



# California Regional Water Quality Control Board

## Santa Ana Region



**Linda S. Adams**  
Secretary for  
Environmental Protection

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**Arnold Schwarzenegger**  
Governor

July 20, 2007

Russell Williams  
Department of Transportation (Caltrans)  
District 8  
464 West 4<sup>th</sup> Street  
San Bernardino, CA 92401-1407

### **CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR A PARK-AND-RIDE LOT, THE TRAFFIC MANAGEMENT CENTER AND SOUTHERN REGIONAL LAB IN THE CITY OF FONTANA (CORPS FILE NO. NOT AVAILABLE)**

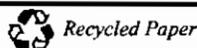
Dear Mr. Williams:

On March 13, 2007, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification), for the proposed construction of the Traffic Management Center and Southern Regional Lab in the City of Fontana. Your application was deemed complete on April 12, 2007. 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:**

The project involves the construction of a park-and-ride lot, Traffic Management Center (TMC) and Southern Regional Lab (SRL) buildings and associated parking and landscaping on approximately 23 acres of a 35-acre State-owned property. The project also includes the construction of a 700-foot long segment of storm drain line D-7 (Line D-7) within the adjacent Victoria Street and its outfall into the San Sevaine Channel. Line D-7 is a part of a Master Drainage Plan and will serve future development east of the project site. Only the park-and-ride lot will be constructed at this time, with the TMC and SRL buildings to be constructed later at an unspecified time. Storm drain laterals will be included to serve the TMC and SRL buildings. The project is located east of the confluence of East Etiwanda Creek Channel and the San Sevaine Channel (a.k.a. Highland Channel), east of Interstate 15 and north of Victoria Road, within Section 34 of Township 1 South and Range 6 West of the U.S. Geological Survey *Fontana, California, 7.5-*

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minute topographic quadrangle map (34 deg. 07 min. 41 sec. N/-117 deg. 30 min. 41 sec. W).

Receiving Waters: San Sevaine Channel.

Fill Area: 0.002 acres of permanent impact to a concrete channel (approximately 10 linear feet).

Dredge Volume: Not applicable.

Federal Permit: US Army Corps of Engineers Nationwide Permit No. 18.

You have proposed to mitigate water quality impacts as described in your application. The proposed mitigation is summarized below:

**Onsite Water Quality Standards Mitigation Proposed:**

- Best Management Practices (BMPs) such as straw blankets, silt fencing, and fiber rolls will be employed to prevent the discharge of construction-related pollutants. A de-silting basin will be employed until the TMC and SRL buildings are constructed.
- Vegetated filter strips are proposed to treat pollutants in storm water discharges from the park-and-ride lot.
- Additional BMPs will be proposed and implemented according to State Water Resources Control Board Order No. 99-06 DWQ.

**Offsite Water Quality Standards Mitigation Proposed:**

- No offsite water quality standards mitigation is proposed.

This certification addresses impacts to water quality standards associated with the dredging or filling of waters of the United States. Construction and post-construction impacts resulting from the project and use of the roadways are addressed by waste discharge requirements issued to the Caltrans by the State Water Resources Control Board in Order No. 99-06 DWQ. These requirements include the development and implementation of appropriate Best Management Practices for the purpose of removing construction-related and transportation-related pollutants from discharges from Caltrans rights-of-way and easements.

You have submitted an application for coverage under a nationwide permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have applied for a Streambed Alteration Agreement with the California Department of Fish and Game. Pursuant to California Environmental Quality Act (CEQA), Caltrans, in conjunction with the Federal Highway Administration, has adopted a Mitigated Negative Declaration/Environmental Assessment (MND/EA), with Caltrans' adoption occurring in

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January of 2005. An addendum to the MND/EA was prepared in January 2006. The Executive Officer has considered Caltrans' MND/EA in the issuance of this Certification.

**This 401 Certification is contingent upon the execution of the following conditions:**

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.

Although we anticipate no further regulatory involvement, 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, we may formulate Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation 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.

In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (Regional Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance. Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. Please notify our office five (5) days before construction begins on this project.

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 [www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf](http://www.swrcb.ca.gov/resdec/wqorders/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,



GERARD J. THIBEAULT  
Executive Officer

cc (via electronic message):

U. S. Army Corps of Engineers, Los Angeles Office – Stephanie Hall  
State Water Resources Control Board, OCC – Erik Spiess  
State Water Resources Control Board, DWQ-Water Quality Certification Unit – John Reynolds and Bill Orme  
California Department of Fish and Game, Ontario Office – Jeff Brandt  
U.S. EPA, Tim Vendlinski, Supervisor of the Wetlands Regulatory Office WTR- 8