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## Santa Ana Regional Water Quality Control Board

November 26, 2012

John Schatz  
County of San Bernardino Department of  
Public Works  
825 E. Third Street, Room 201  
San Bernardino, CA 92415

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
CERTIFICATION FOR THE MAPLE LANE DRAINAGE AND SIDEWALK  
IMPROVEMENTS PROJECT, BIG BEAR CITY, COUNTY OF SAN BERNARDINO,  
CALIFORNIA (ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT  
NO. 362012-21)**

Dear Mr. Schatz:

On October 15, 2012, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") for the above referenced project. The proposed project will install a "green" drainage system that couples with a traditional storm drain pipe beneath a reconstructed open natural channel, in a project designed to maximize both habitat and storm water protection. These conveyance structures will facilitate recharge and convey increased storm water runoff flows entering the Project site from Big Bear High School and other upstream areas in the unincorporated community of Big Bear City. 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 will include the following project segments:

- A) Install approximately 1,230 linear feet of 48-inch and 100 linear feet of 24-inch storm drain pipe within the drainage ditch east of Maple Lane. The soil overlay above the pipes will be recontoured to a moderately sloped drainage swale, which will then be vegetated to allow for recharge and the re-establishment of a natural drainage system.

CAROLE H. BESWICK, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

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- B) At the terminal outlet of the 48-inch piping run, a 750-square foot, velocity reducing splash pad (30 linear feet by 25-foot width and 4.25 feet deep) will be installed. The pad will be comprised of 1-ton ungrouted rip rap.
- C) Four (4) additional smaller (10' x 10') energy dissipating rip rap splash pads, using 1/4-ton ungrouted rock will be constructed at various stages along the surface channel, to further assist in reducing surface flow rates.
- D) An overside drain and capture swale (approximately 60 linear feet) will be constructed on the west side of Maple Lane.
- E) An existing 30-inch corrugated metal pipe culvert (120 linear feet under Maple Lane) will be removed and replaced with a 36-inch pipe to transport flows to the 48-inch pipe on the east side of Maple Lane (Project Segment A).
- F) A 0.5-acre earthen detention basin will be constructed near the southeast corner of Maple Lane and Big Bear Boulevard to assist in metering peak flows exiting the culvert under Big Bear Boulevard.
- G) The project also includes construction of approximately 2,680 linear feet of a 6-foot wide earthen sidewalk and the widening of approximately 260 linear feet of roadway to smooth and straighten a curve along the eastern edge of Maple Lane.

The work will take place within Section 13, Township 2 north, Range 1 East, of the U.S. Geological Survey *Big Bear City* quadrangle map (34° 15' 33.83" N/ -116° 49' 31.00" W).

Receiving water:	Baldwin Lake, Maple Lane Drainage
Fill area:	0.14 acre of temporary impact to streambed habitat (1,530 linear feet) and 0.001 acre of permanent impact to streambed habitat
Dredge/Fill volume:	24,326 cubic yards
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.
- Following the installation of the storm drain pipe, native fill will be used to reconstruct the channel above and slightly to the east of the pipe. The channel will be reconstructed at a reduced slope steepness of 4:1. Reconstruction of the channel will create 2.6 acres of channel surface area.

**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 Storm Water Pollution Prevention Plan (SWPPP).

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an environmental impact report (EIR) or negative declaration (ND) prepared by the lead agency in determining whether to approve a Section 401 Certification. A responsible agency has responsibility for mitigating and avoiding only the direct and indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve. Further, the responsible agency must make findings as required by Sections 15091 and, if necessary, 15093, for each and every significant impact of the project.

As required by Section 15096, the Regional Board has considered the mitigated ND prepared for the proposed project, and information provided subsequently in the County's application, in approving this Certification. The Regional Board independently finds that changes or alterations have been required or incorporated into the project that 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) 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 BMPs 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) 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.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 9) Applicant shall ensure that all fees associated with this project shall be paid to each respective agency prior to conducting any on-site construction activities.

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.

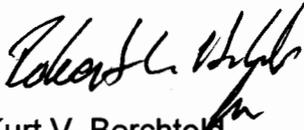
In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean 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/wqo\\_2003-0017.pdf](http://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  
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

Lilburn Corporation – Senior Biologist/Regulatory Specialist – Juan Hernandez  
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