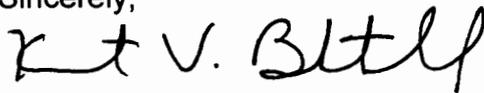
In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean 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,



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

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