

Santa Ana Regional Water Quality Control Board

October 7, 2016

Mr. Craig Wentworth
Senior Environmental Planner
California Department of Transportation, District 8
464 West 4th St., 8th Floor, MS 622
San Bernardino, California 92401

craig.wentworth@dot.ca.gov

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR STATE ROUTE 38 DRAINAGE IMPROVEMENT PROJECT,
UNINCORPORATED SAN BERNARDINO COUNTY (USACE FILE NO. NOT
AVAILABLE) (SARWQCB PROJECT NO. 362016-20)**

Dear Mr. Wentworth:

On August 17, 2016, we received from the California Department of Transportation (Applicant) an application requesting Clean Water Act Section 401 Water Quality Standards Certification ("Certification") for a project to improve the existing drainage structures at seven locations along State Route (SR) 38 in the Barton Flats area of the San Bernardino Mountains (Project). The Applicant submitted two checks for \$600.00 and \$1391.00 with the Certification application materials, and a third check for \$966.00 on October 5, 2016, which satisfies the fee requirement 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 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, as 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 California Department of Transportation (Caltrans) proposes to upgrade seven drainage systems that convey flows under SR-38 from Postmile (PM) 26 to PM 31 in the Barton Flats area of the San Bernardino National Forest. Work

WILLIAM RUH, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

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locations include the West Fork of Barton Creek (at PM 26.58), an unnamed tributary of West Fork of Barton Creek (at PM 26.54), the East Fork of Barton Creek (at PM 26.80), two unnamed tributaries of East Fork of Barton Creek (western at PM 26.68 and eastern at PM 26.72), Frog Creek (at PM 26.84), and the South Fork of Santa Ana River, a tributary of Reach 6 of the Santa Ana River (at PM 30.71).

Unnamed Tributary, West Fork of Barton Creek (PM 26.54)

The Applicant will add a headwall at the inlet of an existing four-foot diameter corrugated metal culvert. Rock Slope Protection (RSP) and a headwall will be added at the same culvert's outlet. Vegetation will be cleared from the inlet of the culvert.

West Fork of Barton Creek (PM 26.58)

Debris and vegetation will be cleared from the existing bridge area.

West Unnamed Tributary, East Fork of Barton Creek (PM 26.68)

Vegetation will be cleared at the inlet of an existing culvert, and RSP will be added at the outlet of culvert.

East Unnamed Tributary, East Fork of Barton Creek (PM 26.72)

Vegetation will be cleared at the inlet of an existing culvert, and RSP will be added at the outlet of the culvert.

East Fork of Barton Creek (PM 26.80)

A flexible debris flow barrier will be installed upstream of the inlet of an existing culvert. Vegetation will be cleared from the culvert inlet area. Rock slope protection (RSP) will be added at the outlet of the culvert. The existing corrugated metal pipe will lined.

Frog Creek (PM 26.84)

Vegetation will be cleared both upstream and downstream of an existing culvert. RSP will be added at the outlet of the culvert. A flexible debris flow barrier will be installed upstream of the culvert inlet. An existing headwall structure at the culvert inlet will be replaced by a new larger headwall and wingwall inlet structure.

South Fork of Santa Ana River (PM 30.71)

Work at this location is restricted to areas outside of waters of the State of California and the United States.

The work will take place in the Barton Flats area of the San Bernardino National Forest in Sections 13 and 16 of Township 1 North, Range 1 East, of the U.S. Geological Survey Moonridge and *Big Bear Lake* 7.5 minute topographic quadrangle maps (33° 49' 38.67" N/ -116° 58' 44.94" W).

Receiving water: The East Fork of Barton Creek and unnamed tributaries, West Fork Barton Creek and unnamed tributary, and Frog Creek.

Barton Creek has designated beneficial uses (existing or potential) that include: municipal and domestic supply (MUN), agricultural supply (AGR), groundwater recharge (GWR), contact recreation (REC1), non-contact recreation (REC2), cold freshwater habitat (COLD), and wildlife habitat (WILD).

Frog Creek has designated beneficial uses (existing or potential) that include: municipal and domestic supply (MUN), groundwater recharge (GWR), contact recreation (REC1), non-contact recreation (REC2), cold freshwater habitat (COLD), and wildlife habitat (WILD).

