Santa Ana Regional Water Quality Control Board

November 7, 2016

Mr. Andrew Simmons
City of Big Bear Lake
39707 Big Bear Boulevard
Big Bear, California 92315

asimmons@citybigbearlake.com

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR BIG BEAR BOULEVARD WIDENING AT DIVISION DRIVE PROJECT, CITY OF BIG BEAR LAKE, SAN BERNARDINO COUNTY (USACE FILE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 362016-14)

Dear Mr. Simmons,

On June 2, 2016, we received from Jericho Systems, Inc. on behalf of the City of Big Bear Lake (Applicant) an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") for a project to widen the drainage structures associated with the widening of Big Bear Boulevard in the City of Big Bear Lake (Project). The Applicant submitted a filing fee of $200.00 with the Certification application materials, which satisfies the Project fee requirement for consideration of 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: The Applicant proposes to lengthen from 40 feet to 62 feet a concrete box culvert that conveys ephemeral flows under Big Bear Boulevard. The culvert lengthening will facilitate the widening of Big Bear Boulevard to construct a left turn lane. In addition to lengthening the box culvert, the Applicant proposes to install concrete wingwalls on both the inlet and outlet of the culvert.

The work will take place in Section 15 of Township 2 North, Range 1 East in the City of Big Bear Lake, located on of the U.S. Geological Survey Big Bear City 7.5 minute topographic quadrangle map (34.259998° N/ -116.867884° W).

Receiving water: Unnamed tributary of Big Bear Lake. Big Bear Lake has designated beneficial uses (existing or potential) that include: Municipal and Domestic Supply (MUN), agricultural supply (AGR), groundwater recharge (GWR), contact recreation (REC1), non-contact recreation (REC2), warm freshwater habitat (WARM), cold freshwater habitat (COLD), wildlife habitat (WILD), and Rare, Threatened or Endangered Species (RARE).

Fill area:

Permanent Impact to Waters of the U.S.	0.011 acre	22 linear feet
Temporary Impact to Waters of the U.S.	0.004 acre	22 linear feet

Dredge/Fill volume: Not Applicable

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 14 – Linear Transportation Projects

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 have the potential to impact State- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with the U.S. Fish and Wildlife Service and 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 per the requirements of Regional Board 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 the State Water

Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit For Storm Water Discharges Associated With Construction And Land Disturbance Activities, Order No. 2012-0006-DWQ.

Pursuant to the California Environmental Quality Act (CEQA), the City of Big Bear Lake filed a CEQA Guidelines Section 15301 "Class 1" Categorical Exemption with the State of California Office of Planning and Research on May 24, 2016. The "Class 1" Exemption declares the proposed Project involves the alteration of an existing public structure for the purpose of public safety, involving negligible or no expansion of use beyond that existing at the time of the Department's determination. The Regional Board has independently considered the CEQA Categorical Exemption in the issuance of this Certification and finds that no changes or alterations to the proposed Project 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) This Order for Water Quality Certification will remain valid until the USACE 2012 Nationwide Permits expire on March 18, 2017, or through an extended period beyond the expiration date that is authorized in writing by the USACE.
2) The Applicant must comply with the requirements of the applicable Clean Water Act Section 404 permit.
3) The Applicant shall ensure that all fees associated with this Project shall be paid to each respective agency prior to conducting any onsite construction activities.
4) A copy of this 401 Certification and any subsequent amendments must be maintained onsite for the duration of work as a denoted element of any Project Storm Water Pollution Prevention Plan (SWPPP).
5) Effective perimeter control BMPs must be in place at all times to control the discharge of pollutants from the Project site during construction. Construction waste must be contained and protected against wind and exposure to storm water at all times unless being actively handled. Chemical, fuel, and lubricant containers must be kept closed and protected from damage or upset at all times unless being actively used. Dirt and landscaping material stockpiles must have effective erosion control BMPs in place to prevent their being transported in storm water or directly into the channel, and may not be located within waters of the United States. Discharges of wastewater from the site are prohibited.
6) 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.
7) 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 from the Project site.

8) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such manner that petroleum products or other pollutants from the equipment might enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the State onsite, except as necessary to complete the proposed Project. No equipment shall be operated in areas of flowing water.

9) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.

10) Construction dewatering discharges, including temporary stream diversions necessary to carry out the Project, are subject to regulation by Regional Board Order No. R8-2015-0004, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimis) Threat to Water Quality. For more information, please review Order No. R8-2015-0004 at www.waterboards.ca.gov/santaana/.

11) This 401 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 condition contained herein, or any conditions contained in any other permit or approval issued by the State of California or any subdivision thereof, may result in appropriate enforcement action, including the revocation of this Certification and imposition of administrative 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 that the Applicant 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/wqo2003-0017.pdf

Should there be any questions, please contact Jason Bill at (951) 782-3295 or Jason.Bill@waterboards.ca.gov, or Wanda Cross at (951) 782-4468 or wanda.cross@waterboards.ca.gov.

Sincerely,

Kurt V. Berchtold
Executive Officer

cc (via electronic mail):
Jericho Systems, Inc. – Shay Lawrey – shay@jericho-systems.com
U. S. Army Corps of Engineers, Los Angeles Office - Daniel P. Swenson
State Water Resources Control Board, Office of Chief Counsel - David Rice
State Water Resources Control Board DWQ - Water Quality Certification Unit
CA Department of Fish and Wildlife – Jeff Brandt
U.S. EPA, Region 9 – Wetlands Regulatory Office – Melissa Scianni
U.S. EPA, Region 9 – Wetlands Regulatory Office - Elizabeth Goldmann