



Santa Ana Regional Water Quality Control Board

May 26, 2015

Annesley Ignatius
San Bernardino County
Department of Public Works
825 E. Third Street
San Bernardino, CA 92415

aignatius@dpw.sbcountv.gov

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE GARNET STREET BRIDGE REPLACEMENT PROJECT,
COMMUNITY OF MENTONE, COUNTY OF SAN BERNARDINO, CALIFORNIA
(ACOE REFERENCE NO. Not available) (SARWQCB PROJECT NO. 362015-12)**

Dear Mr. Ignatius,

On April 14, 2015, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the San Bernardino County Department of Public Works for a project involving the replacement of the Garnet Street Bridge over Mill Creek. On May 13, we received revised information on the impacts of the proposed project via electronic mail. The project is located in the community of Mentone in unincorporated San Bernardino County. The objective of the project is to replace the outdated bridge with a modern bridge that includes sidewalks and bike lanes. The applicant has submitted a filing fee of \$5,535.00, which satisfies a portion of the project's fee requirements for consideration of a 401 Certification. This fee amount was determined using the Dredge and Fill Fee Calculator on the State Water Resources Control Board (SWRCB) web site, which is based on the most current iteration of California Code of Regulations, Division 3, Chapter 9, Article 1, section 2200 (a) (3). 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 replace the Garnet Street Bridge over Mill Creek. The new bridge will consist of a two span, cast-in-place, pre-stressed concrete box girder superstructure supported by reinforced concrete abutments, in the north and south banks of Mill Creek, and one reinforced concrete pier wall support, situated on spread footings buried 25 feet below current elevation of the bed of Mill Creek. The alignment of the proposed bridge in relation to the channel will be skewed 20 degrees similar to the skew of the existing bridge, however, bridge pier and abutments will be aligned with the direction of flow within the creek. The Project will widen the southerly portion of the creek beneath the bridge to improve hydraulic and flow capacity. The southerly embankment will be excavated and relocated by approximately 40 feet to the south of the existing condition.

Partially grouted stone riprap will be placed on side slopes of the abutments to protect against scour and erosion. The partially grouted stone riprap will be covered with natural material such as cobble, gravel and sands. The side slopes will be terraced initially along the embankments. During storm events, erosion of the terraces is anticipated and will not be reconstructed or maintained after the storm event. This is intended to maintain or enhance downstream sediment delivery to support critical habitat for San Bernardino Kangaroo Rat and Santa Ana Sucker.

A temporary detour road will be built adjacent to the existing bridge. The temporary detour road will be constructed with non-asphalt materials. Access to the road will be restricted to local traffic in the morning one-half hour after sunrise to 8 AM and in the evening from 4 PM to one-half hour before sunset. In addition to local traffic, the road will be open in emergency events to emergency response vehicles. The temporary detour road will be removed after the proposed bridge and roadway approaches are constructed and open to traffic.

During bridge construction activities, an existing 12 inch potable water distribution pipe attached to the existing bridge will be relocated. The temporary water distribution pipe will be located below the temporary detour road. The temporary water distribution pipe will be removed after the permanent water distribution pipe is constructed inside of one cells of the concrete box girder superstructure of the new bridge.

Additionally, a Verizon Telephone Line located on overhead poles west of and adjacent to the existing bridge will be relocated approximately 8 feet west to accommodate the proposed bridge replacement.

The work will take place within Sections 16 and 21 of Township 1 South, Range 2 West, of the U.S. Geological Survey *Yucaipa* 7.5 minute topographic quadrangle map (34.077723° N, -117.099368° W).

Receiving water: Mill Creek Reach 1, which is tributary to Reach 5 of the Santa Ana River which may have existing or potential beneficial uses, including: municipal and domestic supply (MUN), Agricultural Supply (AGR), groundwater recharge (GWR), contact recreation (REC1), non-contact recreation (REC2), warm fresh water habitat (WARM), cold fresh water habitat (COLD), wildlife habitat (WILD), and Rare, Threatened or Endangered Species (RARE).

