

State of California  
California Regional Water Quality Control Board  
Santa Ana Region

December 10, 2021

STAFF REPORT

ITEM: \*

**SUBJECT:** San Bernardino International Airport Authority, City Creek Bypass Channel Repair and Maintenance Project, San Bernardino International Airport (SBIA), City of San Bernardino, San Bernardino County, Order No. R8-2021-0058

**DISCUSSION:**

Water Code section 13260, subdivision (a) requires that a report of waste discharge (ROWD) be filed by any person discharging waste or proposing to discharge waste that could affect the quality of the waters of the State (WOTS).

Recent U.S. Supreme Court rulings and U.S. Environmental Protection Agency (USEPA) jurisdictional clarifications regarding the scope of waters of the U.S. (WOTUS) have effectively limited the scope of USACE permitting authority under Clean Water Act (CWA) section 404. As a result, certain discharge activities are no longer considered to be discharges of dredged and fill material to WOTUS or subject to CWA section 404, and no longer require a state Water Quality Standards Certification (Certification) under CWA section 401 that the proposed activity will comply with state water quality standards.

However, to the extent that dredged and fill material are discharged to the WOTS, the Water Boards retain their permitting authority under the Porter-Cologne Water Quality Control Act (Porter Cologne Act), Water Code section 13000 et seq. Permitting occurs in the form of Waste Discharge Requirements (WDRs) prescribed pursuant to Water Code section 13263, subdivision (a).

To clarify whether a CWA section 404 Permit and Certification were required as discussed above, the San Bernardino International Airport Authority (SBIAA; Discharger) requested of the USACE on September 17, 2020, an evaluation of whether any federal waters existed onsite. On October 14, 2020, staff of the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board or Board) informed the Discharger (in response to an inquiry) that the forthcoming application could be used for permitting excavation and fill (dredge and fill) impacts in both federal or non-federal waters, whenever the USACE determined jurisdiction.

On November 30, 2020, on behalf of the Discharger, Jacobs Consultants submitted an application for Waste Discharge Requirements (WDRs; application) for the Discharges of Dredged or Fill Material to Waters of the State, for the City Creek Bypass Channel Repair and Maintenance Project (Project). The application was publicly noticed on December 2, 2020.

The Project was assigned the Santa Ana Water Board WDID No. 362020-15. An application fee of \$1,949.00 was submitted with the application on November 30, 2020. Additional Project impact fees totaling \$61,285.00 were submitted on December 4, 2020. No completeness determination was originally made, although final questions were answered as of permit processing by October 1, 2021.

On February 4, 2021, the USACE responded with an Approved Jurisdictional Determination (File No. SPL-2020-00579) and indicated that WOTUS do not occur in this “man-made ephemeral stream”. All site waters are considered to be solely non-federal WOTS because they do not meet the definition of a “water of the U.S.” and, therefore, are not jurisdictional to the USACE or requiring Certification from the Santa Ana Water Board. Instead, the Santa Ana Water Board staff determined that the Project’s dredge and fill discharges (e.g., shallow excavations, new side panels) would be regulated under WDRs.

The City Creek Bypass Channel (Channel) is a linear, trapezoidal diversion structure located parallel to the south side of Third Street and to the north side of the SBIA, in the City of San Bernardino. Maps showing the Project location are found in Attachment A of the tentative Order No. R8-2021-0058.

The Channel extends west from where City Creek, Victoria Avenue, and Third Street intersect (inlet), to Sterling Avenue at Third Street (outlet). High flows in City Creek are diverted to this Channel to relieve (“bypass”) flooding and damage downstream. A finite volume of storm water is diverted to the Channel and when at the outlet level, the water will exit the Channel outlet to a historic degraded channel that continues southwesterly. The Project area is reported as one mile long with an earthen bottom and concrete side walls. The Channel has 18 drop structures that cross the width of the channel bottom and are spaced throughout its length.

The Channel was degraded by storm events during 2014-2015 and its capacity was exceeded with flooding into the airport area. The Discharger proposes to conduct repairs and ongoing maintenance to rehabilitate the Channel and restore design capacity to contain high flows efficiently. The repairs would replace damaged concrete side-wall panels with anchored reinforced panels. Culvert pipes that empty into the Channel would be repaired. Debris and trash would be cleaned out from the Channel bottom and inlet/outlet structures.

Up to 8,000 cubic yards of excess sand and silt would be removed for transport by sediment brokers to construction sites. Sixteen drop structures require repair, and along

each one, large rock riprap would replace dislodged riprap for improved energy dissipation. Subsequent to this work, routine quarterly and bi-annual maintenance would continue to remove all debris, vegetation, and excess sediment to ensure that the Channel retains conveyance function. An annual survey would measure the amount of excess sediment for future removal.

The Discharger would conduct the repairs and maintenance interspersed throughout 5,280 linear feet and a channel bottom 30 feet wide (3.64 acres; application). Replacement of multiple side panels however, would include the entire Channel cross-section at a 50-ft width (6.06 acres). Temporary and permanent impacts within the entire cross-section would be permitted by both the Santa Ana Water Board and the California Department of Fish and Wildlife, Region 6 (CDFW).

