State Water Resources Control Board

WATER QUALITY ORDER WQ 2026-0033-DWQ CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION

Issuance Date:	Upon Deputy Director's Signature
Expiration Date:	Five Years from Issuance Date
Project:	San Bernardino County Flood Control Facilities 2026 Routine Maintenance Project (Project)
Project Type:	Channel Construction and Maintenance
Program Type:	Fill/Excavation
Identifiers:	
WDID No:	**SB26024IN**
USACE No[1]:	**SPL-2026-00355-VN, SPL-2026-00356-VN, SPL-2026-00357-VN, SPL-2026-00358-GSH, SPL-2026-00359-GSH, SPL-2026-00360-GSH, SPL-2026-00361-GSH, SPL-2026-00362-GSH, SPL-2026-00363-GSH, SPL-2026-00364-GSH, SPL-2026-00365-GSH, SPL-2026-00366-GSH, SPL-2026-00367-GSH, SPL-2026-00368-GSH, SPL-2026-00369-GSH, SPL-2026-00370-SLP, SPL-2026-00371-SLP, SPL-2026-00372-SLP, SPL-2026-00373-SLP, SPL-2026-00374-SLP, SPL-2026-00375-SLP, SPL-2026-00376-SLP, SPL-2026-00377-SLP, SPL-2026-00378-SLP, SPL-2026-00379-SLP, SPL-2026-00380-SLP, SPL-2026-00381-SLP, SPL-2026-00382-SLP, SPL-2026-00383-SLP, SPL-2026-00384-SLP, SPL-2026-00385-SLP, SPL-2026-00386-SLP, SPL-2026-00387-SLP, SPL-2026-00554-SLP, SPL-2026-00555-SLP, SPL-2026-00556-SLP, SPL-2026-00634-SLP**
Federal Lic:	**Nationwide Permits 3 and 31**
Place ID:	**906708**
Reg. Meas. ID:	**465195**
Permittee:	San Bernardino County Flood Control District

[1] Individual USACE file numbers were issued to the flood control facilities that are waters of the United States.

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Table of Contents

I. Summary 4
II. Findings 4
III. Project Purpose and Description 5
IV. Project Impact and Receiving Waters Information 5
V. Description of Direct Impacts to Waters of the State 6
VI. Description of Indirect Impacts to Waters of the State 6
VII. Avoidance and Minimization 7
VIII. Conditions 7
IX. Public Notice 19
X. California Environmental Quality Act (CEQA) 19
XI. Petitions for Reconsideration 19
XII. Water Quality Certification 19

Attachment A: Receiving Waters and Impact Information
Attachment B: Project Maps
Attachment C: Report and Notification Requirements
Attachment D: Signatory Requirements
Attachment E: Deviation Procedures

I. Summary

This grant of Clean Water Act (CWA) section 401 certification (Order) with conditions is issued at the request of the San Bernardino County Flood Control District (hereinafter Permittee) for the Project. A complete application was submitted on October 23, 2026, as verified by Water Board staff.

II. Findings

A. This Order is adopted pursuant to CWA section 401 and the California Porter-Cologne Water Quality Control Act (Wat. Code § 13000, *et seq*.). This Order also serves as waste discharge requirements in accordance with State Water Board Water Quality General Order No. 2003-0017-DWQ. Discharges to waters of the state are prohibited except when in accordance with Water Code section 13264.

B. Any violation or threatened violation of the conditions of this Order shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law, including the CWA and the Porter-Cologne Water Quality Control Act.

C. In response to a suspected violation of any condition of this Order, the Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

D. This Order and all conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project.

E. This Order does not provide coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order WQ 2022-0057-DWQ; NPDES No. CAS000002).

F. This Order does not provide coverage under the NPDES General Permit for Residual Aquatic Pesticide Discharges to Waters of the United States from Algae and Aquatic Weed Control Applications (Order No. 2013-0002-DWQ (General Permit No. CAG990005) or any subsequently issued permit). The Permittee is responsible for meeting all requirements of General Permit No. CAG990005 (or subsequently issued permit) for any application of aquatic herbicide.

G. This Order does not authorize any act which results in the take of a threatened, endangered or candidate species, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a “take” will result from any act authorized under this Order, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take.

