

State Water Resources Control Board

WATER QUALITY ORDER WQ 2025-0040-DWQ CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION

Effective Date: Upon Deputy Director's Signature
Expiration Date: Five Years from Effective Date
Project: Brightline West Cajon Pass Project (Project)
Project Type: Railroads
Program Type: Fill/Excavation

Identifiers:
WDID No: SB22062IN
USACE No: SPL-2022-00029-VCL
Place ID: 887832
Reg. Meas. ID: 452342

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I. Summary

This grant of Clean Water Act (CWA) section 401 certification with conditions (Certification) is issued at the request of DesertXpress Enterprises, LLC (hereinafter Permittee) for the Project. The application was received on April 15, 2025, following an extended pre-application period that began in Spring 2023. A complete application, as verified by Water Board staff, was submitted on May 6, 2025.

II. Findings

- A. This Certification is adopted pursuant to Clean Water Act section 401 and the California Porter-Cologne Water Quality Control Act (Wat. Code § 13000, *et seq.*
- B. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law, including the Clean Water Act and the Porter-Cologne Water Quality Control Act.
- C. This Certification does not provide coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order WQ 2022-0057-DWQ; NPDES No. CAS000002) (Construction General Permit).
- D. This Certification 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.S.C. sections 1531-1544). If a “take” will result from any act authorized under this Certification held by the Permittee, 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 Certification.

III. Project Purpose and Description

Project Purpose: The purpose of the Project is to provide reliable and safe passenger rail transportation between the Los Angeles metropolitan region and the High Desert of San Bernardino County. The Project would provide a convenient, efficient, and environmentally sustainable alternative to automobile travel on the highly congested Interstate 15 (I-15) freeway.

Project Description: The Project includes the construction and operation of a fully grade-separated, dedicated, passenger-only high-speed rail system powered by overhead catenary along I-15 between the Apple Valley Station immediately south of the Dale Evans Parkway Interchange in Apple Valley, California and the Rancho Cucamonga Station at the current site of the Metrolink Rancho Cucamonga Station. The northern extent of the project in Apple Valley, California will tie into the Brightline

West Victor Valley High-Speed Rail Passenger Project which is currently advancing to construction. The Apple Valley Station will be constructed under the Brightline West Victor Valley High-Speed Rail Passenger Project.

Project Location: The project is not located at a physical address. The project begins in Apple Valley at the Apple Valley Station (34.6306, -117.2283) and travels south along the I-15 median before crossing the I-15 southbound lanes in Rancho Cucamonga where it transitions to a viaduct carrying trains to the southern termini of the project at the Metrolink Cucamonga Station (34.0918, -117.5617). Maps showing the Project location are found in Attachment A of this Certification.

IV. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Lahontan Regional Water Quality Control Board and Santa Ana Regional Water Quality Control Board (collectively Regional Water Boards). Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable water quality control plans (Basin Plans). 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/) (http://www.waterboards.ca.gov/plans_policies/). The Basin Plans include 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 Certification 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 B. Table 1 of Attachment B lists the receiving waters and beneficial uses of waters of the state impacted by the Project. Table 2 of Attachment B include individual impact locations and quantities.

V. Description of Direct Impacts to Waters of the State

Total Project fill/excavation quantities for all impacts are summarized in Tables 1 and 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts¹

Aquatic Resources Type	Acres	Linear Feet
Riparian Zone	10.50	4,039.00
Stream Channel	37.86	137,166.00
Wetland	1.29	324.00
Lake/Reservoir	5.12	926.00

Table 2: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area and Degradation of Ecological Condition Impacts

Aquatic Resources Type	Acres	Linear Feet
Riparian Zone	0.13	202.00
Stream Channel	6.59	114,165.00
Wetland	0.02	62.00
Lake/Reservoir	0.18	286.00

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 including destabilization of impacted stream channels leading to future channel erosion and downstream sedimentation; inadvertent creation of preferential flow paths along altered stream crossings and the subsequent diversion of stream flow or shallow groundwater flow away from existing channels; the introduction of pollutants (e.g., metals, trash, petroleum products, concrete waste (dry and wet), sanitary waste, and chemicals) to receiving waters during construction; and/or introduction of invasive plant species into the Project area.