On September 7, 2021, the CDFW issued Lake and Streambed Alteration Agreement (LSA) No. EPIMS-SBR-14008-R6 for the Project and required no mitigation but instead a set of biologically related measures and conditions. On October 13, 2021, the Santa Ana Water Board Executive Officer issued a letter provisionally authorizing the Discharger to proceed, though restrictions were added to ensure no threatened or endangered species were present prior to the Discharger starting work. The Santa Ana Water Board considers those measures and conditions referenced above, as well as conditions in these WDRs, to suffice as mitigation for impacts to WOTS and its beneficial uses.

The existing and potential beneficial uses of City Creek and connected waterways, listed in the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan), are Municipal and Domestic Supply (MUN), Groundwater Recharge (GWR), Wildlife Habitat (WILD), Water Contact Recreation (REC 1), Non-Contact Water Recreation (REC 2), and Warm Freshwater Habitat (WARM).

The Discharger has conducted previous surveys (2018, 2019) for the occupation of the San Bernardino Kangaroo Rat (SBKR) (*Dipodomys merriami parvus*) and the Burrowing Owl (*Athene cunicularia*). Both species could be present within local sandy channels, though the surveys indicated that suitable habitat, occurrence, and corridor transit are unlikely. On the opposite side of the airport (southern boundary) from the Project area, the Discharger maintains two conservation management areas (CMAs) for SBKR, in agreement with the U.S. Fish and Wildlife Service.

The Discharger has been conditioned by the provisional authorization letter to submit a "Commencement of Construction Report" at least seven days prior to initial ground disturbance and a "Preconstruction Endangered Species Report" at least three days prior to initiating Project activities. The latter report must list observed habitat conditions and any current occupation by the sensitive species known in this area. In October 2021 one burrowing owl was found in the eastern portion of the Channel. The CDFW was notified that a large work buffer zone would be implemented around its location.

The Order requires an annual report on Project construction work, submitted by the anniversary date of Santa Ana Water Board adoption. Further, the Project would implement best management practices (BMPs) to prevent further sedimentation from erosion and any other potential pollutant discharges that could impact surface waters. Project work would be conducted when no flow is present. The Discharger has declared that after flow sequences, inspections would determine whether specific repairs are necessary for a minimum one-acre area and, thus, require coverage under the construction storm water permit and development of a Storm Water Pollution Prevention Plan (SWPPP). However, Board staff notes that a construction storm water permit will be needed for the Project.

The adoption of WDRs for maintenance of an existing facility is exempt from the procedural requirements of the California Environmental Quality Act (CEQA), in accordance with section 15301 of the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.).

For further information on the proposed Project, please contact Santa Ana Water Board staff Glenn Robertson at [Glenn.Robertson@waterboards.ca.gov](mailto:Glenn.Robertson@waterboards.ca.gov)

**RECOMMENDATION:**

Adopt Order No. R8-2021-0058 as presented.

**Comments were solicited from the following:**

U.S. Environmental Protection Agency ([R9cwa401@epa.gov](mailto:R9cwa401@epa.gov))

Vanessa Navarro, U.S. Army Corps of Engineers, Los Angeles District  
([Vanessa.Navarro@usace.army.mil](mailto:Vanessa.Navarro@usace.army.mil)) (File No. SPL-2020-00579-VN)

Marina Barton, California Department of Fish and Wildlife, Region 6  
([Marina.Barton@wildlife.ca.gov](mailto:Marina.Barton@wildlife.ca.gov)) (LSA No. EPIMS-SBR-14008-R6)

David Lancaster, State Water Board, Office of the Chief Counsel  
([David.Lancaster@waterboards.ca.gov](mailto:David.Lancaster@waterboards.ca.gov))

State Water Board, Division of Water Quality – Water Quality Certification Unit  
([Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov))

James Harris, SBIAA [jharris@sbdairport.com](mailto:jharris@sbdairport.com)

Tom Dodson, CEQA Consultant [tda@tdaenv.com](mailto:tda@tdaenv.com)

Lisa Patterson, Jacobs Consultants, Yucaipa [Lisa.Patterson@jacobs.com](mailto:Lisa.Patterson@jacobs.com)

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State of California  
California Regional Water Quality Control Board  
Santa Ana Region

Order No. R8-2021-0058

Waste Discharge Requirements  
for  
San Bernardino International Airport Authority  
City Creek Bypass Channel Repair and Maintenance Project  
City of San Bernardino, San Bernardino County

**Findings**

The California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board), finds that:

1. This Order prescribes Waste Discharge Requirements (WDRs) for San Bernardino International Airport Authority's (SBIAA or Discharger) City Creek Bypass Channel Repair and Maintenance Project (Project), which is to be conducted north of the San Bernardino International Airport (SBIA).
2. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the operative Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) and other plans and policies. The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the State (WOTS), water quality objectives (WQOs) to protect those uses, and State and federal antidegradation policies.
3. The Santa Ana Water Board has the authority to regulate the discharge of dredged and fill materials through the issuance of Waste Discharge Requirements (WDRs) pursuant to Water Code section 13263. The Santa Ana Water Board has determined that WDRs are necessary to adequately address the Project's potential impacts to the beneficial uses of WOTS.
4. This Order regulates the discharge of dredged and fill material to WOTS.
5. On November 30, 2020, Jacobs Consultants submitted an application for Project WDRs on behalf of the Discharger; the Project was assigned Santa Ana Water Board WDID No. 362020-15. The application was not determined complete at that time by staff, but it was complete as of final processing by October 1, 2021.
6. An application fee of \$1,949.00 was received with the application on November 30, 2020. Additional Project impact fees totaling \$61,285.00 were submitted on

