



# California Regional Water Quality Control Board

## Santa Ana Region



Linda S. Adams  
Secretary for  
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Arnold Schwarzenegger  
Governor

June 20, 2007

Naresh Varma  
County of San Bernardino  
Department of Public Works  
825 East Third Street  
San Bernardino, CA 92415-0835

### **CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR RANDALL BASIN IMPROVEMENTS, CITY OF SAN BERNARDINO (ACOE REFERENCE NO. NOT AVAILABLE)**

Dear Mr. Varma:

On February 8, 2007, we received a request for Clean Water Act Section 401 Water Quality Standards Certification (Certification) for proposed improvements to Randall Basin, located in the City of San Bernardino. Regional Board staff requested that the County provide an assessment of the flood control facility prior to authorizing its modification, pursuant to Section XIV.2. of Regional Board Order No. R8-2002-0012, NPDES Permit No. CAS618036, commonly known as the San Bernardino County urban storm water runoff permit. The required assessment was received on June 11, 2007, accompanied by amended site plans.

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:           Excavation of Randall basin to increase its bottom area from 6.64 acres to 7.71 acres and the construction of a spillway and outlet gate. The basin bottom will be modified to infiltrate approximately 62% of the 'first-flush' discharge and all nuisance flow discharges from its tributary area. The project is located in Section 13 of Township 1 South, Range 5 West, of the U.S. Geological Survey *San Bernardino South, California*, 7.5-minute topographic quadrangle map (34.05 deg. 10.04 min. N/-117.21 deg. 04.43 min. W).

Receiving water:               Randall Basin.

*California Environmental Protection Agency*



Fill area: 1.07 acres of temporary impact to an earthen flood control basin.

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 35 or Fish and Wildlife Service Section 10 Permit<sup>1</sup>.

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 according to the requirements of Order No. R8-2002-0012, commonly known as the San Bernardino County Municipal Storm Water Permit. Order No. R8-2002-0012 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, Water Quality Order 99-08 DWQ, including the preparation of a SWPPP.

The project is subject to a Nationwide Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act or a Section 10 Permit from the Fish and Wildlife Service. You have applied for a Streambed Alteration Agreement with the California Department of Fish and Game. Pursuant to the California Environmental Quality Act (CEQA), the San Bernardino County Board of Supervisors, acting as the governing body of the Flood Control District, adopted a Negative Declaration for the proposed project on December 5, 2006. The Executive Officer has considered the County's Negative Declaration 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:

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<sup>1</sup> Randall Basin will be connected to the Santa Ana River via a planned storm drain line (Project 3-5). Because this connection has not yet been made, Randall Basin is an isolated water body. However, due to the presence of the endangered Delhi Sands flower-loving fly, a federal permit would otherwise be required from the Fish and Wildlife Service.

- (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.

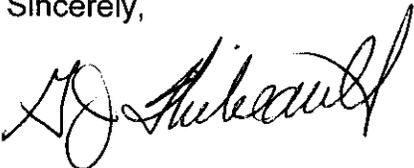
In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (Regional Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the 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 mail):

U. S. Army Corps of Engineers, Los Angeles Office – Gerry Salas  
U.S. Fish and Wildlife Service – Doreen Stadlander  
State Water Resources Control Board, OCC – Erik Spiess  
State Water Resources Control Board, DWQ-Water Quality Certification Unit –  
Nancy Dagle  
California Department of Fish and Game, Ontario Office – Jeff Brandt  
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Tim  
Vendlinski