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

VII. Avoidance and Minimization

The following measures and best management practices (BMPs) will be implemented to avoid and/or minimize direct and indirect impacts to waters of the state. The Permittee will:

- Conduct road improvements within the existing roadway prism and adhere

¹ 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.

to the California Department of Transportation (Caltrans) standard BMPs while work is occurring within this prism.

- Utilize appropriate sediment and erosion control BMPs (e.g., fiber logs) at the downslope edge of the work area.
- Conduct plant salvage and restoration in addition to reseeding of disturbed areas, as necessary, to re-establish native vegetation where disturbance has occurred from equipment operation.
- Wash construction equipment before use on-site to avoid introduction of nonnative and/or invasive plant species.
- Develop and implement a spill containment and clean-up plan in the event of a hazardous material spill.
- Remove all waste and construction materials from the work area once work has been completed.

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 Certification provides reasonable assurance that the Project authorized under this Certification will comply with state and federally approved water quality requirements, provided that the following conditions are adhered to not exceed Impacts quantities shown in Tables 1 and 2.

A. 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

- a. **Quarterly Reporting:** The Permittee must submit a Quarterly Report to the Water Board on or before the 1st day of each quarter during construction (every three months following the commencement of construction).
- b. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the anniversary of the Effective Date of this Certification. Annual reporting shall continue until the Water Board issues a Notice of Project Complete Letter to the Permittee.

B. Project Status Notifications

- 1. Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least 7 days prior to start of initial ground disturbance activities and, if applicable, corresponding Waste Discharge Identification Number (SB22062IN) issued under the Construction General Permit.
- 2. 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 Materials²:

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

² "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.)

- 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. In-Water Work and Diversions

- i. The Permittee shall notify the Water Board at least 48 hours prior to initiating work of in-water or stream diversions. Notification may be delivered via written notice, email, or other verifiable means.
- ii. Within 3 business days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Water Board staff.

d. Modifications to Project

Project modifications may require an amendment of this Certification. The Permittee shall give advance notice to Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state, or federal regulatory authority by submitting Modifications to Project Report. The Permittee shall inform Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Certification.

e. Transfer of Property Ownership

This Certification is not transferable in its entirety or in part to any person or organization except after notice to the Water Board in accordance with the following terms:

- i. The Permittee must notify the Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Water Board at least 10 days prior to the transfer of ownership. The purchaser must also submit a written request to the Water Board to be named as the permittee in a revised Certification.
- ii. Until such time as this Certification has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Certification.

f. 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 construction related pollutants (e.g., oil and grease, turbidity plume, uncured concrete).

2. In-Water Work or Diversions

Water quality monitoring shall be in conformance with the monitoring plan Water Quality Monitoring Workplan, Brightline West Cajon Pass High-Speed Rail Project Victor Valley, CA to Rancho Cucamonga, dated February 2024.

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 the Project site during restoration monitoring to ensure excessive erosion, stream channel instability (e.g., headcuts, knickpoints, channel incision, or bank erosion), or water quality pollution is not occurring in or downstream (within visual distance) of the Project site. At least one post-construction inspection must occur after a significant rainfall event, defined as 0.5 inch of rainfall or more in a 48-hour period, to verify channel stability. 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 modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, article 6 commencing with section 3867.
2. This Certification 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.
3. Fees: This Certification 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 (Fee Code 84), is \$237,190.00. Total fees, application fee and total Project impact fees, were received July 20, 2023.

E. 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.

F. Administrative

1. Signatory requirements for all document submittals required by this Certification are presented in Attachment D of this Certification.
2. Site Access: The Permittee shall grant Water Board staff, 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 compensatory mitigation 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 Certification.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification.
 - d. Sample or monitor for the purposes of assuring Certification compliance.

- e. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors. A copy of this Certification shall be provided to any consultants, contractors, and subcontractors working on this Project. Copies of this Certification shall remain at the Project site for the duration of this Certification. All personnel performing work on the Project shall be familiar with the content of this Certification and its posted location at the Project site.

G. Construction Conditions

1. All materials and supplies necessary for implementing these construction conditions must be on-site 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 if discharged by Project activities shall be prevented from entering waters of the state. Spoils from excavations shall not be stored in waters of the state.
3. 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 are 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 approved re-vegetation and restoration plans or subsequent pre-approved plan revisions.
7. All imported riprap, rocks, and gravel shall be pre-washed. No riprap that has been grouted or cemented is allowed. If any asphalt or concrete grindings, including beneficial reuse, are used on-site for any purpose they must be encapsulated by clean fill materials such as asphalt or concrete to prevent discharge into waters of the state.

