



# California Regional Water Quality Control Board

## Santa Ana Region



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

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**Edmund G. Brown Jr.**  
Governor

October 19, 2011

Thomas Driver  
Keystone Asset Management, Inc.  
3015 Advance Lane  
Colmar, PA 18915

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
CERTIFICATION FOR THE YUCAIPA 33838 AVENUE "E" REMOVAL/REGRADE  
CHANNEL PROJECT, COUNTY OF SAN BERNARDINO, CALIFORNIA (ACOE  
REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 362011-13)**

Dear Mr. Driver:

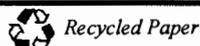
On June 28, 2011, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from Keystone Asset Management, Inc. for a project to remove undocumented fill and debris from the eroded channel behind 33838 Avenue "E", Yucaipa, and regrade the south slope of the channel to its original design and grade. 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:** Remove undocumented fill and illicit debris accumulation within the channel area. Cut approximately 1,860 cubic yards within the channel area and use it to reform and regrade the south slope of the channel. Place erosion protection along the southern slope of the channel. The work will take place within Section 2 of Township 2 South, Range 2 West, of the U.S. Geological Survey *Yucaipa, CA* quadrangle map (34° 1' 36.86" N/ 117° 4' 0.98" W).

**Receiving water:** Chicken Springs Wash (CS-01), Yucaipa Creek, San Timoteo Creek

**Fill area:** 0.23 acres of temporary impact to streambed habitat (228 linear feet)

**California Environmental Protection Agency**



Dredge/Fill volume: 1,860 cubic yards

Federal permit: U.S. Army Corps of Engineers Nationwide Permit Nos. 13

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.
- A geotextile grid with turf reinforcement mat, topsoil & vegetated cells will be placed on the slope after construction for permanent protection.

**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 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.

The City of Yucaipa has considered the activities described herein as not falling under the term "Project" as defined in CEQA Guideline Section 15378. The City of Yucaipa has issued a grading permit for the proposed work, which the City of Yucaipa has considered a ministerial action. Therefore, according to CEQA Guideline Section 15268, "Ministerial Projects," the activities described herein are exempt from CEQA. The Board has considered the City's conclusion that the activities described herein are not a "project" that is subject to CEQA in making this certification.

**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 applicant shall ensure that all vegetation restoration efforts will be performed by using native species, which are endemic to the project's location and/or surrounding habitats.
- 4) 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 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](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo_2003-0017.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 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 Game - Joanna Gibson  
U.S. EPA- Supervisor of the Wetlands Regulatory Office WTR- 8  
Thatcher Engineering & Assoc., Inc. – Vicky Valenzuela-  
[vickyv@thatcherengineering.com](mailto:vickyv@thatcherengineering.com)

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