



Santa Ana Regional Water Quality Control Board

January 26, 2015

Annesley Ignatius
San Bernardino County Flood Control
825 E. Third Street
San Bernardino, CA 92415

**AMENDED CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR SAN BERNARDINO COUNTY FLOOD CONTROL'S ROUTINE
CHANNEL MAINTENANCE PROJECTS, COUNTY OF SAN BERNARDINO,
CALIFORNIA**

Dear Mr. Ignatius,

What follows is a revision of the Clean Water Act Section 401 Water Quality Standards Certification (Certification) issued from this office on January 16, 2015, for the subject project. A revision was requested to correct the channel name in two locations listed within the maintenance project. Please note that these changes have been illustrated with ~~strikeout~~ and underlined lettering. This revision supersedes any prior iteration of said Certification for the subject project.

On March 3, 2014, we received thirteen (13) applications for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the San Bernardino County Flood Control District (District), for similar projects involving the routine maintenance of armored flood control channels within the jurisdiction of the Santa Ana Regional Water Quality Control Board. On November 5, 2014 additional information was provided to our office by the District, which clarified specific project locations and associated areas of impact. The applicant has submitted a cumulative filing fee of \$16,814.00, which satisfies these projects' fee requirements for consideration of 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 iteration of the California Code of Regulations, Division 3, Chapter 9, Article 1, section 2200 (a) (3) in effect when the applications were submitted.

Board staff has determined that the most efficient response to these 13 Certification applications is to respond to all applications in a single action. This is appropriate, because all the proposed maintenance activities are similar, as are their likely effects on water quality.

This letter responds to your request for certification that the proposed projects, described in your applications 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 San Bernardino County Flood Control District (District) proposes to conduct routine channel maintenance of constructed bottom controls, revetments, inverters and side slopes of specific engineered channels within the Santa Ana Region. Maintenance activities to be carried out include: the removal of sediments and nuisance vegetation that has accumulated in concrete-lined channels, grade bottom controls and revetments; removal of invasive plant species; and the management of trees, shrubs and grasses growing in unlined channels. Proposed maintenance activities are summarized in Table 1, below.

Project Name (RWQCB Project No.)	Channel Name	Lat/Long	Acreage	Linear feet	Temporary/ Permanent Impacts & Habitat Impacted
Carbon Canyon Creek Routine Maintenance (362014-07)	Carbon Canyon Creek	33.9816° N/ -117.7411° W upstream 33.9857° N/ -117.7055° W downstream	5.5 ac.	4,777 l.f.	Temporary Impacts to Streambed Habitat
Harrison Storm Drain Routine Maintenance (362014-12)	Harrison Warm Creek Storm Drain	34.1653° N/ -117.2621° W upstream 34.1604° N/ -117.2653° W downstream	1.23 ac.	1514 l.f.	Temporary Impacts to Streambed Habitat
Little Sand Creek Routine Maintenance (362014-15)	Little Sand Creek Del-Rosa Channel	34.1567° N/ -117.2381° W upstream 34.1428° N/ -117.2512° W downstream	3.6 ac.	7,789 l.f.	Temporary Impacts to Streambed Habitat
Loma Linda Storm Drain Routine Maintenance (362014-16)	Loma Linda Storm Drain	34.0611° N/ -117.2652° W upstream 34.0566° N/ -117.2624° W downstream	2.6 ac.	2,778 l.f.	Temporary Impact to Streambed Habitat

