

Santa Ana Regional Water Quality Control Board

October 14, 2013

Chris Berch
Inland Empire Utilities Agency
6075 Kimball Ave
Chino, CA 91708

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE IEUA GROUNDWATER RECHARGE BASIN
MAINTENANCE AND OPERATION PROJECT, COUNTY OF SAN BERNARDINO,
CALIFORNIA (ACOE REFERENCE NO. SPL-2009-00471) (SARWQCB PROJECT
NO. 362013-16)**

Dear Mr. Berch,

On September 11, 2013, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from Inland Empire Utilities Agency (IEUA) for a project to perform maintenance and operations activities in various groundwater recharge basins overlying the Chino Basin in San Bernardino County. The applicant has also submitted a filing fee of \$944.00, which satisfies this project's fee requirement for considering a 401 Certification. This fee amount was determined using the Dredge and Fill Fee Calculator on the State Water Resources Control Board (SWRCB) web site, which is based on the most current iteration of California Code of Regulations, Division 3, Chapter 9, Article 1, section 2200 (a) (3). 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: Continuing operation and maintenance of various groundwater recharge basins within the Chino Basin. Proposed activities include: excavation of sediment, trash and debris in various basins, as described in the attached Table A. Also, carry out disking, ripping, and other earthwork necessary to maximize the basins' infiltration rates. Maintenance and operation may include the installation and service of lysimeters, monitoring wells, and other similar devices and small facilities. The excavations and discharges of fill that may accompany the installation and service of these monitoring devices and facilities may be

authorized by complying with the State Water Resources Control Board ("State Board") Certification issued on May 11, 2007 for Nationwide Permit ("NWP") No. 5, Scientific Measurement Devices, and NWP No.6, Survey Activities. Devices and facilities not otherwise covered under the State Board's NWP Certification are covered under this Certification. The State Board's May 11, 2007 Certification is available at:

www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/nwp2007rev.pdf

For details of the location of the basins where the project will occur (section, township, range, and quadrangle map locations, and latitudes, and longitudes) see Attached Table, A.

Receiving waters: See Attached Table A

Fill area:

Temporary Impact to Streambed Habitat	538.4 acres	Natural substrates of silt, sand, clay
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Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No 5, 6, and 31

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:

- None. The impacts caused by the original development of these sites and associated operation and maintenance activities were mitigated by the IEUA with the development of the RP-3 Mitigation Site.

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

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Wildlife Service and the California Department of Fish and Wildlife 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 consistent with 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 identifies IEUA as a potential discharger of urban runoff, not a co-permittee, and as such, expects IEUA's cooperation to manage urban runoff and storm water runoff quality. Activities conducted as part of this project are required to comply with the requirements of State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity (2009-0009-DWQ).

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an Environmental Impact Report (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.

As required by Section 15096, the Regional Board has considered the EIR prepared for the proposed project, and information provided subsequently in the applicant's application, in approving this Certification. More specifically, the Regional Board has considered those sections of the EIR relating to water quality. Based on the mitigation proposed in the EIR, and the conditions set forth in this Certification, impacts to water quality will be reduced to a less than significant level and beneficial uses will be protected. Thus, the Regional Board finds that changes or alterations have been required in, or incorporated into the project, which 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.

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- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 8) 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/
- 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.

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:

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(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

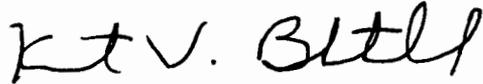
Chris Berch
IEUA
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Should there be any questions, please contact Marc Brown at (951) 321-4584, or Mark Adelson at (951) 782-3234.

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 Wildlife - Joanna Gibson
U.S. EPA- Supervisor of the Wetlands Regulatory Office WTR- 8

