



California Regional Water Quality Control Board Santa Ana Region



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Edmund G. Brown Jr.
Governor

June 23, 2011

Craig Wentworth
California Department of Transportation
District-08
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**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR REPLACEMENT OF FAILING CULVERTS ON STATE ROUTE
330, COUNTY OF SAN BERNARDINO, CALIFORNIA (ACOE REFERENCE NO. NOT
AVAILABLE) (SARWQCB PROJECT NO. 362011-07)**

Dear Mr. Wentworth:

On May 19, 2011, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the California Department of Transportation (Caltrans) for proposed work to replace failing culverts on State Route 330 (SR-330) in the vicinity of Running Springs, San Bernardino County. Work includes replacement-in-kind of eight corrugated metal pipe (CMP) culverts, and lining of one additional CMP culvert. Caltrans reports that these culverts are failing because of conditions arising from a declared flood emergency. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) (Basin Plan) and subsequent Basin Plan amendments:

Project Description: The project will line one (1), and replace eight (8) corrugated metal pipe (CMP) culverts in imminent danger of failure, between postmiles (PM) 31.43 and 43.65, on State Route 330. The culvert located at PM 31.43 will be lined using the cement mortar lining method. The culvert located at PM 43.3 will be abandoned, and a CMP will be installed parallel to the highway shoulder, redirecting flow to the functioning culvert inlet located at PM 43.25. The remaining seven (7) culverts will be replaced in-kind using a combination of the trench and lift method, and pipe ramming and re-connect inlet/outlet structure method. The work will take place within

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Township 1 North; Ranges 2 and 3 West; Sections 1, 2, 6, and 22 of the U.S. Geological Survey *Harrison Mountain* quadrangle map, and Township 1 North; Range 2 West; Section 5 of the U.S. Geological Survey *Keller Peak* quadrangle map (34°11'58.89 N, 117°09'10.68" W).

Receiving water: City Creek (and its tributary East Fork City Creek), and Plunge Creek (and its tributaries Fredalba Creek and Little Mill Creek), tributary to the Santa Ana River

Fill area: 0.035 acre of permanent impact to streambed habitat, and 0.002 acre of temporary impact to streambed habitat

Dredge/Fill volume: 115.2 cubic yards

Post Mile	Stream (Drainage)	Permanent Fill Volume, C.Y.	Permanent Impact Area, acres	Temporary Impact Area, acres
31.43	City Creek	7.2	0.0003	0.0004
38.88	E. Fork City Creek	1.3	0.0002	0
41.71	Little Mill (Plunge)	32.4	0.01	0
41.85	Little Mill (Plunge)	5.1	0.0006	0.0004
41.96	Little Mill (Plunge)	3.2	0.0006	0.0001
42.39	Little Mill (Plunge)	27.8	0.011	0
42.2	Little Mill (Plunge)	37.3	0.012	0.0005
43.3	Fredalba (Plunge)	0	0	0
43.65	Fredalba (Plunge)	0.9	0.0001	0.0004
TOTALS		115.2	0.0348	0.0018

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 14

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

Onsite Water Quality Standards Mitigation Proposed:

- Standard water quality related best management practices (BMPs) will be employed during construction activities.

Offsite Water Quality Standards Mitigation Proposed:

- 0.10 acre of ephemeral drainages located adjacent to SR-330 will be enhanced through the removal of debris and non-native plant species.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. Appropriate BMPs will be implemented to reduce construction-related impacts to Waters of the State according to the requirements of Order No. 99-06-DWQ (NPDES No. CAS000003), commonly known as the Caltrans General Storm Water Permit, and subsequent iterations thereof. Order No. 99-06-DWQ requires that you substantially comply with the requirements of State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, including the preparation of a SWPPP.

Caltrans asserts that in accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code Division 13) Section 21080.33, this project is not subject to the reporting requirements of CEQA. Section 21080.33 statutorily exempts emergency projects to repair, maintain or restore existing highways damaged as a result of fire, flood, earthquake, earth movement, etc., from CEQA requirements. Notwithstanding this exemption, based on the mitigation proposed and the conditions set forth in this Certification, Board staff concludes that the proposed project's impacts to water quality will be reduced to an insignificant level and beneficial uses will be protected. The Regional Board independently finds that changes or alterations have been required or incorporated into the project that avoid or mitigate impacts to water quality to an insignificant level.

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

- 1) The applicant must comply with the requirements of the applicable Clean Water Act section 404 permit.
- 2) Proposed mitigation shall be timely implemented. Materials documenting the removal of debris and non-native plant species shall be provided to this office prior to discharge of fill to, or to the dredging or excavation of material from, waters of the state.
- 3) All materials generated from construction activities associated with this project shall be managed appropriately. This shall include identifying all potential pollution sources within the scope of work of this project, and

incorporating all necessary pollution prevention Best Management practices (BMPs) as they relate to each potential pollution source identified.

- 4) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such a manner that petroleum products or other pollutants from the equipment may enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the state on-site, except as necessary to complete the proposed project. No equipment shall be operated in areas of flowing water.
- 5) Construction de-watering discharges, including temporary stream diversions necessary for project construction may be regulated under Order No. 2009-0009-DWQ, NPDES No. CAS000002, Statewide Storm Water Permit and Waste Discharge Requirements for the California Department of Transportation (Caltrans). For more information, please review Order No. 2009-0009-DWQ at www.waterboards.ca.gov
- 6) Substances resulting from project-related activities that could be harmful to aquatic life, including, but not limited to, petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, portland cement concrete or asphalt concrete and washings and cuttings thereof, and welding slag and metal cuttings, shall not be discharged to soils or waters of the state. All waste concrete shall be removed.
- 7) This Water Quality Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any the conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.

(b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

(c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law.

This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 2003-0017-DWQ is available at:
www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo_2003-0017.pdf

Craig Wentworth
California Department of Transportation

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Should there be any questions, please contact Marc Brown at (951) 321-4584, or Mark Adelson at (951) 782-3234.

Sincerely,



Kurt V. Berchtold
Executive Officer
Santa Ana Regional Water Quality Control Board

cc (via electronic message):

U. S. Army Corps of Engineers, Los Angeles Office – Veronica Chan
State Water Resources Control Board, OCC – David Rice
California Department of Fish and Game, Ontario Office – Jeff Brandt
State Water Resources Control Board, DWQ-Water Quality Certification Unit-Bill Orme
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini

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