8. The Permittee shall not use erosion control products that contain synthetic materials within waters of the state.
9. A method of containment must be used below any temporary bridge, trestle, boardwalk, and/or other stream crossing structure to prevent any debris or spills from falling into the waters of the state. Containment must be maintained and kept clean for the life of the temporary crossing structure.
10. Unless authorized for restoration, material excavated to prepare a site for placement of the permitted fill material must be properly disposed of in an upland area. The disposal site must be located at a sufficient distance away from flowing or standing water such that the excavated material does not erode or discharge into any water of the state.
11. **Topsoil:** For any excavation, including utility line trenches, the top 6 to 12 inches of topsoil shall be removed and stockpiled separately during construction. Following installation, the topsoil shall be replaced and seeded with native vegetation.
12. **Dust Abatement:** Dust abatement chemicals added to water can be hazardous to wildlife and, if allowed to enter streams, detrimental to water quality. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state. Dust abatement products or additives that are known to be detrimental to water quality or wildlife shall not be used, unless specific management needs are documented, and product-specific application plans are approved by Water Board staff.
13. **Use of Mechanized Equipment:** Activities permitted under this Certification 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.
14. **Piers or Piles:** Piers or piles placed in the stream channel to support a linear transportation structure over a creek channel must be aligned parallel with the direction of flow to prevent erosive eddies.
15. **Culvert Construction or Maintenance**
 - a. Cured in Place Pipe (CIPP) 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

- head cutting actively discharging sediment, caused by prior culvert design.
- d. The replaced or maintained culvert shall be aligned 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.

16. Toxic and Hazardous Materials

- a. Activities permitted under this Certification 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 Certification 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 approved by Water Board staff prior to Project discharges. 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 on-site 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 25 feet from any delineated waters of the state. Equipment such as cranes can utilize secondary containment for staging and refueling, if tracking 25 feet to and from delineated water of the state could result in impacts.
 - vi. Hazardous materials, including chemicals, fuels, and lubricating oils, shall not be stored within 25 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 25 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 25 feet away from waters of the state, in a location where fluids or accidental discharges cannot flow into waters of the state.

17. Invasive Species and Soil Borne Pathogens

The Permittee is responsible for ensuring that all Project personnel follow proper weed control practices, and that appropriate weed prevention measures are included in Project plans.

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

18. Work in Delineated Waters of the State

- a. Work in waters of the state must not cause or contribute to an exceedance of water quality objectives in the receiving waters. Work in delineated waters commences at the onset of the regulated activity and continues until the activity is finished and all restoration of the affected work area is complete. The term “work” means any activities in any delineated waters of the state that are under this Certification, regardless of the presence or absence of flowing or standing water.
- b. Temporary diversions or impoundments of water, cofferdams, or similar structures installed for the purpose of temporary dewatering work areas shall be performed according to the water quality control plan and dewatering plan provided by the Permittee, including appropriate ground water management, monitoring for water quality upstream and downstream of diversion structures as required in the Water Quality Monitoring section (VIII.C.) of this Certification.
- c. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to waters of the state.
- d. Equipment may not be operated in standing or flowing waters without site-specific approval from Water Board staff.
- e. If groundwater dewatering is required for the Project, the Permittee will follow the procedures outlined in Water Quality Monitoring Workplan (WQMW), Brightline West Cajon Pass High-Speed Rail Project Victor Valley, CA to Rancho Cucamonga, dated February 2024. Water Board staff must approve any planned deviations from the WQMW. If additional Water Board permits relating to dewatering are required, the designated Water Board staff contact must be notified and copied with pertinent correspondence pertaining to those other required permits.
- f. All temporary dewatering methods shall be designed to have the minimum necessary impacts to waters of the state. All dewatering methods shall be installed such that natural flow is maintained upstream and downstream of the diversion area. Any temporary dams or diversions shall be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the diversion area. All dewatering methods shall be removed immediately upon completion of activities for which diversions are needed.
- g. All temporary dewatering activities are subject to the work-in-water reporting and monitoring conditions presented in the Water Quality Monitoring section (VIII.C.) of this Certification.