The Permittee is responsible for meeting all requirements of the applicable Endangered Species Act for the Project authorized under this Order.

III. Project Purpose and Description

Project Purpose: The purpose of the Project is to maintain design capacity of existing flood control facilities, such as basins and stream channels, for flood protection and public safety.

Project Description: The Project involves routine maintenance activities, including the following:

A. Mechanized land clearing: Removal of sediment, debris and trash from a channel and grading the channel inverts or basin bottoms to properly convey flows.

B. Vegetation management: Removal of vegetation that prevents the proper conveyance of storm flows downstream or which compromises the integrity of structures.

C. Ingress/egress maintenance: Maintenance of access roads including fencing and gate repairs, signage, road grading, and pavement repairs.

D. Flood control structure repair: Repair or in-kind replacement of appurtenant structures such as inlets, outlets, culverts, spillways, bottom controls, water quality structures, riprap, stream gages, and channel inverts.

E. Bank repair: Removal of excess sediment from channel inverts and basin bottoms, or from onsite/off-site stockpile locations, and placement onto side slopes. Also, repositioning or replacement of incidental riprap to stabilize slopes, repair of grouted and ungrouted sections of rock, and repair or replacement of steel revetment with more revetment or riprap rock.

F. Stockpile maintenance: Placement of material (debris and sediment from facilities) at specifically designated upland locations for temporary storage and use in repairs.

G. Graffiti removal: Cleanup of discarded spray paint cans and removal of graffiti by applying paint to a concrete facility.

A complete list of maintenance activities is provided in the Project application.

Project Location: The Project includes multiple existing flood control facilities located throughout San Bernardino County. Location coordinates for each facility are listed in Table 2 of Attachment A. Maps showing the locations of designated flood control facilities are found in Attachment B.

IV. Project Impact and Receiving Waters Information

The Project is located within the jurisdictions of the Lahontan, Colorado River Basin, and Santa Ana Regional Water Quality Control Boards. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable water quality control plans (Basin Plan). The plan for each region and other plans and policies may be accessed at the State Water Resources Control Board's Plans and Policies Web page (http://www.waterboards.ca.gov/plans_policies/). The Basin Plan includes water

quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

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.

Project impact and receiving waters information is in Attachment A. Table 1 of Attachment A lists the receiving waters and beneficial uses of waters of the state impacted by the Project. Table 2 of Attachment A provides individual impact locations and quantities.

V. **Description of Direct Impacts to Waters of the State**

Maintenance resulting in permanent impacts or loss of waters of the state is not authorized under this Order.

Total Project fill/excavation quantities for all impacts are summarized in Table 1.

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts[2]

Aquatic Resources Type	Acres	Linear Feet
Stream Channel Facilities	82.85	123,233
Basin Facilities	191.51	31,485
Total	274.36	154,718

VI. **Description of Indirect Impacts to Waters of the State**

The Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. Indirect impacts may include, but are not limited to, sediment-laden runoff from bare surfaces exposed by slope repair or reshaping activities, introduction of pollutants (e.g., metals, trash, petroleum products, dry and wet concrete waste, sanitary waste, and chemicals) to receiving waters during construction, and introduction of invasive plant species to disturbed soils.

The conditions set forth in section VIII of this Order will avoid and minimize the indirect impacts to waters of the state.

[2] Includes only temporary direct impacts to waters of the state and does not include area of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

VII. **Avoidance and Minimization**

Avoidance and minimization measures were identified by the Permittee as best management practices (BMPs) commonly implemented during maintenance activities. The following BMPs will be implemented to avoid and/or minimize direct and indirect impacts to waters of the state:

- *BMP 1: Avoid channel work during the rainy season to the greatest extent practicable*
- *BMP 2: Avoid spills and leaks*
- *BMP 3: Avoid road base discharge*
- *BMP 4: Concrete washout protocols*
- *BMP 5: Location of temporary stockpiles and staging areas*
- *BMP 6: Construction noise BMPs*
- *BMP 9: Avoid sensitive habitat in the activity area*
- *BMP 10: Leave wetland vegetation in channel bottom*
- *BMP 11: Biological surveys in sensitive habitat prior to vegetation maintenance*
- *BMP 12: Invasive plant removal protocols*
- Implementation of a worker environmental awareness program to train operations and maintenance staff.