TABLE A: CHINO BASIN GROUNDWATER RECHARGE FACILITIES O&M PERMIT APPLICATION

Name of Waterbody (Basin Name)	Tributary to What Named Downstream Waterbody?	Latitude and Longitude	Section, Township, Range	USGS Quad Map Name	OHWM	OHWM Contour Area	Potential Maintenance Area
USACE JURISDICTIONAL BASINS							
Etiwanda Debris Basin	Etiwanda Creek Channel	34.153, -117.509	Section 27 and 28, T1N, R6W	Cucamonga Peak	1612'	28	19.3
8th Street Basins 8th Street Basin 7th Street Basin	West Cucamonga Creek Channel	34.09, -117.633	Sections 8 and 17, T1S, R7W	Ontario	1143.5' 1134.5'	16.6 6.4	14.9 6.3
Ely Basins Basin 1 Basin 2 Basin 3	West Cucamonga Creek Channel	34.035, -117.613	Sections 33 and 34, T1S, R7W and Sections 3 and 4, T2S, R7W	Guasti	838' 838' 838'	10.3 11.1 10.7	8.9 9.8 9.8
Banana Basin	West Fontana Creek Channel	34.094, -117.498	Section 10, T1S, R6W	Guasti	1143'	7.5	7.5
Dedez Basin	Dedez Channel	34.032, -117.501	Section 34 T1S, R6W and Section 3, T2S, R6W	Guasti	841'	19.7	14.8
Hickory Basin	West Fontana Creek Channel	34.093, -117.511	Sections 9, 10, and 16, T1S, R6W	Guasti	1123'	14.2	13.3
RP3 Cell Basin 2*	Dedez Channel	34.047, -117.473	Section 35, T1S, R6W	Fontana	955'	8.5	8.5
San Sevaine Basins Basin 1 Basin 2 Basin 3 Basin 4 Basin 5	San Sevaine Channel	34.14, -117.501	Sections 22, 23, 26 and 27, T1N, R6W	Devore	1490' 1472' 1461.78' 1441.5' 1399'	12.2 8 9.9 3.5 73.6	20.2 12.8 13.4 3.5 7.5
Brooks Street Basin	San Antonio Creek Channel	34.081, -117.712	Section 27, T1S, R6W	Ontario	893'	10.6	15.5
Jurupa Basin	San Sevaine Channel	34.05, -117.511	Sections 27, 28, 33 and 34, T1S, R6W	Guasti	927'	55.9	37.2
Montclair Basins Basin 1 Basin 2 Basin 3 Basin 4	San Antonio Creek Channel	34.088, -117.703	Section 15, T1S, R6W	Ontario	1128 1097 1057 1037	7.8 11.6 4.3 5.9	9 13.9 5 7.2
Turner Basins 1 & 2 Basin 1 Basin 2	Cucamonga Creek Channel	34.075, -117.599	Section 22, T1S, R7W	Guasti	990'	14.6	18.3
Upland Basin	San Antonio Creek Channel	34.088, -117.698	Sections 10 and 11, T1S, R6W	Ontario	1225'	24.5	26.8
Victoria Basin	Etiwanda Creek Channel	34.13, -117.506	Sections 33 and 34, T1N, R6W	Cucamonga Peak	1327'	20.3	20.3
Grove Basin	N/A (street runoff)	34.017, -117.630	Section 8 T2S, R7W	Chino	787.25'	13.8	13.8
Wineville Basin	Day Creek	34.055, -117.650	Section 31, T1S, R6W	Guasti	869'	51.5	65.7
NON USACE JURISDICTIONAL BASINS							
Lower Day Basin	Day Creek	34.132, -117.544	Section 31, T1N, R6W	Cucamonga Peak	1378'	15.1	16.0
College Heights Basins College Heights West College Heights East	San Antonio Creek Channel	34.102, -117.688	Section 11, T1S, R6W	Ontario	1246' 1246'	6.3 7.5	6.3 9
RP3 Cells Basin 1 Basin 3 Basin 4	Dedez Channel	34.047, -117.473	Section 35, T1S, R6W	Fontana	961' 934' 948'	11.1 8 8.9	11.1 8 8.9
Etiwanda Conservation Ponds	Etiwanda Creek	34.074, -117.523	Section 21, T1S, R6W	Fontana	not established	N/A	28.8
Turner Basins 3, 4, 4E, 5, 8 Basin 3 Basin 4 Basin 4 East Basin 5 Basin 8	Deer Creek Channel	34.075, -117.596	Section 22, T1S, R7W	Guasti	980' 980' 992' 1006' 1010'	3 7.2 6.2 5.4 1	3.0 12.1 7.0 5.9 1.8
						538.4	573.9

*Mitigation Site