December 4, 2020. The fee amount was determined as required by California Code of Regulations, title 23 (Title 23), sections 3833(b)(3) and 2200(a)(3); and was calculated as Category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

7. On January 23, 2020, the U.S. Environmental Protection Agency (USEPA) and U.S. Army Corps of Engineers (USACE) issued the Navigable Waters Protection Rule, which revised the definition of waters of the U.S. (WOTUS). On October 14, 2020, the Discharger was informed (in response to inquiry) that the pending application could be used for permitting excavation and fill ("dredge and fill") impacts in both federal or non-federal waters, whenever the USACE determined jurisdiction. On February 4, 2021, the USACE issued an Approved Jurisdictional Delineation (File No. SPL-2020-00579) that determined that no WOTUS were present within the Project.
8. The Discharger proposes to conduct repairs and ongoing maintenance to restore the degraded City Creek Bypass Channel (Channel) to design capacity and function. The Channel was damaged by storm events in 2014-2015. The goal is to efficiently contain excessive flows diverted from City Creek to the Channel ("bypass") to relieve flooding by City Creek downstream. The Channel is a linear, trapezoidal diversion structure that extends west from City Creek and parallel to the south side of Third Street and to the north side of the SBIA. The Channel is one mile long (5,280 linear feet) with concrete side walls and an earthen bottom. Drop structures cross the Channel width for energy dissipation. A finite volume of storm water is diverted to the Channel and when the water rises to the level of its outlet (adjacent to Sterling Avenue), it exits the Channel outlet to a historic degraded channel that continues southwesterly.
9. The repairs would replace damaged concrete side-wall panels with anchored reinforced panels. Debris and trash would be cleaned out from the Channel bottom and inlet/outlet structures. Of 18 drop structures, 16 would be repaired with installation of larger riprap than currently present along each structure. Culvert pipes that empty into the Channel would be repaired. Up to 8,000 cubic yards of excess sand and silt would be removed for transport by sediment brokers to construction sites. Subsequent to this work, routine quarterly and bi-annual maintenance would continue to remove all debris, vegetation, and excess sediment to ensure that the Channel retains conveyance function.
10. On October 13, 2021, the Santa Ana Water Board Executive Officer issued a letter provisionally authorizing the Discharger to proceed with certain construction and maintenance activities prior to the adoption of this Order, provided that the Discharger implemented certain "Avoidance and Minimization Measures". Most of these measures pertain to the prevention of pollutants from entering or leaving the Project site.

## San Bernardino International Airport Authority

## City Creek Bypass Channel Repair and Maintenance Project

11. The Project will implement Best Management Practices (BMPs) to prevent further sedimentation from erosion and other potential pollutant discharges that could impact surface waters. Additionally, activities will be conducted only when no flow is present in the Channel.
12. The Project is located within the City of San Bernardino, San Bernardino County (34.106534 °N / -117.235385 °W), where City Creek meets the corner of Victoria Avenue and Third Street. At City Creek, flows enter the inlet to the Channel. The Channel extends west along the north side of the SBIA and south of Third Street, to the corner of Sterling Avenue and Third Street (outlet). Maps showing the Project location are found in Attachment A of this Order.
13. It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.
14. City Creek has the following designated beneficial uses (existing or potential):
  - i. Municipal and Domestic Supply (MUN)
  - ii. Groundwater Recharge (GWR)
  - iii. Water Contact Recreation (REC 1)
  - iv. Non-contact Water Recreation (REC 2)
  - v. Warm Freshwater Habitat (WARM)
  - vi. Wildlife Habitat (WILD)
15. The Project would temporarily and permanently impact a total of 6.06 acres of Channel cross-section, of which 3.64 acres are earthen Channel bottom along 5,280 linear feet of WOTS. The Channel is considered to represent onsite WOTS, although work would be conducted outside of flows. Impacts include sediment removal, minor excavation, replacement of side-wall panels, installation of riprap along 16 of 18 drop structures, and related repairs and maintenance to restore the Channel to design capacity and function. Approximately 960 square feet of new impervious surface area would be created by the Project.
16. There are no wetlands or riparian vegetation among the silt, sand, and rock clasts. There would be no physical loss or degradation of an ecological condition. Therefore, formal mitigation is not required. Instead, the Discharger would compensate for impacts to 6.06 acres of the Channel and beneficial uses by fulfilling conditions and provisions within this Order, the Executive Officer's October 13, 2021 provisional authorization, and other permits (California Department of Fish and Wildlife Lake and Streambed Alteration Agreement (LSA) No. EPIMS-SBR-14008-R6).