The Project qualifies as tier level 2 and is the least environmentally damaging practicable alternative (State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State, section IV.A.1.h).

VIII. **Conditions**

The Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watersheds of the Project. This Order provides reasonable assurance that the Project authorized under this Order will comply with state and federally approved water quality requirements, provided that the following conditions are adhered to:

A. **Impacts to Waters of the State**

Impacts to waters of the state shall not exceed quantities shown in Table 1.

B. **Reporting and Notification Requirements**

The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment C, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment C, which must be signed by the Permittee or an authorized representative.

1. **Project Reporting**

   Annual Reporting: The Permittee shall submit an Annual Report each year no later than July 31 for the previous reporting period (July 1 through June 30). Annual reporting shall continue until the Water Board issues a Notice of Project Complete Letter to the Permittee.

2. **Project Status Notification**

   Request for Notice of Project Complete Letter: The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete, and no further Project activities will occur. This request shall be submitted to Water Board staff within 30 days following completion of all Project activities. Upon approval of the request, the Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees. Completion of post-construction monitoring shall be determined by Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

3. **Conditional Notifications and Reports**

   The following notifications and reports are required as appropriate.

   a. **Accidental Discharges of Hazardous Materials[3]:**

      Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

      i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:

         a. First call – 911 (to notify local response agency)

         b. Then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911

         c. Lastly, follow the required OES procedures as set forth in the Office of Emergency Services' Accidental Discharge Notification

[3] "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

Web Page (https://www.caloes.ca.gov/office-of-the-director/operations/response-operations/fire-rescue/hazardous-materials/spill-release-reporting/)

ii. Following notification to OES, the Permittee shall notify the Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.

iii. Within 5 business days of notification to the Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

b. **Violation of Water Quality Standards**

i. The Permittee shall notify the Water Board of any event causing a violation of water quality standards. Notification may be delivered via written notice, email, or other verifiable means.

ii. This notification must be followed within 3 business days by submission of a Violation of Water Quality Standards Report.

c. **Transfer of Long-Term BMP Maintenance**

If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee must provide such notification to the Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

C. **Water Quality Monitoring**

1. **General**

If surface water is present, continuous visual monitoring shall be conducted during active construction to detect accidental discharge of visible construction-related pollutants (e.g., oil and grease, turbidity plume, uncured concrete).

2. **In-Water Work or Diversions**

No work in standing or flowing water is proposed by the Permittee. If Project activities involving work in water or stream diversions become necessary, the Permittee will conduct maintenance activities in accordance with Order section VIII.H.12. Work in Delineated Waters of the State. If water quality monitoring detects an exceedance of water quality objectives, notify the Water Boards in accordance with section VIII.B.3.

3. **Accidental Discharges/Noncompliance**

Upon occurrence of an accidental discharge, the Permittee shall determine whether the discharge includes hazardous materials or will cause or contribute to an exceedance of water quality objectives, and if so, notify the

Water Board in accordance with the Conditional Notifications and Reports section VIII.B.3. Water Board staff may require additional water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

4. **Post-Construction**

   The Permittee shall visually inspect Project facilities undergoing routine maintenance activities during and following construction to ensure compliance with construction BMPs, and ensure excessive erosion, stream instability, or water quality pollution is not occurring in or immediately downstream of the Project site. If erosion control measures have failed or water quality pollution is occurring, contact the Water Board staff member overseeing the Project within 3 business days. The Water Board may require the submission of a Violation of Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

D. **Standard Conditions**

1. This action is subject to remand, amendment, or vacatur by judicial or administrative adjudication, including review pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, article 6 commencing with section 3867.
2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

E. **Fees**

1. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations.

   The total fee amount required by the California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), Category A – Fill & Excavation, is $369,677.00. An application fee of $4,212.00 was received on June 11, 2026. An additional payment of $365,465.00 is due to the State Water Board within 30 calendar days of issuance of this Order.

