

State Water Resources Control Board

PUBLIC NOTICE FOR WATER QUALITY ORDER NO. [XXXX-XXXX-DWQ] WASTE DISCHARGE REQUIREMENTS AND CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION

State Water Resources Control Board
Division of Water Quality
Water Quality Certification Program

The State Water Resources Control Board (State Water Board) has received an application from the California Department of Transportation to regrade and recontour the median of Interstate 40 in San Bernardino County. This project will result in temporary and permanent impacts to both waters of the United States and other waters of the state. The State Water Board is considering issuing a Clean Water Act 401 Water Quality Certification pursuant to federal law (Title 33, United States Code, Section 1341; Clean Water Act Section 401) for impacts to federal waters and Waste Discharge Requirements for impacts to other waters of the state pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

The following information is provided in satisfaction of the public notice requirements of Section 3858, Title 23, of the California Code of Regulations, which govern the State's Water Quality Certification Program. Since the Project impacts both waters of the United States and other waters of the state, two separate public notices will be posted. This document serves as public notice for the Project impacts to Waters of the United States.

Applicants for a federal license or permit for activities which may discharge to waters of the United States must seek Water Quality Certification from the state or Indian tribe with jurisdiction. Such Certification is based on a finding that the discharge will meet water quality standards and other applicable requirements. In California, Regional Water Quality Control Boards (Regional Water Boards) issue or deny Certification for discharges within their geographical jurisdiction. The State Water Board has this responsibility for projects affecting waters within multiple Regional Water Board jurisdictions.

Applicant: California Department of Transportation

Applicant Contact: Craig Wentworth
Telephone: (909) 388-1252
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Project Name: I-40 Median Regrade and Recontour Project
(RM 412364, SB 17004IN)
Date of Application: 03/24/2017

On March 24, 2017, the State Water Resources Control Board (State Water Board) received an application requesting Federal Clean Water Act section 401 water quality certification and Waste Discharge Requirements for activities related to the I-40 Median Regrade and Recontour

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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Project (Project), from the California Department of Transportation (Applicant). The application indicates proposed activities and impacts within the jurisdiction of more than one Regional Water Quality Control Board, the Colorado River and Lahontan Regions; therefore, the State Water Board has jurisdiction over the Project. The application was deemed complete on June 21, 2017.

The purpose of this project is to improve the safety of the traveling public on Interstate 40 (I-40) by regrading the steep (>1:6) median cross slopes to flatter (<1:10) gradients.

This project consists primarily of regrading the median cross slopes on I-40 from Post Mile (PM) 50.0 to PM 75.0. Cross slopes will be regraded from existing 1:6 or steeper gradients to 1:10 or flatter. Drainage modifications and improvements in the median and improvement of the existing California Highway Patrol crossovers will also be included as part of the Project.

Proposed work will include:

- Work off the paved roadway - regrade median cross slopes, drainage modifications (by extending and preserving drain paths while the median is filled), improvements to the existing California Highway Patrol Crossovers, removal and installation of metal beam guard rails.
- Trenching, grading, or other ground disturbance actions including removal of trees and vegetation.
- No additional Right-of-Way will be required because the work will be performed entirely within in the median.
- Work will be performed using imported borrow and some roadway excavation to flatten slopes in the median areas.

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Projected permanent and temporary impacts to Waters of the U.S. and waters of the state are summarized in Tables 1, 2, and 3 below.

Table 1: Proposed Project Fill/Excavation Quantity ¹ for Waters of the U.S.									
Aquatic Resource Type	Temporary Impact ²			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY	LF	Acres	CY	LF	Acres	CY	LF
Stream Channel ³	0.22		447	0.05		278			

Table 2: Proposed Project Fill/Excavation Quantity ¹ for Other Waters of the State									
Aquatic Resource Type	Temporary Impact ²			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY	LF	Acres	CY	LF	Acres	CY	LF
Stream Channel ³				1.06		5,886			

Table 3: Proposed Total Project Fill/Excavation Quantity ¹									
Aquatic Resource Type	Temporary Impact ²			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY	LF	Acres	CY	LF	Acres	CY	LF
Stream Channel ³	0.22		447	1.11		6,164			

¹ Cubic Yards (CY); Linear Feet (LF)

² Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

³ Stream Channel impacts include Riparian Zone impacts due to the nature of the ephemeral dry washes.

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Proposed length and area of aquatic resources to be restored to pre-project conditions and proposed as compensatory mitigation for temporary and permanent impacts associated with the Project are summarized in Table 4, below.

Table 4: Proposed Restoration and Mitigation Quantity							
Aquatic Resource Type	Res. ⁴ Type	Units	Method ⁵				
			Est.	Re-est.	Reh. ⁶	Enh.	Pres. ⁷
Stream Channel	PR	Acres			0.22		3.99
Stream Channel	PR	LF			447		

Status of CEQA and other Natural Resource Documents and Permits

Caltrans has determined that the Project is exempt from review under CEQA. Specifically, the exemption criteria under California Code of Regulations, title 14, section 15301(c) Existing Facilities.

Caltrans has notified the South Pacific Division of the US Army Corps of Engineers (USACE) as required under USACE Nationwide Permit 14.

Staff will consider all comments submitted in writing and received at this office by mail during a 21-day comment period that begins on the first date of issuance of this letter and ends at 5:00 p.m. on the last day of the comment period. If you have any questions, please contact Brendan Reed at (916) 341-5462 or Brendan.Reed@waterboards.ca.gov. Following this comment period, State Water Board staff will complete draft Waste Discharge Requirements for purposes of regulating the Project discharges to all waters of the state. A second comment period will be announced for public comment on the draft permit. This second comment period will be announced at a future date.

⁴ Restoration (Res.)

⁵ Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.).

⁶ Rehabilitation of areas that are temporarily impacted.

⁷ Preservation as compensatory mitigation for permanent and temporary impacts.

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Date Posted: June 23, 2017

State Water Resources Control Board Contact:

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State Water Resources Control Board
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Note: No regulatory decision on the application is implied or intended in the public notice.

KEEP INFORMED OF PROJECT MILESTONES

To be informed of milestones in the development of this proposed Water Quality Certification, any interested persons should enroll in the State Water Board's 401 Program e-mail notification service.

Click the SUBSCRIBE button under the "Quick Links" section of the 401 Program Webpage at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml

Select "CWA401 Certification and Wetlands Program." By enrolling in this list, you will receive notices for all current 401 project applications, including the project announced in this notice. You will need a valid e-mail address to use this service. If you do not have internet access or do not wish to participate in the Lyris list, contact the staff person named in the notice to express your interest in receiving notices by other means.

You can enroll or un-enroll at any time. The State Water Board will not disclose your name or e-mail information to any outside parties, and will not use this information for any other purpose.