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## City Creek Bypass Channel Repair and Maintenance Project

17. Water Code section 13263 authorizes the Santa Ana Water Board, after any necessary hearing, to prescribe requirements as to the nature of any proposed discharge with relation to the conditions existing in the disposal area or receiving waters upon, or into which, the discharge is made or proposed. The requirements must implement any relevant water quality control plans that have been adopted and take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Water Code section 13241. In accordance with subdivision (g) of Water Code section 13263, all discharges of waste into WOTS are privileges, not rights, and the WDRs in this Order shall not create a vested right to continue to discharge and are subject to rescission or modification.
18. Pursuant to Water Code section 13267, the Santa Ana Water Board, in establishing or reviewing any water quality control plan or WDRs, or in connection with any action relating to any plan or requirement authorized by Water Code section 13000 et seq., may investigate the quality of any WOTS within its region. In conducting such an investigation, the Santa Ana Water Board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, furnish, under penalty of perjury, technical or monitoring program reports. The burden, including costs, of these reports must bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. The WDRs contained in this Order incorporate requirements for water quality monitoring and Project reporting, which are necessary to ensure that the discharge of dredged and fill material complies with WDRs and is protective of the environment.
19. The WDRs in this Order are adopted pursuant to Water Code sections 13263 and 13267. The WDRs set forth the requirements, prohibitions, and other conditions to implement the Basin Plan, and the Discharger's responsibilities for monitoring and reporting. The Discharger is responsible for ensuring compliance with the WDRs. In addition, this Order regulates the discharge of fill material to WOTS.
20. In September 2020, the Discharger issued a Notice of Exemption (NOE) under the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq., citing the categorical exemption for "existing facilities" per section 15301 of the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) (State Clearinghouse No. 2020090451).
21. The Santa Ana Water Board concurs that the Project is categorically exempt from procedural requirements of CEQA per CEQA Guidelines section 15301. The proposed activities pertain to maintenance of an existing facility, structure and/or feature, and will not involve any substantial increases in uses of the same.

22. The Santa Ana Water Board has considered antidegradation pursuant to State Water Resources Control Board (State Water Board) Resolution No. 68-16 and Title 40, Code of Federal Regulations section 131.12 and finds that the discharge permitted under this Order is consistent with those provisions. This Project is not anticipated to result in the degradation of WOTS. The WDRs ensure that the highest level of water quality is maintained consistent with the maximum benefit to the people of the State.
23. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and Title 23, section 2050 et seq. Additionally, the Santa Ana Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Discharger, if the Santa Ana Water Board determines that the Project fails to comply with any of the conditions of this Order, or when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Water Code, sections 13000 et seq).
24. The Santa Ana Water Board has notified the Discharger and other interested agencies and persons of its intent to prescribe WDRs for the discharge and has provided them with an opportunity for public hearing and an opportunity to submit their written views and recommendations.

### **Requirements**

**IT IS HEREBY ORDERED** that the Discharger shall comply with the following waste discharge requirements:

- A. Discharge Specifications:
  1. No activities associated with the Project shall cause or threaten to cause a nuisance or pollution as defined in Water Code section 13050.
  2. The discharge of any substance in concentrations toxic to animal or plant life is prohibited.
  3. The groundwater in the vicinity of the Project shall not be degraded as a result of the Project activities or placement of fill for the Project.
  4. The discharger shall comply with conditions described in and required by the State Water Board's NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ, as amended by Order No. 2012-0006-DWQ; NPDES No. CAS000002) and any subsequent iterations thereof.

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## City Creek Bypass Channel Repair and Maintenance Project

5. The discharger shall comply with the local regulations associated with the Santa Ana Water Board's Municipal Storm Water Permit issued to San Bernardino County and co-permittees under NPDES No. CAS618036 and WDR Order No. R8-2010-0036, and subsequent iterations thereof.
6. If construction dewatering discharges, including temporary stream diversions, are necessary to carry out the Project, the discharger shall comply with Santa Ana Water Board Order No. R8-2020-0006, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimis) Threat to Water Quality.
7. The discharge of fill materials shall be limited to the placement of native fill and "inert waste," as defined per California Code of Regulations, title 27 (Title 27), section 20230. The discharge of fill material other than native soil is prohibited, unless authorized by the Santa Ana Water Board.

## B. Discharge Prohibitions:

1. The direct discharge of wastes, including rubbish, refuse, bark, sawdust, or other solid or liquid wastes, into channels, surface waters, or any place where they would contact or be eventually transported to surface waters, including flood plains, is prohibited.
2. The discharge of oil or other floating materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity, or discoloration in surface waters is prohibited.
3. The discharge of silt, sand, clay, or other earthen materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity, or discoloration in surface waters is prohibited.
4. Discharges to surface waters of wastes or pollutants that are not otherwise regulated by a separate NPDES permit are prohibited.
5. During the grading and filling operation, there shall be no onsite fueling, lubrication, changing of oil or other equipment fluids and their filters, or any other maintenance or storage of construction equipment within or next to drainage areas or other surface runoff conveyances.

## C. Provisions

1. Prior to the start of Project grading activities, the Discharger shall submit a *Preconstruction Endangered Species Report* to the Santa Ana Water Board to determine any presence of threatened or endangered plant and animal species. The conditions of the Executive Officer's October 13, 2021 provisional authorization letter shall be followed by the Discharger.