Fill area:

Temporary Impact to Streambed Habitat	1.21 acres	205 linear feet
Permanent Impact to Streambed Habitat	0.10 acres	115 linear feet

Dredge/Fill volume: N/A

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.
- Temporary and permanent impacts to Waters of the State of California (WOSC) will be mitigated by creating 0.08 acres of WOSC on-site by lengthening the area spanned by the bridge. This area of newly created WOSC and other areas temporarily impacted by project activities will be restored as per the Habitat Mitigation and Monitoring Plan (HMMP) produced for the project.

Offsite Water Quality Standards Mitigation Proposed:

- Purchase of 0.42 acres of alluvial fan sage scrub mitigation credits in an off-site United States Fish and Wildlife Approved mitigation bank to offset impacts to RARE beneficial uses.

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 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.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an 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 considered the Mitigated Negative Declaration (MND) prepared for the proposed project and filed by the County of San Bernardino on July 23, 2013, and information provided subsequently in the applicant's application, in approving this Certification. More specifically, the Regional Board has considered those sections of the MND relating to water quality standards. Based on the mitigation proposed in the MND, and the conditions set forth in this Certification, impacts to water quality will be reduced to a less than significant level and beneficial uses will be protected. Thus, the Regional Board independently finds that changes or alterations have been required in, or incorporated into the project, which 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) A HMMP for the onsite mitigation shall be provided to this office for approval prior to the discharge of fill to, or the dredging or excavation of material from, waters of United States or Waters of the State of California.
- 5) Applicant shall follow all procedures and policies specified within the project's HMMP.
- 6) The applicant shall complete the post-construction restoration of temporary impacts to waters of the U.S. within 30 days following completion of construction activities. Upon consideration of a written request, this period may be extended by Regional Board authorization to accommodate proper planting times. If restoration is not initiated within one year of impacts, additional mitigation may be required to offset temporal loss of waters of the U.S.
- 7) Prior to any grading for the project in Waters of the State of California that are slated to be impacted, functional assessments of these areas shall be conducted using the California Rapid Assessment Method, April 2013 (CRAM). Similarly, habitat mitigation areas shall be assessed periodically with CRAM on a schedule defined in the project's HMMP. Mitigation site assessments shall be conducted until success criteria defined in the HMMP are met. This information shall be reported to <http://www.californiawetlands.net/tracker/>
- 8) Prior to construction activities, the project proponent shall delineate the work area with brightly colored fencing or other methods to ensure both temporary and permanent impacts to Waters of the United States and Waters of the State of California do not exceed the limits authorized in this certification.
- 9) To improve the downstream RARE beneficial uses of Mill Creek and the Santa Ana River, bridge design shall maintain or enhance downstream sediment delivery to support critical habitat for San Bernardino Kangaroo Rat and Santa Ana Sucker.

- 10) 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.
- 11) 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.
- 12) 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.
- 13) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 14) 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/
- 15) 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

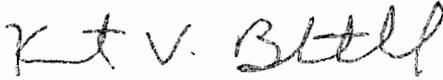
Annesley Ignatius
San Bernardino County Department of Public Works
RWQCB #: 362015-12 CIWQS #: 814602

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May 26, 2015

Should there be any questions, please contact Jason Bill at (951) 782-3295 or
Jason_Bill@waterboards.ca.gov.

Sincerely,



Kurt V. Berchtold
Executive Officer
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

San Bernardino County Department of Public Works – Alicia Lemke
Alicia.Lemke@dpw.sbcounty.gov

U. S. Army Corps of Engineers, Los Angeles Office- Shannon Pankratz

State Water Resources Control Board, OCC- David Rice

State Water Resources Control Board, DWQ -Water Quality Certification Unit

California Department of Fish and Wildlife – Claire Ingel

U.S. EPA - Supervisor of the Wetlands Section - Jason A. Brush