2. **Annual Fees:** This Order is subject to annual billing based on the fee schedule in effect at the time of billing. Annual billing will continue until the Project, including monitoring, is complete and the Water Board receives an acceptable request for a Notice of Project Complete Letter (see

Attachment C). Invoices are usually sent out at the end of each calendar year[4].

To stop annual billing, the Permittee must request a Notice of Project Complete Letter from the Water Board. Water Board staff will verify if the conditions of the Order are met and may conduct a site visit to confirm compliance.

For more information on fees, visit the State Water Board's Water Quality Fees website[5], under Water Quality Certification (WQC) Program Fees.

F. **General Compliance**

1. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable Water Board water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
2. The Project must conform to the engineering plans, specifications, and technical reports submitted with the application materials. Water Code section 13264 prohibits any discharge that is not specifically authorized in this Order.

G. **Administrative**

1. Signatory requirements for all document submittals required by this Order are presented in Attachment D.
2. **Site Access:** The Permittee shall grant Water Board staff, including State Water Board and Regional Water Board staff or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
   a. Enter upon the Project or restoration site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
   b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.

[4] Annual invoices for fill and excavation projects are issued for projects active for any amount of time in the current fiscal year (July 1 – June 30). Annual invoices for dredging projects are based on the quantity of dredged material in the previous fiscal year.

[5] https://www.waterboards.ca.gov/resources/fees/water_quality/

c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.

d. Sample or monitor for the purposes of assuring Order compliance.

3. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on this Project. Copies of this Order shall be accessible at each Project site for the duration of activities. All personnel performing work on the Project shall be familiar with the content of this Order and how to access a copy from an individual Project site.

H. **Construction Conditions**

1. All materials and supplies necessary for implementing these construction conditions must be onsite and ready for use at the start of the construction activity and must remain in supply and ready for implementation throughout the construction process. All non-structural BMP materials (e.g., training documents, compliance tracking procedures) must be ready for use at the start of construction.

2. Construction material, debris, rubbish, spoils, soil, silt, sawdust, steel, welding slag, welding rods, waste material, waste containers, other organic or earthen material, or any other substances which could be detrimental to water quality or hazardous to aquatic life that is discharged as a result of Project related activities shall be prevented from entering waters of the state. Spoils from excavations shall not be stored in waters of the state.

3. Environmentally sensitive areas and environmentally restricted areas, including any avoided waters of the state, must be clearly identified in the field for exclusion prior to the start of construction. Such identification must be properly maintained until construction is completed and the soils are stabilized. Equipment, materials, or any other substances or activities that may impact waters of the state outside of the limits of Project disturbance are prohibited.

4. The number of access routes, number and size of staging areas, and the total area of the activity must be limited to the minimum necessary to achieve the Project goal. Routes and work area boundaries must be clearly demarcated.

5. Bridges, culverts, dip crossings, or other structures must be installed so that water and in-stream sediment flow is not impeded. Appropriate design criteria, practices and materials must be used in areas where access roads intersect waters of the state.

6. Temporary materials placed in any water of the state must be removed as soon as construction is completed at that location, and all temporary roads must be removed or re-contoured and restored according to specifications provided in the application materials.

