



California Regional Water Quality Control Board

Santa Ana Region



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Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

September 10, 2008

Garry Cohoe
San Bernardino Assoc. of Governments
1170 West Third Street
Second Floor
San Bernardino, CA 92410-1715

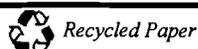
CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE INTERSTATE 10/RIVERSIDE AVENUE INTERCHANGE IMPROVEMENT PROJECT, CITY OF RIALTO (CORPS FILE NO. NOT AVAILABLE)

Dear Mr. Cohoe:

On May 7, 2008, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification), for the proposed improvements to the Interstate 10/Riverside Avenue interchange in the City of Rialto. The co-applicants for Certification are the Department of Transportation ("Caltrans") and the San Bernardino Association of Governments ("SANBAG"). This letter responds to Caltrans' and SANBAG's request for certification that the proposed project, described in the 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) and subsequent Basin Plan amendments ("Basin Plan"):

Project Description: Replacement of the Riverside Avenue over-crossing of Interstate 10 ("I-10"). The project includes the addition of through-lanes and the addition of left-turn pocket lanes leading to both the east and west-bound on-ramps to I-10, and related roadway approach improvements. An existing box-culvert crossing the Rialto Channel beneath Riverside Avenue will be replaced and another on the opposite side of I-10 will be extended. The project is expected to take approximately two years to complete. The interchange is located within Section 23 of Township 1 South and Range 5 West of the U.S. Geological Survey *Fontana, California, 7.5-*

California Environmental Protection Agency



minute topographic quadrangle map (34 deg. 04 min. 08.24 sec. N/-117 deg. 22 min. 12.87 sec. W).

Receiving Waters: Rialto Channel and an un-named drainage channel.

Fill Area: 0.04 acre of permanent impact (49 total linear feet).

Dredge Volume: Not applicable.

Federal Permits: US Army Corps of Engineers Nationwide Permit No. 14.

This certification addresses impacts to water quality standards associated with the dredging or filling of waters of the United States. Construction and post-construction impacts resulting from the project and use of the roadways are addressed by waste discharge requirements issued to the Department of Transportation by the State Water Resources Control Board in Order No. 99-06 DWQ. These requirements include the development and implementation of appropriate Best Management Practices for the purpose of removing construction-related and transportation-related pollutants from discharges from Caltrans' rights-of-way and easements.

The proposed project is subject to a nationwide permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. The California Department of Fish and Game has determined that the project is not subject to a Streambed Alteration Agreement under Fish and Game Code Section 1600 *et seq.* Pursuant to the California Environmental Quality Act ("CEQA"), Caltrans certified a Mitigated Negative Declaration ("MND") on February 15, 2008. Pursuant to California Code of Regulations, Title 14, Section 15096, subdivision (f), the Regional Board must consider the environmental effects of the project as shown in the associated negative declaration prior to reaching a decision on the project. The Regional Board has considered Caltrans' MND in the issuance of this Certification and finds that changes or alterations have been required, or incorporated into the proposed project, which avoid impacts to water quality or mitigates them to a less than significant level.

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

- 1) A copy of this Certification and any subsequent amendments must be maintained on site as a denoted element of the project Storm Water Pollution Prevention Plan ("SWPPP").

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. 200-0017-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 Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT
Executive Officer

cc (via electronic message):

U. S. Army Corps of Engineers, Los Angeles Office – Stephanie Hall
State Water Resources Control Board, OCC – David Rice
State Water Resources Control Board, DWQ-Water Quality Certification Unit – Bill Orme
California Department of Fish and Game, Ontario Office – Mike Flores
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini and David Smith

APF: 401/certifications/I-10 riverside dr overcrossing 362008-10