San Bernardino International Airport Authority

City Creek Bypass Channel Repair and Maintenance Project

2. Low impact development features and construction and post-construction best management practices (BMPs) shall be implemented as described in the preliminary Water Quality Management Plan submitted with the application.
3. The Discharger shall maintain a copy of this Order at the Project site so that it is always available to site operating personnel. Key operating personnel shall be familiar with the Order's content.
4. The Discharger shall comply with all of the requirements of this Order. Any violation of this Order constitutes a violation of the Water Code, may constitute a violation of the CWA and related regulations, and is grounds for enforcement action, termination of this Order, revocation and re-issuance of this Order, denial of an application for re-issuance of this Order, or a combination thereof.
5. The Discharger shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment.
6. The provisions of this Order are severable and, if any provision of this Order or the application of any provisions of this Order to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Order shall not be affected thereby.
7. The filing of a request by the Discharger for modification, revocation and re-issuance, or termination of this Order or a notification of planned changes or anticipated noncompliance does not stay any requirements of this Order.
8. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the Discharger from liabilities under federal, State, or local laws, nor guarantee the Discharger a capacity right in the receiving waters.
9. This Order does not convey any property rights of any sort, or any exclusive privilege.
10. The Discharger shall submit to the Santa Ana Water Board staff reports and notices per the checklist and cover page noted in Attachment B, along with the perjury statement in Attachment C.

11. This Order is not transferable in its entirety or in part to any person or organization except after notice to the Santa Ana Water Board in accordance with the following terms:
  - a. The Discharger shall notify the Santa Ana Water Board by submitting a Transfer of Property Ownership Report of any change in ownership or interest in ownership of the Project area. The Discharger and purchaser shall sign and date the notification and provide such notification to the Santa Ana Water Board at least ten days prior to the transfer of ownership. The purchaser shall also submit a written request to the Santa Ana Water Board to be named as the discharger in a revised order.
  - b. Until such time as this Order has been modified to name the purchaser as the discharger, the Discharger identified in this Order shall continue to be responsible for all requirements set forth in this Order.
12. In the event of any change in control or ownership of land or waste discharge facility presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be forwarded to the Santa Ana Water Board.
13. The Discharger shall submit to the Santa Ana Water Board an annual report each year on the anniversary of this Order. Annual reporting shall continue until a *Notice of Project Complete Letter* is issued to the Discharger. The contents of the annual report shall include a Project status, construction summary, and schedule (including ground disturbance, site clearing and grubbing, and site construction), and the implementation status of BMPs during the active discharge period. If the Project has not started, the Discharger shall provide an estimated start date and reasons for delay.
14. The Discharger shall submit a *Commencement of Construction Report* to the Santa Ana Water Board at least seven days prior to start of initial ground disturbance activities.
15. The Discharger shall submit a *Request for Notice of Completion of Discharges Letter* following completion of active Project construction activities, including any required restoration and Discharger-responsible mitigation. This request shall be submitted to the Santa Ana Water Board staff within thirty days following completion of all Project construction activities. Upon acceptance of the request, Santa Ana Water Board staff

will issue to the discharger a *Notice of Completion of Discharges Letter*, which will end the active discharge period and, if appropriate, associated annual fees.

