



California Regional Water Quality Control Board Santa Ana Region



Matthew Rodriguez
Secretary for
Environmental Protection

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Edmund G. Brown Jr.
Governor

February 13, 2012

Annesley Ignatius
County of San Bernardino, Department
of Public Works
825 E. Third St., #201
San Bernardino, CA 92415

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE WEST VALLEY DETENTION CENTER / DAY CREEK
FLOOD CONTROL CHANNEL PROJECT, COUNTY OF SAN BERNARDINO,
CALIFORNIA (ACOE REFERENCE NO. SPL-2011-00848-GS) (SARWQCB
PROJECT NO. 362012-01)**

Dear Mr. Ignatius:

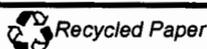
On October 18, 2011, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the County of San Bernardino Department of Public Works. The project to be certified is to repair damage to a flood control facility, a sewer line and water supply pipeline in the Rancho Cucamonga area of San Bernardino County. These facilities are adjacent to and serve the County of San Bernardino's West Valley Detention Center. 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 includes the following:

1. Within Day Creek Channel, replacement of heavily scoured concrete aprons below drop structures with new, smooth (lower elevation) concrete aprons that have a shallower slope. This will allow for a smooth flow transition within the channel bottom and will aid in the movement of flows over the new aprons.
2. Erosion within Day Creek Channel has scoured away soils from an existing sewer manhole and an existing water line, leaving them exposed. Eroded areas will be backfilled to original design specifications. Approximately 78 cubic yards of native material (30 feet in length x 10 feet in width x 7 feet in vertical depth) will

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be used to repair the erosion near the waterline, and approximately 103 cubic yards of native material (40 feet in length x 10 feet in width x 7 feet in vertical depth) will be used to repair the erosion by the sewer line and manhole.

3. To address an existing flow restriction, the project proposes to widen the channel by shifting a portion of the east channel levee approximately 12 ½ feet from the original design in an easterly direction. This will increase channel capacity and reduce flow velocity and the potential for further erosion in this location. This measure will increase the jurisdictional waters of the U.S. by approximately 0.033 acres.
4. The project will further stabilize, reinforce, and protect the easterly and westerly channel levee slopes by placing approximately 425 tons of non-grouted rock (on each slope) along the formerly eroded portion of these slopes.

The work will take place within Section 18 of Township 1 South, Range 6 West, of the U.S. Geological Survey *Guasti, Calif.* quadrangle map (34° 04' 45" N/ -117° 32' 72" W).

Receiving water: Day Creek Channel

Fill area: 0.059 acres of permanent impact to streambed habitat;
0.028 acres of temporary impact to streambed habitat

Dredge/Fill volume: 585 cubic yards

Federal permit: SPL-2011-00848-GS

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.
- The applicant will widen the channel, adding approximately 0.033 acres of waters of the U.S. and the State.
- The applicant will roll over the existing vegetation, leaving the root systems intact, encouraging quicker re-growth of the vegetation and the native seed bank.

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, including the preparation of a Storm Water Pollution Protection Plan (SWPPP).

Pursuant to the California Environmental Quality Act ("CEQA"), the County of San Bernardino, Department of Public Works has determined that the proposed project is categorically exempt from provisions of CEQA under Guidelines Section 15301 which allows for the repair and maintenance of existing facilities, including public utility services, where there is no change in existing capacity or expansion of use. 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) 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 must comply with the requirements of the applicable Clean Water Act section 404 permit.

- 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, 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 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) A copy of this Certification and any subsequent amendments must be maintained on site for the duration of work as a denoted element of any project SWPPP or WQMP.
- 9) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 10) Applicant shall ensure all procedures and policies specified within the project's WQMP, shall adequately address any hydraulic conditions of concern generated during and as a result of this project.
- 11) 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/

- 12) 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

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.

Annesley Ignatius
County of San Bernardino,
Department of Public Works

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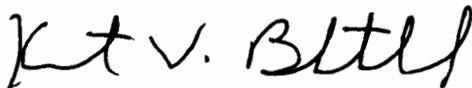
February 13, 2012

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/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 mail):

U. S. Army Corps of Engineers, Los Angeles Office- Daniel Swenson
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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