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ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

September 16, 2013

Jonathan Taam
Los Angeles World Airways
7301 World Way, 9th Floor
Los Angeles, CA 90045

jtaam@lawa.com

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION:
WEST CUCAMONGA CREEK CHANNEL COVER FOR ONTARIO INTERNATIONAL
AIRPORT RUNWAY 8L-26R SAFETY AREA, SAN BERNARDINO COUNTY (OUR FILE NO.
362013-11)

Dear Mr. Taam:

This is in response to Los Angeles World Airways' May 31, 2013, submittal of a Clean Water Act (CWA) Section 401 Water Quality Standards Certification application for the West Cucamonga Creek Channel Cover for Ontario International Airport Runway 8L-26R Safety Area project. The application was submitted by staff of URS Corp., your consultant for the project. The project is to replace an open section of the West Cucamonga Creek Flood Control Channel, a San Bernardino County Flood Control District facility within the airport, with a fully enclosed double box culvert section. Upstream of the project, approximately 600 feet of the channel is fully enclosed; upstream of this enclosed section and downstream of the project, the channel has concrete walls and bottom and is uncovered, except for road crossings.

With the application, URS staff provided a copy of a May 17, 2013, email from U. S. Army Corps of Engineers staff indicating that the project was subject to the Nationwide Permit (NWP) 14, but because of the project's small size, the Corps did not require formal notification or submittal of a NWP application for the project. In its email, Corps staff made it clear that the project would still need, "... to obtain a RWQCB (Regional Water Quality Control Board) 401 permit."

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 is to replace an approximately 33' long x 34' wide, uncovered section of the West Cucamonga Creek Flood Control Channel with an enclosed, double box culvert section. The project takes place within the 8L-26R safety area at the west end of Ontario International Airport's runways. This work is necessary to comply with Federal Aviation Administration regulations.

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

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The work will take place within Section 28 of Township 1 South, Range 7 West, of the U.S. Geological Survey *Guasti*, CA quadrangle maps (N 34° 03' 22.3" / W -117° 37' 27.5").

Receiving waters: West Cucamonga Creek Flood Control Channel

Fill area:

Permanent Impact to Streambed Habitat (concrete-lined flood control channel)	(approximately 1122 square feet, or 0.026 acre)
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Dredge/Fill volume: N/A

Federal permit: USACOE NWP 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.

Offsite Water Quality Standards Mitigation Proposed:

- No offsite mitigation is proposed. The project will enclose a section of concrete-lined flood control channel that minimally supports the beneficial uses assigned to it. The project will not have any meaningful effect on the beneficial uses of the channel, and therefore no mitigation is proposed, or necessary.

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. URS Corp. staff provided this office with a copy of California Department of Fish and Wildlife's letter indicating that you may proceed with the project without a streambed alteration agreement.

Appropriate Best Management Practices (BMPs) will be implemented to reduce construction-related impacts to Waters of the State according to the requirements of the State Water Resources Control Board's Order No. 2009-0009 DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity, including the preparation of a storm water pollution prevention plan (SWPPP). In its February 8, 2013, letter to the Federal Aviation Administration concerning projects at Ontario International Airport, Los Angeles World Airways (LAWA) reported that construction activities associated with the project would comply with all requirements of the State's general construction permit, including development and implementation of a project specific SWPPP. Spill prevention BMPs are to be included in the SWPPP.

On April 30, 2013, LAWA determined that this project is categorically exempt from the report requirements of the California Environmental Quality Act (CEQA), citing Class 1 (Existing

Facilities), Class 4 (Minor Alterations to Land) and Class 11 (Accessory Structures) exemptions, in CEQA guidelines sections 15301, 15304 and 15311, respectively. The Regional Board has independently considered the applicability of the cited exemptions, and concurs that the exemptions apply to this project. The Regional Board independently finds that the by complying with the conditions set forth below, the project will not adversely affect water quality.

This 401 Certification is contingent upon the execution of the following conditions:

- 1) The applicant must comply with all applicable 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, and metal cutting debris including slags, dusts, filings and grindings, 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 Flood Control System Maintenance Plan and WQMP.
- 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.

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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/

- 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.

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

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available at:

www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf. In summary, Order No. 2003-0017-DWQ requires dischargers who are issued certification to implement all of their certification's terms and conditions, and prohibits the discharge of dredge material or fill into waters of the U.S. without first obtaining certification from the RWQCB or SWRCB.

Should there be any questions, please contact Marc Brown at (951) 321-4584 or marc.brown@waterboards.ca.gov, or Mark Adelson at (951) 782-3234 or mark.adelson@waterboards.ca.gov.

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 Wildlife – Kim Freeburn
U.S. EPA- Supervisor of the Wetlands Regulatory Office WTR- 8
URS Corporation - Pavitra Rammohan Pavitra.rammohan@urs.com