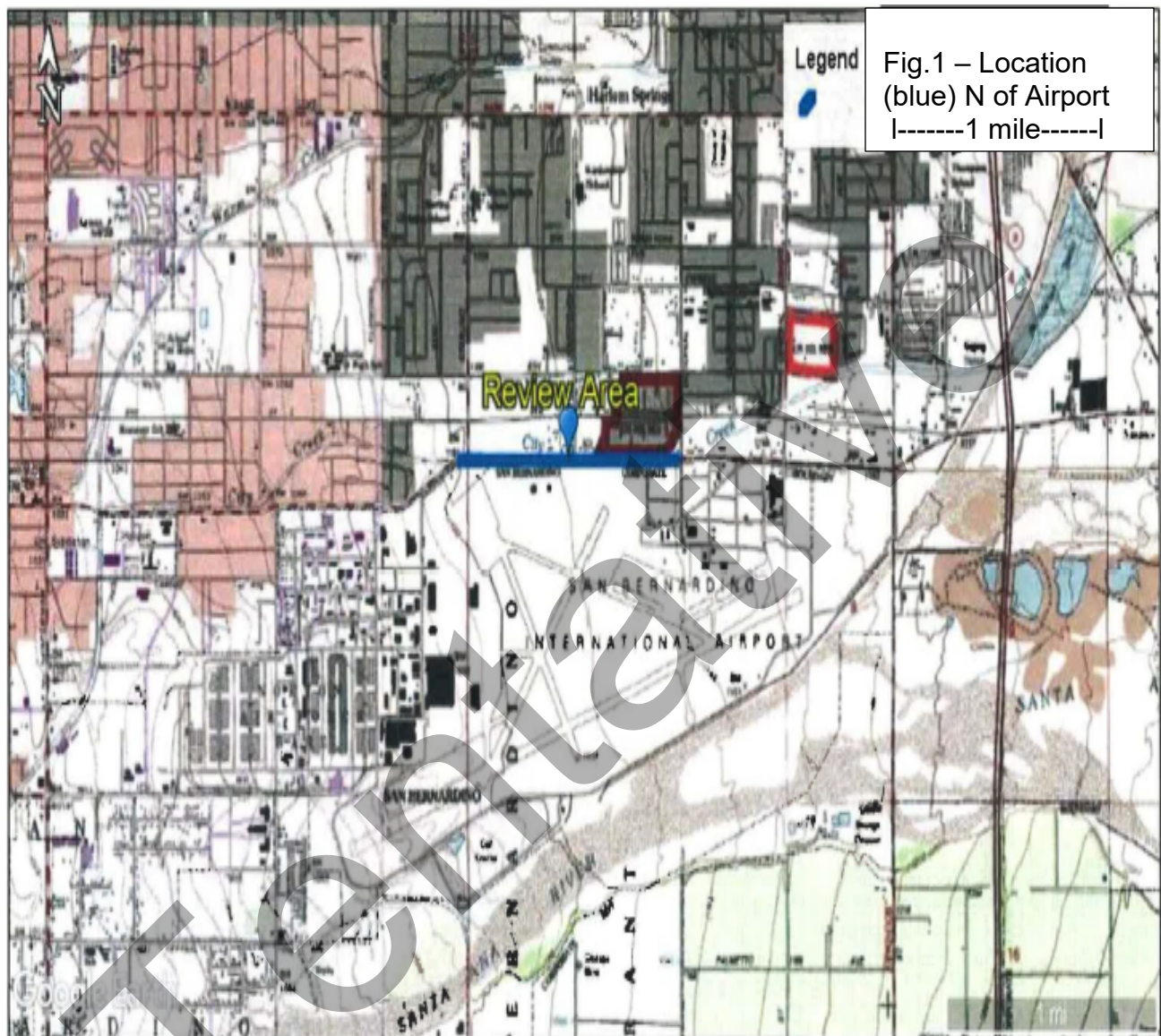
16. The Discharger shall submit a *Request for Notice of Project Complete Letter* when construction and any required post-construction monitoring is complete and no further Project activities will occur. This request shall be submitted to Santa Ana Water Board staff within thirty days following completion of all Project activities. Upon approval of the request, the Santa Ana Water Board staff will issue to the discharger a *Notice of Project Complete Letter*, which will end the post-discharge monitoring period and associated annual fees.
17. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. Records may be maintained electronically. This period may be extended during the course of any unresolved enforcement action or litigation regarding this discharge or when requested by the Santa Ana Water Board.
18. The Santa Ana Water Board and other authorized representatives shall be allowed to:
  - a. Enter premises where a regulated facility or activity is located or conducted, or where records are kept under the requirements of this Order;
  - b. Access and copy any records that are kept under the requirements of this Order;
  - c. Inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
  - d. Photograph, sample, and monitor for the purpose of assuring compliance with this Order.
19. This Order becomes effective on the date of adoption by the Santa Ana Water Board.
20. This Order will remain valid for five years from the date of this Order's adoption. This Order expires on December 10, 2026 and the Discharger must file a new dredge and fill application in accordance with Title 23, Division 3, Chapter 9 of the California Code of Regulations not later than

180 days in advance of this expiration date. The application, with filing fee, will be discussed between the Discharger and Santa Ana Water Board staff with regard to any need for additional information and changes in fees, prior to the issuance of new WDRs.

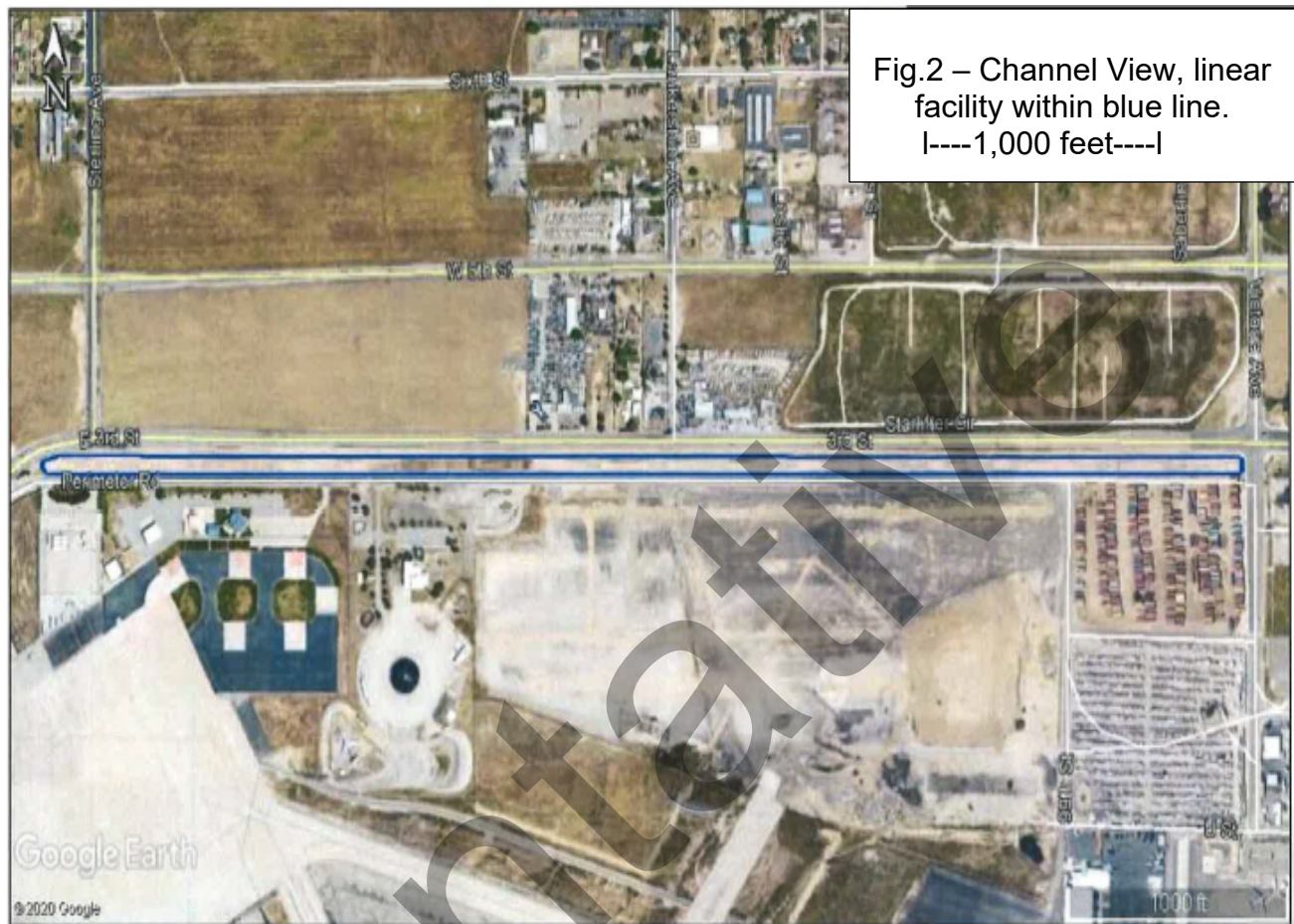
I, Jayne Joy, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on December 10, 2021.

