



# California Regional Water Quality Control Board Santa Ana Region



**Linda S. Adams**  
Secretary for  
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**Arnold Schwarzenegger**  
Governor

September 14, 2009

Ken Miller  
City of Yucaipa  
Public Works Department  
34272 Yucaipa Boulevard  
Yucaipa, CA 92399

## **CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE WILDWOOD CREEK BASINS PROJECT, CITY OF YUCAIPA, SAN BERNARDINO COUNTY (ACOE REFERENCE NO. 2009 – 552 – GS)**

Dear Mr. Miller:

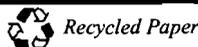
On February 17, 2009, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification) for the construction of three basins and a by-pass channel in Wildwood Creek in the City of Yucaipa. This letter responds to your request for certification that the proposed 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) and subsequent Basin Plan amendments:

### Project Description:

Construction of one de-silting basin; two detention basins; and one by-pass channel within and along Wildwood Creek. Flow within Wildwood Creek will first enter the de-silting basin and then be routed around the southerly side of the two detention basins in a low-flow channel. The low-flow channel will consist of a 50-foot wide earthen channel capable of conveying in excess of a 2-year storm runoff event. Flows that exceed the channel's capacity will spill over the dike between the de-silting basin and the first adjacent detention basin and then spill over the next dike and flow into the second detention basin. Detained runoff volumes from the first detention basin will be discharged via a pipe to the by-pass channel and runoff volumes from the second detention basin will be discharged directly to Wildwood Creek.

The banks of Wildwood Creek, up to 700-feet downstream of the basins, will be armored with rip-rap along the north bank and soil cement along the south bank. Rip-rap will also be placed at all outfall structures. A grade control structure will be constructed at the downstream end of the armored reach of Wildwood Creek. Two additional grade control structures will be placed between the downstream end of the project improvements and the

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by-pass channel. The tops of the intervening dikes will be concrete in order to protect against erosion and support maintenance equipment and vehicles. The down-slopes for the basins' spillways will be armored with grouted stone. The remaining areas will be earthen.

A public trail system will be constructed around the basins and channel and maintenance roads will be constructed to access the basins' bottoms. A 10-space parking lot will be constructed near Wildwood Canyon Road along with a picnic/rest area.

The de-silting basin will be subject to routine excavation of accumulated sediment, but the detention basins' slopes, where unarmored, will be vegetated with appropriate native plants. The detention basins' bottoms will be scarified a minimum of once per year to maximize soil percolation rates. The channel will be earthen, except for the construction of seven rip-rap grade stabilizers, and will also be vegetated with appropriate native plants. The basins and channel will be operated and maintained by the San Bernardino County Flood Control District ("District").

The basins and channel will be located southeast of the intersection of Wildwood Canyon Road and Holmes Street within Section 7 of Township 2 South, Range 1 West, of the U.S. Geological Survey *Yucaipa, California*, 7.5-minute topographic quadrangle map (34 deg. 00 min. 52 sec. N/ -117 deg. 01 min. 06 sec. W).

Receiving water: Wildwood Creek.

Fill area: 2.73 acres of an ephemeral wash (2,290 linear feet).

Dredge volume: Not applicable.

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 43.

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:**

- Sandbags, straw wattles, silt fences, and other best management practices ("BMPs") will be employed to remove pollutants from storm water runoff from the project site during construction.
- Additional site-specific BMPs will be specified in the project Storm Water Pollution Prevention Plan ("SWPPP").
- The banks of the detention basins and the by-pass channel will be vegetated with appropriate native vegetation.

**Off-site Water Quality Standards Mitigation Proposed:**

- No off-site water quality standards mitigation is proposed.

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 Best Management Practices will be implemented to reduce construction-related impacts to Waters of the State. This project is over one acre. Therefore, coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 99-08 DWQ and subsequent re-authorizations, is required, as is development of a SWPPP to control the discharge of pollutants from the project site.

Construction de-watering discharges 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/board\\_decisions/adopted\\_orders/orders/2009/09\\_003\\_deminimus\\_permit\\_wdr.pdf](http://www.waterboards.ca.gov/santaana/board_decisions/adopted_orders/orders/2009/09_003_deminimus_permit_wdr.pdf)

The project description above includes a description of maintenance activities for the purpose of fully describing the water quality impacts of the proposed conversion of a natural stream into an engineered flood control facility. This Certification does not authorize discharges of dredge or fill associated with the operation and maintenance of the basins or the by-pass channel by the District. Authorization(s) for subsequent discharges of dredge or fill will need to be sought by the District separately.

You have applied for a Nationwide Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. Pursuant to the California Environmental Quality Act (CEQA), the City of Yucaipa ("City") adopted a Mitigated Negative Declaration on March 23, 2009 (State Clearinghouse No. 2009011105). Pursuant to California Code of Regulations, Title 14, Section 15096, subdivision (f), the Regional Board must consider the environmental effects of the project as shown in the associated negative declaration prior to reaching a decision on the project. The Regional Board has considered the City's Mitigated Negative Declaration in the issuance of this Certification and finds that changes or alterations have been required, or incorporated into the proposed 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) 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.

- 2) The City of Yucaipa must vegetate the slopes of the detention basins and the banks and bottom of the by-pass channel with an appropriate mix of native vegetation. The vegetation effort must proceed according to a written plan and include 5-years of follow-up maintenance. All initial plantings and seed must be installed by October 31<sup>st</sup>, following the completion of the basins and the channel. The 5-year maintenance period must begin after the complete installation of all plant and seed materials.
- 3) The City of Yucaipa shall employ an effective combination of structural (i.e. fencing, buffers, planting, etc.) and non-structural (i.e. educational signage) BMPs for the purpose of minimizing adverse effects to the recreational and ecological beneficial uses of the basins and the channel.
- 4) The City of Yucaipa shall use materials, textures, or colors, in the construction of the basins' and channel's hard structures, which blend the structures into the overall landscape.
- 5) A copy of this Certification and any subsequent amendments must be maintained at the project site for the duration of work.

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. 200-0017-DWQ is available at [http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf)

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



for GERARD J. THIBEAULT  
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Gerry Salas  
Department of Fish and Game – Michael Flores  
State Water Resources Control Board, Office of Chief Counsel – David Rice  
State Water Resources Control Board, DWQ – Water Quality Certification Unit  
U.S. EPA – Supervisor of the Wetlands Regulatory Office WTR- 8

APF:401/certifications/wildwood ck basins 362009-05

