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## Santa Ana Regional Water Quality Control Board

May 30, 2014

Scott Quinnell  
Department of Transportation  
464 4<sup>th</sup> Street, 6<sup>th</sup> Floor, MS 822  
San Bernardino, CA 92401

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**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
CERTIFICATION FOR THE SR 330 CULVERT REHABILITATION PM 30.77 TO PM  
37.84 PROJECT, CITY OF HIGHLAND, COUNTY OF SAN BERNARDINO,  
CALIFORNIA (ACOE REFERENCE NO. N/A) (SARWQCB PROJECT NO. 362014-01)**

Dear Mr. Quinnell,

On February 25, 2014, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the California Department of Transportation for a project to rehabilitate 11 culverts along State Route 330, between the City of Highland and the town of Running Springs. Activities will be conducted between post mile (PM) 30.77 to post mile 37.84 of SR 330. The proposed project will include relining the existing culverts and restoring some eroded areas to original design and grade. The applicant has also submitted a filing fee of \$5,868.00, which satisfies this project's fee requirement for consideration of Certification. This fee amount was determined using the Dredge and Fill Fee Calculator on the State Water Resources Control Board (SWRCB) web site, which is based on the most current iteration of California Code of Regulations, Division 3, Chapter 9, Article 1, section 2200 (a) (3). 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 proposed activities will include re-lining eleven (11) culverts at different locations along SR 330. Where culverts in the project area discharge into Mountain Yellow Legged Frog (MYLF) Critical Habitat designated by the U.S. Fish and Wildlife Service (USFWS) (PM 31.83, PM 32.04, PM 33.75, PM 35.20, PM 35.25, PM 35.71), the culverts will be re-lined by either spiral wound PVC or by a cement lining system that

sprays a layer of concrete at a constant width. At culvert locations where culverts do not drain into MYLF Critical Habitat, Cured-in-Place Pipeliner (CIPP) may be used. Additional work at some locations is proposed to restore the drainage surrounding the culverts to their original design specifications. The following activities are proposed at the following eleven (11) specific locations within the project area. These include:

At locations (1), PM 30.77 and (2), PM 30.79, no additional work is proposed beyond the culvert lining.

At location (3), PM 31.83, the existing drainage inlet will be removed and reconstructed in the same location. A 6 foot by 15 foot outlet apron will also be added at this location.

At location (4), PM 32.04, the drainage inlet will be removed and reconstructed. 10 cubic yards of rip rap at the outlet of the culvert will be added to form a drainage apron.

At location (5), PM 33.75, a concrete debris crib will be added and the culvert will be extended an additional ten feet upstream.

At location (6), PM 35.20, the existing culvert will be re-lined, with no additional work.

At location (7), PM 35.25, the existing debris crib will be removed and replaced in-kind.

At location (8), PM 35.71, the culvert will be extended 10' upstream and a debris crib will be constructed at the new inlet.

At location (9), PM 36.67, the existing outlet will be extended ten feet further downstream. A new headwall will be constructed at the new outlet location. The area between the old and new outlet locations will then be backfilled.

At locations (10) and (11), PM 36.67 and PM 37.84 respectively, the existing drainage inlets will be removed and reconstructed in the same locations and the existing drainage inlets will be removed and reconstructed with a new concrete drainage apron.

Total impacts to waters as the result of the project activities listed above will include 0.12 acre (220 linear feet) of temporary impacts to streambed habitat and 0.03 acre (104 linear feet) of permanent impacts to streambed habitat. The work will take place at specific locations along SR 330, in the San Bernardino Mountain range in southern San Bernardino County, within Sections 10, 11, 12, 13, 15, and 22 of Township 1 North, Range 3 West, of the U.S. Geological Survey *Harrison Mountain* quadrangle maps (34.1186235° N/-117.1772342° W).

Receiving water:

City Creek and Plunge Creek, which have the following present or potential beneficial uses: agricultural supply (AGR), rare/threatened/endangered species habitat (RARE), groundwater recharge (GWR), contact recreation (REC1), non-contact recreation (REC2), wildlife habitat (WILD), spawning, reproduction and development (SPWN), municipal and domestic supply (MUN), and cold freshwater habitat (COLD).

Fill area:

Temporary Impact to Streambed Habitat	0.12 acre	220 linear feet
Permanent Impact to Streambed Habitat	0.03 acre	104 linear feet

Dredge/Fill volume: Not applicable

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:

- None.

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 Wildlife 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. 2012-0011 DWQ (NPDES Permit No. CAS000003), commonly known as the CalTrans Storm Water Permit, and subsequent iterations thereof.

Pursuant to the California Environmental Quality Act (CEQA), the California Department of Transportation filed a CEQA Guidelines Section 15301 "Class 1" Categorical Exemption with the San Bernardino County Clerk on April 15, 2013, which declares that the project involves the operation, repair, maintenance, and minor alteration of

public/private structures that result in negligible expansion of uses. The configurations and uses of the culverts will remain unchanged and the proposed project will not expand the culverts beyond their original design capacity. The Regional Board has independently considered the County's Categorical Exemption in the issuance of this Certification and finds that no changes or alterations to the proposed project are necessary to avoid or mitigate impacts to water quality to a less than significant 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) 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 BMPs as they relate to each potential pollution source identified.
- 3) The project proponent shall utilize BMPs during project construction to minimize the controllable discharges of sediment and other wastes to drainage systems or other waters of the state and of the United States.
- 4) 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, shall not be discharged to soils or waters of the state. All waste concrete shall be removed.
- 5) 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.
- 6) 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.

- 7) A copy of this Certification and any subsequent amendments must be maintained on site for the duration of work as a denoted element of any project SWPPP or WQMP.
- 8) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 9) Construction de-watering discharges, including temporary stream diversions necessary for project construction may be regulated under Regional Board Order No. R8-2009-0003, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality. For more information, please review Order No. R8-2009-0003 at [www.waterboards.ca.gov/santaana/](http://www.waterboards.ca.gov/santaana/)
- 10) Applicant shall ensure that all fees associated with this project shall be paid to each respective agency prior to conducting any on-site construction activities.

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 certify 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](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo_2003-0017.pdf)

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 mail):

Department of Transportation – Jason Bill – [jason\\_bill@dot.ca.gov](mailto:jason_bill@dot.ca.gov)  
U. S. Army Corps of Engineers, Los Angeles Office- Mark Durham  
State Water Resources Control Board, OCC- David Rice  
State Water Resources Control Board, DWQ -Water Quality Certification Unit  
California Department of Fish and Wildlife – Joanna Gibson  
U.S. EPA- Supervisor of the Wetlands Regulatory Office WTR- 8