**JAYNE JOY, P.E.**  
Executive Officer

San Bernardino International Airport Authority  
City Creek Bypass Channel Repair and Maintenance Project  
Attachment A







**Copies of this Form**

In order to identify your Project, it is necessary to include a copy of the Project-specific Report and Notification Cover Sheet below with your report (see page 3). Please retain a copy for your records.

**Report Submittal Instructions**

- 1) Check the box on the *Report and Notification Cover Sheet* next to the report or notification you are submitting.
  - a) Part A (Annual Report): Submitted annually from the anniversary of the Project effective date until a Notice of Project Complete Letter is issued.
  - b) Part B (Project Status Notifications): Used to notify the Santa Ana Water Board of the status of the Project schedule that may affect Project billing.
- 2) Sign the *Report and Notification Cover Sheet* and attach all information requested for the Report Type.
- 3) Electronic Report Submittal Instructions:
  - a) Submit signed *Report and Notification Cover Sheet* and required information via email to: [RB8-401Reporting@waterboards.ca.gov](mailto:RB8-401Reporting@waterboards.ca.gov)
  - b) Include in the subject line of the email: Order R8 2021-0058 and Report Type Name

**Definition of Reporting Terms**

- 1) **Active Discharge Period:** The active discharge period begins with the effective date of this Order and ends on the date that the Discharger receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project, including site construction and restoration, and any Discharger-responsible compensatory mitigation construction.
- 2) **Request for Notice of Completion of Discharges Letter:** This request by the Discharger to the Santa Ana Water Board staff pertains to projects that have post construction monitoring requirements (e.g., if site restoration were required to be monitored for five (5) years following construction). Santa Ana Water Board staff will review the request and send a Completion of Discharges Letter to the Discharger upon approval. This letter will initiate the post-discharge monitoring period and a change in fees from the annual active discharge fee to the annual post-discharge monitoring fee.
- 3) **Request for Notice of Project Complete Letter:** This request by the Discharger to the Santa Ana Water Board staff pertains to projects that either have completed

**Definition of Reporting Terms**

post-construction monitoring and achieved performance standards, or have no post-construction monitoring requirements and no further Project activities are planned. Santa Ana Water Board staff will review the request and send a Project Complete Letter to the Discharger upon approval. Termination of annual invoicing of fees will correspond with the date of this letter.

**Map/Photo Documentation Information**

When submitting maps or photos, please use the following formats.

**1. Map Format Information:**

Preferred map formats of at least 1:24000 (1" = 2000') detail (listed in order of preference):

- **GIS shapefiles:** The shapefiles shall depict the boundaries of all Project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and, if possible, provide map with a North American Datum of 1983 (NAD83) in the California Teale Albers projection in feet.
- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps shall show the boundaries of all Project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used, include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps shall show the boundaries of all Project areas and extent/type of aquatic resources impacted. If this format is used, include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Aquatic resource maps marked on paper **USGS 7.5-minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps shall show the boundaries of all Project areas and extent/type of aquatic resources impacted. If this format is used, include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

- 2. Photo-Documentation:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post-construction conditions.

Report and Notification Cover Sheet
<b>Project:</b>
<b>Discharger:</b>
<b>Order No.:</b>
<b>Order Effective Date:</b>

Report Type Submitted
<input type="checkbox"/> Report Type 1: Annual Report
<input type="checkbox"/> Report Type 2: Commencement of Construction Report
<input type="checkbox"/> Report Type 3: Request for Notice of Completion Dischargers Letter
<input type="checkbox"/> Report Type 4: Request for Notice of Project Complete Letter
<input type="checkbox"/> Report Type 5: Transfer of Property Ownership Report

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

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STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)

I hereby authorize \_\_\_\_\_ to act in my behalf as my representative in the submittal of this report, and to furnish upon request supplemental information in support of this submittal.