7. **Dust Abatement:** Dust abatement chemicals added to water can be hazardous to wildlife and, if allowed to enter streams, detrimental to water quality. Therefore, water, without added dust abatement chemicals, should generally be used to control dust. Dust abatement products or additives shall not be used, unless specific management needs are documented, and product-specific application plans are approved by Water Board staff.
8. **Use of Mechanized Equipment:** Activities permitted under this Order shall be conducted in a manner that minimizes ground disturbance, soil compaction, rutting and other mechanical impacts. Equipment shall be operated and maintained in a manner that reduces the risk of spills or the accidental exposure of fuels or hazardous materials to water bodies or wetlands. Appropriate Project specific BMPs shall be specified by the Permittee and shall be reported to Water Board staff to verify effectiveness.
9. **Culvert Construction or Maintenance**
    a. Cured in Place Pipe is prohibited where it could cause detrimental physiological responses to human, plant, animal, or aquatic life, or cause discharges to waters of the state that do not comply with water quality objectives or goals.
    b. Replacement of culverts acting as grade control structures is prohibited. A vertical gap between the outlet of the culvert and the immediate downstream invert of the stream channel indicates that the culvert likely functions as a grade control structure.
    c. Projects proposing to replace culverts must repair any existing scour or headcutting actively discharging sediment, caused by prior culvert design.
    d. The replaced or maintained culvert shall be in alignment with the stream channel upstream and downstream of the culvert.
    e. Any replacement culvert or culvert that is to be left in place by a repair or maintenance Project must be placed at a gradient and orientation that will not result in erosional scour at the outlet.
    f. Replacement of a culvert with a similarly sized culvert is allowable only where there is no visual indication that the existing culvert is undersized. Visual indications of undersized culverts include but are not limited to: sediment aggradation upstream of the culvert, evidence of flow over the top of the culvert (e.g., erosional rills in dirt road surfaces or erosion of shoulders adjacent to paved road surfaces), erosion of the fill cell between the culvert and the road surface, scour pools at the culvert outlet, or erosion of creek banks immediately downstream of the culvert.
    g. Culverts with solid bottoms (e.g., cylindrical culverts or box culverts) may be replaced with arch culverts or free-span bridges, if the existing culvert is not acting as a grade control structure.
    h. The culvert must not be located in a meander bend of the stream channel.

i. Replacement culverts must be sized to convey a 100-year flow event with debris, without pressurizing flow passing through the culvert. The 100-year flow event should be modeled under climate change projections, if available.

10. **Toxic and Hazardous Materials**

a. Activities permitted under this Order shall not discharge toxic substances in concentrations that produce detrimental physiological responses to human, plant, animal, or aquatic life.

b. Discharge of unset cement, concrete, grout, damaged concrete spoils, or water that has contacted uncured concrete or cement, or related washout to surface waters, ground waters, or land is prohibited. If concrete washout is necessary at the site, washout containment shall be used to prevent any discharge. Wastewater may only be disposed by delivery to a sanitary wastewater collection system/facility (with authorization from the facility's owner or operator) or a properly licensed disposal or reuse facility.

c. Appropriate BMPs must be implemented throughout Project activities to prevent and control potential leaks/spills/drainage of potentially hazardous materials such as: non-petroleum hydraulic fluid; epoxies; paints and other protective coating materials; cement concrete or asphalt concrete; and washings and cuttings thereof.

d. Activities permitted under this Order shall not discharge waste classified as "hazardous" as defined in California Code of Regulations title 22, section 66261 and Water Code section 13173. Appropriate BMPs for hazardous substances shall be specified by the Permittee and shall be reported to Water Board staff. These BMPs shall include, at a minimum:

i. All personnel handling fuels and other hazardous materials shall be properly trained.

ii. Adequate spill prevention and cleanup equipment and materials shall be present on site at all times during Project implementation.

iii. All mechanized equipment shall be maintained in good operating order and inspected on a regular basis.

iv. All onsite fuel trucks or fuel containers shall be stored in an area where risk of contamination of water bodies by leaks or spills is minimized.

v. All equipment shall be fueled, maintained, and/or parked overnight in an upland area at least 100 feet from any delineated waters of the state, as feasible.

vi. Hazardous materials, including chemicals, fuels, and lubricating oils, shall not be stored within 100 feet of any delineated waters of the state, and shall be stored in appropriate containers with appropriate secondary containment.

vii. Pumps or other stationary equipment operating within 100 feet of a waterbody or wetland shall utilize appropriate secondary containment systems to prevent spills.

viii. Any spills or leaks of hazardous materials, chemicals, fuels, lubricants, or any other potential pollutants shall be promptly and completely treated using appropriate materials and equipment.

ix. Spill containment supplies shall be on site in all work areas in sufficient quantities to allow immediate remediation of fuel, oil, hydraulic fluid or similar leaks and spills.

x. A staging area for equipment and vehicle fueling and storage shall be designated at least 100 feet away from waters of the state, as feasible, or in a location where fluids or accidental discharges cannot flow into waters of the state.

e. Projects that create new or affect existing wetland areas shall be designed to include features or management measures to reduce the production of methylmercury in the wetland, including minimizing the wetting and drying of soils by keeping wetlands flooded and sediment control measures to reduce the transport of total mercury or methylmercury out of the wetland.