Fill area:

Permanent Impacts to Non-Wetland Waters of the United States	0.032 acre	103 linear feet
Temporary Impacts to Non-Wetland Waters of the United States	0.045 acre	116 linear feet

Dredge/Fill volume: Not Applicable

Federal permit: U.S. Army Corps of Engineers (USACE) Nationwide Permit No. 14 – Linear Transportation Projects

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:

- None

Should the proposed Project impact State- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife should ensure those impacts are mitigated to an acceptable level.

Appropriate BMPs will be implemented to reduce construction-related impacts to waters of the State per the requirements of State Water Resources Control Board Order No. 2015-0036-EXEC amending Order No. WQ 2012-0011-DWQ (NPDES Permit No. CAS000003), commonly known as the Statewide Storm Water Permit for the State of California Department of Transportation, and subsequent iterations thereof.

Pursuant to the California Environmental Quality Act (CEQA), Caltrans filed a CEQA Guidelines Section 15301 "Class 1" Categorical Exemption with the State of California Office of Planning and Research on June 23, 2016. The "Class 1" Exemption declares the proposed Project involves the alteration of an existing public structure for the purpose of public safety, involving negligible or no expansion of use beyond that existing at the time of the Department's determination. The Regional Board has independently considered the CEQA Categorical Exemption in the issuance of this Certification and finds that no changes or alterations to the proposed Project are necessary to 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) This Order for Water Quality Certification will remain valid until the USACE 2012 Nationwide permits expire on March 18, 2017, or through an extended period beyond the expiration date that is authorized in writing by the USACE.
- 2) The Applicant must comply with the requirements of the applicable Clean Water Act Section 404 permit.
- 3) The Applicant shall ensure that all fees associated with this Project shall be paid to each respective agency prior to conducting any onsite construction activities.
- 4) A copy of this 401 Certification and any subsequent amendments must be maintained onsite for the duration of work as a denoted element of any Project Storm Water Pollution Prevention Plan (SWPPP).

- 5) Prior to construction activities, the Applicant 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.
- 6) Effective perimeter control BMPs must be in place at all times to control the discharge of pollutants from the Project site during construction. Construction waste must be contained and protected against wind and exposure to storm water at all times unless being actively handled. Chemical, fuel, and lubricant containers must be kept closed and protected from damage or upset at all times unless being actively used. Dirt and landscaping material stockpiles must have effective erosion control BMPs in place to prevent their being transported in storm water or directly into the channel, and may not be located within waters of the United States. Discharges of wastewater from the site are prohibited.
- 7) 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.
- 8) 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 from the Project site.
- 9) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such manner that petroleum products or other pollutants from the equipment might enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the State onsite, except as necessary to complete the proposed Project. No equipment shall be operated in areas of flowing water.
- 10) This 401 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 condition contained herein, or any conditions contained in any other permit or approval issued by the State of California, or any subdivision thereof, may result in appropriate enforcement action, including the revocation of this Certification and imposition of administrative civil or criminal liability.
- 11) Construction dewatering discharges, including temporary stream diversions necessary to carry out the Project, are subject to regulation by Regional Board Order No. R8-2015-0004, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimis) Threat to Water Quality. For more information, please review Order No. R8-2015-0004 at www.waterboards.ca.gov/santaana/.

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 that the Applicant 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 401 Water Quality 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(s) 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby certify 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.

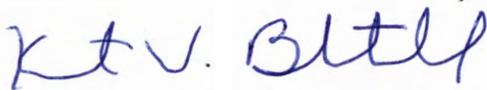
This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality

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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 Jason Bill at (951) 782-3295 or jason.bill@waterboards.ca.gov, or Wanda Cross at (951) 782-4468 or wanda.cross@waterboards.ca.gov.

Sincerely,



Kurt V. Berchtold
Executive Officer

cc: Caltrans District 8 – Chun-Sheng Wang, – chun-sheng.wang@dot.ca.gov
U. S. Army Corps of Engineers, Los Angeles Office – Veronica Li
CA Department of Fish and Wildlife – Jeff Brandt
State Water Resources Control Board, Office of Chief Counsel - David Rice
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