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San Bernardino International Airport Authority

SBIAA City Creek Bypass Channel Repair and Maintenance Project

Attachment B

<b>Report Type 1</b>	<b>Annual Report</b>
<b>Purpose:</b>	Notify the Santa Ana Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
<b>When to Submit:</b>	Annual reports shall be submitted each year by the effective date. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Discharger.
<b>Report Contents:</b>	<p><b>Part A:</b></p> <ol style="list-style-type: none"><li>1. Project progress and schedule, including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water BMPs. If construction has not started, provide estimated start date and reasons for delay.</li></ol> <p><b>Part B:</b></p> <ol style="list-style-type: none"><li>1. Planned date of initiation of compensatory mitigation site installation.</li><li>2. If installation is in progress, a map of what has been completed to date.</li><li>3. If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan.</li><li>4. Mitigation Bank or In-Lieu Fee (ILF)</li><li>5. Status or proof of purchase of credit types and quantities.</li><li>6. Include the name of bank/ILF Program and contact information.</li></ol>

San Bernardino International Airport Authority

SBIAA City Creek Bypass Channel Repair and Maintenance Project

Attachment B

<b>Report Type 2</b>	<b>Commencement of Construction</b>
<b>Purpose:</b>	Notify the Santa Ana Water Board staff prior to the start of construction.
<b>When to Submit:</b>	Must be received at least seven (7) days to start of initial ground disturbance activities.
<b>Report Contents:</b>	<ol style="list-style-type: none"> <li>1. Date of commencement of construction.</li> <li>2. Anticipated date when discharges to waters of the State will occur.</li> <li>3. Project schedule milestones, including a schedule for onsite compensatory mitigation, if applicable.</li> </ol>

<b>Report Type 3</b>	<b>Request for Notice of Completion of Discharger Letter</b>
<b>Purpose:</b>	Notify Santa Ana Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and Discharger-responsible compensatory mitigation, is complete.
<b>When to Submit:</b>	Must be received by Santa Ana Water Board staff within thirty (30) days following completion of all Project activities.
<b>Report Contents:</b>	<ol style="list-style-type: none"> <li>1. Status of storm water Notice of Termination(s), if applicable.</li> <li>2. Status of post-construction storm water BMP installation.</li> <li>3. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized.</li> <li>4. Summary of Deviation discharge quantities compared to initial authorized impacts to waters of the State, if applicable.</li> <li>5. An updated monitoring schedule for mitigation for temporary impacts to waters of the State and Discharger-responsible compensatory mitigation during the post-discharge monitoring period, if applicable.</li> </ol>



San Bernardino International Airport Authority

SBIAA City Creek Bypass Channel Repair and Maintenance Project

Attachment B

Report Type 4	Request for Notice of Project Complete Letter
<b>Purpose:</b>	Notify Santa Ana Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
<b>When to Submit:</b>	Must be received by Santa Ana Water Board staff within thirty (30) days following completion of all Project activities.
<b>Report Contents:</b>	<p><b>Part A: Mitigation for Temporary Impacts</b> (if applicable)</p> <ol style="list-style-type: none"><li>1. A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance that could result in a discharge to waters of the State.</li><li>2. A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the State. Pre- and post-photo documentation of all restoration sites.</li></ol> <p><b>Part B: Discharger-Responsible Compensatory Mitigation</b> (if applicable)</p> <ol style="list-style-type: none"><li>1. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.</li><li>2. Status on the implementation of the long-term maintenance and management plan and funding of endowment.</li><li>3. Pre- and post-photo documentation of all compensatory mitigation sites.</li><li>4. Final maps of all compensatory mitigation areas (including buffers).</li></ol>

San Bernardino International Airport Authority

SBIAA City Creek Bypass Channel Repair and Maintenance Project

Attachment B

<b>Report Type 5</b>	<b>Transfer of Property Ownership</b>
<b>Purpose:</b>	Notify Santa Ana Water staff of change in ownership of the Project or Discharger-responsible mitigation area.
<b>When to Submit:</b>	At least ten (10) working days prior to the transfer of ownership.
<b>Report Contents:</b>	<ol style="list-style-type: none"><li>1. A statement that the Discharger has provided the purchaser with a copy of this Order and that the purchaser understands and accepts:<ul style="list-style-type: none"><li>• the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and</li><li>• responsibility for compliance with any long-term BMP maintenance plan requirements in this Order.</li></ul></li><li>2. A statement that the Discharger has informed the purchaser to submit a written request to the Santa Ana Water Board to be named as the Discharger in a revised order.</li></ol>



## SIGNATORY REQUIREMENTS

*All Documents Submitted In Compliance With This Order  
Shall Meet The Following Signatory Requirements:*

1. All applications, reports, or information submitted to the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) shall be signed and certified as follows:
  - a. For a corporation, by a responsible corporate officer of at least the level of vice-president.
  - b. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  - c. For a municipality, or a State, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
  - a. The authorization is made in writing by a person described in items 1.a through 1.c above.
  - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
  - c. The written authorization is submitted to the Santa Ana Water Board staff contact prior to submitting any documents listed in item 1 above.
3. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

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