Project Name (RWQCB Project No.)	Channel Name	Lat/Long	Acreage	Linear feet	Temporary/ Permanent Impacts & Habitat Impacted
Mission Channel Routine Maintenance (362014-18)	Mission Channel	34.0574° N/ -117.2002° W upstream 34.0735° N/ - 117.2647° downstream	13.9 ac.	10,988 l.f.	Temporary Impact to Streambed Habitat
Morrey Arroyo Routine Maintenance (362014-19)	Morrey Arroyo	34.0511° N/ -117.1938° W upstream 34.0571° N/ - 117.2234° W downstream	1.8 ac.	1,969 l.f.	Temporary Impact to Streambed Habitat
Reche Canyon Creek Routine Maintenance (362014-20)	Reche Canyon Creek	34.0186° N/ -117.2721° W upstream 34.0520° N/ -117.3150° W downstream	24.9 ac.	21,675 l.f.	Temporary Impact to Streambed Habitat
San Bernardino Ave. Storm Drain Routine Maintenance (362014-21)	San Bernardino Ave. Storm Drain	34.0575° N/ -117.2653° W upstream 34.0566° N/ -117.2655° W downstream	0.3 ac.	360 l.f.	Temporary Impact to Streambed Habitat
Sand Creek Routine Maintenance (362014-23)	Sand Creek	34.1464° N/ -117.2273° W upstream 34.1232° N/ -117.2296 downstream	6.3 ac.	6,816 l.f.	Temporary Impact to Streambed Habitat
Upper Warm Creek Routine Maintenance (362014-24)	Upper Warm Creek	34.1233° N/ -117.2263° W upstream 34.1159° N/ -117.2665° W downstream	9.1 ac.	13,248 l.f.	Temporary Impact to Streambed Habitat
West Fontana Channel Routine Maintenance (362014-25)	West Fontana Channel	34.0946° N/ -117.4950° W upstream 34.0933° N/ -117.5083°W downstream	7.9 ac.	17,103 l.f.	Temporary Impact to Streambed Habitat

Project Name (RWQCB Project No.)	Channel Name	Lat/Long	Acreage	Linear feet	Temporary/ Permanent Impacts & Habitat Impacted
Wildwood Creek Routine Maintenance (362014-26)	Wildwood Creek	34.0144° N/ -117.0110° W upstream	21.2 ac.	16,800 l.f.	Temporary Impact to Streambed Habitat
		34.0114° N/ -117.0704° W downstream			
Wilson Creek Routine Maintenance (362014-27)	Wilson Creek	34.0515° N/ -117.0346° W upstream	25.1 ac.	15,614 l.f.	Temporary Impact to Streambed Habitat
		34.0176° N/ -117.0974° W downstream			

Receiving water: The channels shown in the table are tributary to either the Santa Ana River Reach 4 or San Timoteo Creek, each having the following present or potential beneficial uses: groundwater recharge (GWR), municipal and domestic supply (MUN), rare/threatened or endangered species (RARE), contact recreation (REC1), non-contact recreation (REC2), warm fresh water habitat (WARM), and wildlife habitat (WILD). According to the Basin Plan's "tributary rule," these beneficial uses also apply to the channels listed above.

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 3 and/or 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.

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 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 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.

Pursuant to the California Environmental Quality Act (CEQA), the San Bernardino County Flood Control filed CEQA Guidelines Section 15301 "Class 1" Categorical Exemptions for all the above projects, which declare that the projects involve the operation, repair, maintenance, and minor alteration of public/private structures that result in a negligible expansion of uses. The Regional Board has independently considered the County's Categorical Exemptions in the issuance of this Certification and finds that no changes or alterations to the proposed projects are necessary to 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) To protect the WILD and WARM beneficial uses of maintenance project locations, wildlife resources of these locations shall be monitored by qualified field biologists. Maintenance shall proceed only after the field biologist provides clearance that no rare, threatened or endangered animal species, or nesting birds, will be adversely affected.
- 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) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 9) Construction de-watering discharges, including temporary stream diversions necessary to carry out the project, are subject to regulation by 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/
- 10) 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.

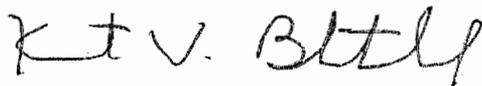
If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge 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.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby certify 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

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- Shannon Pankratz
State Water Resources Control Board, OCC- David Rice
State Water Resources Control Board, DWQ -Water Quality Certification Unit
California Department of Fish and Wildlife – Claire Ingel
U.S. EPA- Supervisor of the Wetlands Regulatory Office WTR- 8