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## Santa Ana Regional Water Quality Control Board

October 10, 2012

Scott Quinnell  
California Department of Transportation  
464 West 4<sup>th</sup> Street, 6<sup>th</sup> Floor  
San Bernardino, CA 92401

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### **CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE INTERSTATE 15/INTERSTATE 215 INTERCHANGE IMPROVEMENTS PROJECT, COUNTY OF SAN BERNARDINO, CALIFORNIA (ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 362012-13)**

Dear Mr. Quinnell:

On May 1, 2012, we received your application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the California Department of Transportation (CalTrans) for a project to improve performance of the I-15/I-215 Interchange by reducing operational deficiencies and upgrading the interchange to current standards. 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 consists of various activities in the vicinity of the I-15 and I-215 freeway junction necessary to improve the flow of traffic through this interchange. The project activities are divided into the following:

#### I-15 South Segment

The project will add a northbound mainline lane between the Glen Helen Parkway off-ramp and the I-215 junction and a northbound auxiliary lane between the Glen Helen Parkway on-ramp and the I-215 junction. A southbound mainline lane between the I-215 junction and the Glen Helen Parkway on-ramp will be added, where it will connect with the existing fourth southbound mainline lane. A southbound auxiliary lane between the I-215 junction and the southbound Glen Helen Parkway off-ramp will be added. The project will also make minor adjustments to the Glen Helen Parkway on and off-ramps to accommodate the new lanes (northbound deceleration lane prior to Glen Helen off-ramp and the southbound acceleration lane from the on-ramp).

CAROLE H. BESWICK, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

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### I-15/I-215 Branch Connectors

The northbound I-215 to southbound I-15 branch connector will be widened from one to two lanes for most of its length. The northbound I-15 to southbound I-215 branch connector will be relocated easterly.

### Cajon Boulevard Reconnection

The project will reopen the 3,500 feet of the abandoned segment of Cajon Boulevard southeast of the Kenwood Avenue intersection as a two lane roadway. The existing Kenwood Avenue/Cajon Boulevard intersection will be improved to accommodate the reopening of Cajon Boulevard to the southeast. The two-lane reopened Cajon Boulevard will transition onto a new alignment for 3,500 feet southeast of Kenwood Avenue, curving to the south to parallel the existing I-15. Where the roadway passes underneath the I-15 freeway, it will roughly follow an existing unpaved road. This segment of roadway will require a 3' retaining wall to avoid encroachment into Cajon Creek and to protect the roadway from flooding as well as to shield the creek from car headlights. Existing and proposed utilities that parallel Cajon Boulevard will be placed in a utility corridor beneath or adjacent to the Cajon Boulevard alignment. The Cajon Boulevard reconnection will include 8-foot roadway shoulders in each direction. To provide for wildlife movements along Cajon Creek, a 5-foot wide unpaved trail will be constructed adjacent to the retaining wall, where necessary.

The work will take place within Sections 3, 4, 5, 8, 19, 20, 27, 28, 29, 33, & 34 of Townships 1 and 2 North, Range 5 West, of the U.S. Geological Survey *Devore, California* quadrangle map (34° 13' 17.50" N/ -117° 24' 36.40" W).

Receiving waters: Cajon Creek, Cable Creek, Lytle Creek, and their tributaries.

Fill area: 0.006 acre of temporary impact to riparian habitat (15 linear feet), 0.0276 acre of permanent impact to riparian habitat (250 linear feet), 3.413 acres of temporary impact to streambed habitat (1764 linear feet), and 1.718 acres of permanent impact to streambed habitat (22,604 linear feet).

Dredge/Fill volume: 2,780,097 cubic yards, only some of which will be discharged into jurisdictional waters of the U.S.

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.

Offsite Water Quality Standards Mitigation Proposed:

- To mitigate for impacts to San Bernardino Kangaroo rat (SBKR) habitat and waters of the State, 76 acres (76 credits) in the Cajon Creek Conservation Bank will be purchased.
- CalTrans will enter into an agreement with the Inland Empire Conservation District (IERCD) and the Santa Ana Watershed Association (SAWA) to fund in-stream enhancement of arroyo toad habitat within Cajon Wash, upstream of the proposed project site. CalTrans will fund the enhancement of one acre of arroyo toad habitat within Cajon Wash to offset 0.15 acre of permanent effects and 0.06 acre of temporary effects to arroyo toad critical habitat.

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 and of the U.S. according to the requirements of Order No. 99-06-DWQ, issued to CalTrans by the State Water Resources Control Board, and subsequent iterations thereof. These requirements include the development and implementation of appropriate Best Management Practices for the purpose of removing construction-related and transportation-related pollutants in discharges from CalTrans' rights-of-way and easements.

A Mitigated Negative Declaration for the project was filed by the California Department of Transportation on March 5, 2012. 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.

The Regional Board has considered the California Department of Transportation's Mitigated Negative Declaration (MND) for this project before issuing this Certification, particularly those sections of the MND that relate to water quality. Based on the mitigation proposed in the MND and application, and the conditions set forth in this Certification, the Regional Board concludes that 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 or of the U.S.
- 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) 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.
- 5) 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, and wastes from metal working including metal filings, grindings, dusts and slag, shall not be discharged to soils or waters of the state. All waste concrete shall be removed.
- 6) 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.
- 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 of 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.
- 8) Best management practices to stabilize disturbed soils must include the use of locally appropriate native plant species whenever feasible.
- 9) 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.
- 10) Applicant shall follow all procedures and policies specified within the project's Habitat Mitigation and Monitoring Program.
- 11) Construction de-watering discharges, including temporary stream diversions necessary for project construction, shall 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/](http://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 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.

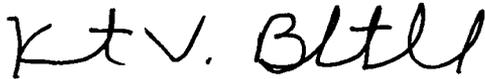
This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related 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):

California Department of Transportation – Associate Environmental Planner –  
Jason Bill

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

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