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## Santa Ana Regional Water Quality Control Board

June 6, 2013

John Bosler  
Cucamonga Valley Water District  
10440 Ashford Street  
Rancho Cucamonga, CA 91730

### **CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE CUCAMONGA CREEK INTAKE REPAIR PROJECT, COUNTY OF SAN BERNARDINO, CALIFORNIA (ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 362013-09)**

Dear Mr. Bosler,

On May 07, 2013, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the Cucamonga Valley Water District (CVWD) for a project to repair an intake area damaged by debris flows in 2010/2011 winter storms. Repairs to the surface water collections system are necessary to resume capturing surface flows from Cucamonga Canyon for use as part of the District's water supply to its customers. The project location is within the City of Rancho Cucamonga, in San Bernardino County. 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 consists of the following improvements:

Expose the damaged north inlet by excavating the immediate area surrounding the inlet structure to elevation 2312.0' above means sea level (AMSL). Modify the existing 72" diameter corrugated metal pipe (CMP) by installing two 2' diameter reinforced wedge wire screens mounted horizontally from the 72" inlet. These 2' diameter screens will extend approximately 30' to the north and 10' to the south of the inlet. Clean washed, poorly graded gravel will be used to provide a 3' to 5' gravel pack around the wedge wire screens. A tracer wire will be laid 2' above the alignment of the screens.

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

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Once the gravel pack is brought up to approximately 2' below the creek bed bottom, large river rock will be placed over the gravel pack to minimize channel scour of the gravel pack.

The 72" CMP will extend up to approximately 2319'AMSL, where a new profile bar fish screen will be mounted to the CMP. Once the bar screen is mounted to the 72" CMP, half-ton to one-ton river rock will be placed 6 to 8 feet around the new screen at approximately elevation 2320' AMSL. Upon completion of the new north inlet features, the creek will be routed back to its natural, pre-debris flow thalweg along the right bank. Two 6" diameter bollards will be installed along the alignment of the center line of the 2' diameter screens outside the ordinary high water mark.

The work will take place within Section 17 of Township 1 North, Range 7 West, of the U.S. Geological Survey *Mt. Baldy* quadrangle map (34° 2' 7.78" N/ -117° 3' 26.80" W).

Receiving waters:  
Cucamonga Creek, tributary to Santa Ana River Reach 3

Fill area:

Permanent impact to Streambed Habitat	0.05 acre	0 linear feet
Temporary impact to Streambed Habitat	0.15 acre	110 linear feet

Dredge/Fill volume:

Dredge and Replacement Volume	4,000 cubic yards
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Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 3 & 33

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.

Offsite Water Quality Standards Mitigation Proposed:

- The applicant will acquire exotic vegetation removal and riparian restoration mitigation credits from the Santa Ana Watershed Association's (SAWA) In-Lieu Fee Program to compensate for the impacts to waters of the U.S. at the following impact-to-mitigation ratios:

0.05 acre of permanent impact to streambed & 0.15 acre of temporary impact to streambed	mitigated at 5:1	1.0 acre
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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 Wildlife 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.

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 prepared by the lead agency in determining whether to approve a project. 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 independently considered the Mitigated Negative Declaration prepared for the proposed project and adopted on November 28, 2006, and from information provided subsequently in the application, in approving this Certification.

**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) Proposed mitigation shall be timely implemented. Materials documenting the purchase of necessary mitigation credits shall be provided to this office prior to the discharge of fill to, or the dredging or excavation of material from, waters of the state.
- 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 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.
- 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.
- 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) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 9) 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/](http://www.waterboards.ca.gov/santaana/)

- 10) 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.

John Bosler  
Cucamonga Valley Water District  
401 Certification No. 362013-09

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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.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):

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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 Wildlife - Juan J. Lopez-Torres  
U.S. EPA- Supervisor of the Wetlands Regulatory Office WTR- 8