11. **Invasive Species and Soil Borne Pathogens**

a. The Permittee is responsible for ensuring that all Project personnel follow appropriate weed prevention and control measures.

b. Any straw, hay or other unprocessed plant material used for any purpose must be certified or documented as being weed free.

c. Soil borne pathogens are any nematodes, or any bacterial, protozoan, viral or fungal pathogens that can cause disease or death to native plants, agricultural crops, or ornamental plants (e.g., *Phytophthora ramorum*, the cause of sudden oak syndrome, and *Phytophthora lateralis*, the cause of Port Orford cedar root disease). Any equipment entering or leaving the Project area from an area of known soil borne pathogen infestation shall be thoroughly cleaned using methods appropriate for the known pathogen before entering or leaving the Project area. The fungus that causes Valley Fever, *Coccidioides spp*., is not considered a soil borne pathogen in this Order.

12. **Work in Delineated Waters of the State**

a. If maintenance activities involving in-water work or stream diversions become necessary, the Permittee shall select an appropriate method, or combination of methods, to divert, isolate, or manage waters of the state during construction. The method(s) selected shall minimize turbidity and sediment mobilization to the greatest extent practicable and may be modified by the Permittee in response to changing field conditions. The methods include the following:

   i. Low-flow diversion: Where channel width and flow conditions allow, an existing or temporary low flow channel is used to direct water to one side of a flood control facility to allow maintenance to occur on the dry side. When maintenance is complete and the first side is stabilized, flow is then redirected to the completed (first) side allowing work to proceed on the opposite side.

   ii. Temporary check dams: Installed downstream of work, temporary check dams or similar sediment control measures reduce flow velocity and the downstream transport of sediment disturbed during maintenance activities.

   iii. Pumping or bypass/dewatering: A temporary conveyance system, comprised of pumps, pipes, hoses, etc., which collects water upstream and conveys it to discharge downstream, resulting in a dewatered portion of channel, or work area, where maintenance is conducted.

   iv. Temporary cofferdams: Isolation structures used to separate flowing water from an active work area. This method may also be used to direct water from one side of the channel to the other as maintenance progresses.

b. If equipment must operate in or immediately adjacent to flowing water, the Permittee shall implement additional pollution prevention BMPs to minimize the potential to release equipment-related pollutants to waters of the state, including,

   i. Absorbent water booms. Where appropriate, absorbent water booms or similar floating petroleum-control materials may be positioned downstream of equipment operating in or immediately adjacent to flowing water. Booms may also be placed at other strategic locations based on site conditions and the direction of flow. Absorbent booms are intended to provide an additional level of protection in the event of a minor petroleum or equipment-fluid release and are not a substitute for proper equipment inspection, maintenance, or spill prevention.

   ii. Spill kits. Appropriate spill response kits will be maintained in close proximity to equipment operating in or adjacent to flowing water and will be readily accessible to field personnel. Spill kits should contain appropriate absorbent materials and other supplies necessary to rapidly contain and clean up minor releases of fuel, oil, hydraulic fluid, or other petroleum products. Field personnel will be informed of the location of spill response materials before work begins.

iii. Equipment inspection. Equipment proposed for operation in or immediately adjacent to flowing water will be visually inspected for leaks or evidence of leaking fuel, hydraulic fluid, lubricants, or other petroleum products. Equipment exhibiting an active leak will be repaired or removed from the immediate work area, as appropriate, before continued operation in flowing water.

iv. Fueling and equipment maintenance. Routine fueling, lubrication, and maintenance of equipment will be conducted away from waterways.

c. Upon completion of in-water work, temporary diversion and isolation structures shall be removed or stabilized as appropriate, and flow returned to the normal channel configuration in a manner that minimizes erosion, scour, and mobilization of sediment.

d. The Permittee shall include in the annual report any in-water work or stream diversions that become necessary to complete facility maintenance. The report shall include photos and descriptions of the following: The method(s) selected to divert or dewater the active work area, the BMPs implemented during in-water work, the actions taken to decommission the diversion and/or stabilize the work area, and the manner of flow restoration. As feasible, include photos of any discharge observed during visual monitoring, verification of discharge abatement, and site conditions that necessitated in-water work.

e. If groundwater dewatering is required for the Project, the Permittee shall consult with the applicable Water Board to determine if additional permits are required. If additional Water Board permits relating to dewatering are required, the designated Water Board staff contact must be notified and copied on pertinent correspondence pertaining to those other required permits.

f. Work in waters of the state must not cause or contribute to an exceedance of water quality objectives in the receiving waters.

