



California Regional Water Quality Control Board Santa Ana Region



Linda S. Adams
Acting Secretary for
Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348
(951) 782-4130 • Fax (951) 781-6288
<http://www.waterboards.ca.gov/santaana>

Edmund G. Brown Jr.
Governor

February 22, 2011

Ernest Wong
City of Highland
27215 Base Line
Highland, CA 92346

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR REPLACEMENT OF THE BOULDER AVENUE BRIDGE OVER
CITY CREEK, HIGHLAND, COUNTY OF SAN BERNARDINO, CALIFORNIA (ACOE
REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 362010-10)**

Dear Mr. Wong:

On October 11, 2010, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the City of Highland for proposed work on the Boulder Avenue bridge over City Creek. Work includes bridge pier and deck replacement, road widening, infrastructure improvements and accommodations for a future multi-purpose trail. On February 2, 2011, we received a Revised Mitigation Proposal for the project, after December 2010 flooding considerably reconfigured the City Creek streambed within the project area. 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 existing bridge with a new, four (4) lane bridge that ties into existing roadways on both ends of the proposed project. The proposed replacement bridge is a 4-span bridge measuring 385 feet in length and 95.5 feet in width. The substructure consists of pier walls and seat-type abutments supported on spread footings. To accommodate the requirements of the Federal Emergency Management Agency (FEMA) (due to structural damage sustained by the existing bridge during December 2010 storm flows in City Creek) and the San Bernardino County Flood Control District (SBCFCD), the roadway profile will be raised considerably. The roadway touchdown points are

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approximately 1,440 feet south of the bridge and 300 feet north of the bridge. The existing pipe culverts, located approximately 600 feet and 1,000 feet from the south abutment, will be extended. The existing Bledsoe Creek double-cell Reinforced Concrete Box (RCB) culvert will be replaced and extended to match the new width of the roadway. Accommodations for a future multi-purpose trail crossing underneath the bridge have been incorporated into the project. The trail is designed with sufficient width and vertical clearance to accommodate users such as bicyclists, pedestrians and equestrian riders. A Temporary Construction Easement from SBCFCD would be required for the duration of the construction. The work will take place within Section 4 of Township 1 South, Range 3 West, of the U.S. Geological Survey *Redlands* quadrangle map (34.1189000° N/ 117.1942611° W).

Receiving water: City Creek (and its tributary Bledsoe Creek), tributary to the Santa Ana River

Fill area: 0.01 acres of permanent impact to wetland habitat, 0.39 acres of permanent impact to streambed habitat, and 3.79 acres of temporary impact to streambed habitat

Dredge/Fill volume: 7,652 cubic yards

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 impacts to 3.79 acres of primarily unvegetated alluvium within City Creek will be recontoured and returned to pre-project conditions upon completion of construction activities in order to ensure that pre-project hydrological and biological functions are not lost.

Offsite Water Quality Standards Mitigation Proposed:

- Compensatory mitigation for permanent impacts to jurisdictional areas associated with City Creek and Bledsoe Creek by purchasing 2.0-acres of mitigation credit (5:1 ratio) in Santa Ana Watershed Association's off-site in-lieu fee program.

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 Game 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, including the preparation of a SWPPP.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to review an Environmental Impact Report (EIR) or Negative Declaration (ND) prepared by the lead agency in determining whether to approve a Section 401 Certification. 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 City of Highland's Mitigated ND (MND) prepared for the proposed project, particularly those sections of the MND that relate to water quality, and information provided subsequently in the City's Certification application and Revised Mitigation Proposal, in approving this Certification. Based on the mitigation proposed and the conditions set forth in this Certification, Board staff concludes that the proposed project's impacts to water quality will be reduced to a less than significant level and beneficial uses will be protected. The Regional Board independently finds that changes or alterations have been required or incorporated into the project that 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) Proposed mitigation shall be timely implemented. Materials documenting the purchase of necessary mitigation credits shall be provided to this office prior to discharge of fill to, or to 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) 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.
- 5) 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/
- 6) 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.
- 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.

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

Ernest Wong
City of Highland

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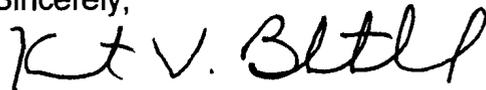
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307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law.

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/wqo2003-0017.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 message):

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

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