13. **Activity Specific Conditions**

a. **Bed and bank disturbance:** Repair and maintenance activities shall be conducted farthest from the top of slope to the maximum extent practicable. Bed and bank disturbance shall be minimized by limiting equipment to designated access roads to the maximum extent practicable. Linear travel within the channel bottom shall be minimized to the maximum extent practicable, except as necessary to complete the proposed Project.

b. **Stockpiling:** All stockpiles shall be placed outside of drainage areas or other surface waters and protected in such a manner to be prevented from entering waters of the state.

c. **Equipment contacting water:** All equipment must be free of sediment, debris, and foreign matter. Any equipment used in direct contact with surface water shall be cleaned prior to use.

I. **Temporary Impact Restoration**

1. The Permittee shall restore all areas of temporary impacts to waters of the state and all Project site upland areas of temporary disturbance which could result in a discharge to waters of the state. All disturbed waters of the state, and upland areas such as access roads and stream channel and basin slopes, shall be restored to achieve as-built facility conditions. Vegetation in temporarily impacted areas is expected to passively re-establish onsite after work concludes to the same or better pre-Project condition. Most sites are dominated by non-native species or unvegetated zones. If vegetation has not naturally re-established in temporarily impacted areas within 1 to 3 years of ground disturbing maintenance activities, the Permittee shall meet with State Water Board staff to discuss specific restoration activities and adaptive management or compensatory mitigation.
2. The re-established vegetation type shall be comparable to or of higher resource value than the pre-Project vegetation communities. The Permittee shall provide biological or ecological information and representative photographs to substantiate the success of passive restoration.
3. Total required Project restoration information for temporary impacts is summarized in Table 2.

Table 2: Required Project Restoration Quantity for Temporary Impacts

Aquatic Resource Type	Units	Quantity to be Restored
Stream Channel Facilities	Acres	82.85
Basin Facilities	Acres	191.51

J. **Compensatory Mitigation**

No compensatory mitigation is required for permanent impacts; permanent impacts resulting in physical loss of waters are not authorized under this Order.

K. **Deviations**

1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water quality. Some modifications of Project locations or predicted impacts may qualify as Deviations as set forth in Attachment E. For purposes of this Order, a “Deviation” is a Project locational or impact modification that does not require an immediate amendment of the Order, because the Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the conditions. This Order will be amended to reflect all authorized Deviations and any resulting adjustments to the amount of water resource impacts and required restoration amounts.

2. A Project modification shall not be granted a Deviation if it would require changes to the Order conditions such that the Project no longer qualifies for a categorical exemption. In this case a supplemental environmental review and different Order will be required.

IX. Public Notice

The Water Board complied with its applicable public notice requirements. The Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from May 23, 2026, to June 12, 2026. The Water Board did not receive any comments during the comment period.

X. California Environmental Quality Act (CEQA)

The issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section 15301 Existing Facilities. Additionally, the Water Board concludes that no exceptions to the CEQA exemption apply to the activities approved by this Order.

The Water Board will file a Notice of Exemption with the State Clearinghouse within 5 business days of the issuance of this Order.

XI. Petitions for Reconsideration

Any person aggrieved by this action may petition the Water Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

XII. Water Quality Certification

I hereby issue the Order for the San Bernardino County Flood Control Facilities 2026 Routine Maintenance Project, SB26024IN, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of CWA 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).

This discharge is also regulated pursuant to Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

Authorization is contingent on: (a) compliance with the conditions of this Order and the attachments to this Order; and (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, and the Regional Water Boards' Water Quality Control Plans.

Phillip Crader Digitally signed by Phillip Crader
Date: 2026.11.18 14:19:08 -08'00'
Water Boards

Date

Phillip Crader, Deputy Director
Division of Water Quality