19. Stormwater

If applicable, the Permittee shall comply with the requirements in the Construction General Permit. Generally, coverage under the Construction General Permit is required for construction activity resulting in a land

disturbance of one acre or more, or less than one acre but is part of a larger common plan of development or sale that results in a land disturbance of one acre or more. Covered activities are described with additional detail in the Construction General Permit. Compliance with the Construction General Permit constitutes compliance with Erosion and Sediment Control Conditions 18.a.i-ii and Stormwater Management Conditions 18.b.i-ii, below.

If the Project is not required to obtain coverage under the Construction General Permit, Project plans shall include the appropriate erosion and sediment control and stormwater management conditions described below.

a. Erosion and Sediment Control

- i. No later than 24 hours prior to the start of a likely rain event (50% chance of 1/2 inch or greater), the Permittee shall ensure that disturbed areas that drain to waters of the state are protected with correctly installed erosion control measures (e.g., jute, straw, coconut fiber erosion control fabric, coir logs, straw) or revegetated with propagules (seeds, cuttings, divisions) of locally collected native plants. The likely rain event is defined as any weather pattern that is forecast to have a 50 percent or greater probability of producing precipitation in the Project area. The Permittee shall obtain daily a printed copy of the precipitation forecast information (and keep for record) from the National Weather Service Forecast Office.
- ii. The timing for installation of the post-construction stormwater BMP subdrains, soils, mulch, and plants shall be scheduled to ensure that the installed bioretention areas do not receive runoff from exposed or disturbed areas that have not been landscaped. The constructed post-project stormwater BMPs shall not receive site runoff until all Project landscaping is planted, and effective erosion control measures are implemented to ensure that the stormwater features are protected from sediment accumulation.

b. Stormwater Management

- i. Disturbed areas must be temporarily stabilized to prevent erosion and accidental discharge into waters of the state no later than 24 hours prior to any likely precipitation event. A likely precipitation event is any weather pattern that is forecast to have a 50 percent probability of producing precipitation in the Project area, as predicted by the National Weather Service. If commencement of a precipitation event is predicted to begin less than 24 hours after the forecast is issued, temporary stabilization of the disturbed in-water work areas must begin immediately.
- ii. No individual construction activity that could discharge sediment or other pollutants may be initiated if that activity and its associated erosion control measures cannot be completed prior to the onset of precipitation. After any rain event, the Permittee shall inspect all sites currently under construction and all sites scheduled to begin construction within the next 72 hours for erosion and sedimentation

problems and take corrective action as needed. Prior to start-up of any phase of the project that may result in sediment-laden runoff to the project site the Permittee shall consult weather forecasts from the National Weather Service, and construction plans made to meet this condition.

H. 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 in accordance with the Cajon Pass High-Speed Rail Project Habitat Restoration Plan dated November 2022, approved through the issuance of this Certification and incorporated herein by reference.
2. The Water Board may extend the monitoring period beyond the requirements in the restoration plan upon determination by the Water Board Deputy Director or designee that the performance standards have not been met or are not likely to be met within the monitoring period.
3. Compensatory mitigation may be required for temporal loss which is any authorized impact site (as listed in Attachment B) where first-year restoration work for disturbed areas in, or immediately adjacent to, waters of the state is not completed within one year of the conclusion of ground- disturbing activity. The ratio for temporal loss will be the same ratio as was determined for compensatory mitigation for permanent impacts.
4. Total required Project restoration information for temporary impacts is summarized in Table 3.

Table 3: Required Project Restoration Quantity for Temporary Impacts

Aquatic Resource Type	Units	Quantity to be Restored
Riparian Zone	Acres	10.50
Stream Channel	Acres	37.86
Wetland	Acres	1.29
Lake/Reservoir	Acres	5.12

I. Compensatory Mitigation for Permanent Impacts

Compensatory mitigation is for permanent physical loss and permanent ecological degradation of a water of the state, and may include mitigation for temporary impacts that result in temporal loss of function.

1. Final Compensatory Mitigation Plan:

The Permittee has agreed to provide compensatory mitigation for impacts to waters of the state in accordance with the Compensatory Mitigation Plan for Brightline West Cajon Pass High-Speed Rail Project (Compensatory Mitigation Plan) dated March 2025, and incorporated herein by reference and approved through the issuance of this certification. Any deviations from, or revisions to, the Compensatory Mitigation Plan must be pre-approved by Water Board staff.

2. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation

- a. A copy of the fully executed agreement for the purchase of mitigation credits and the transfer agreement shall be provided to the Water Board prior to authorized impacts.
- b. The Permittee shall retain responsibility for providing compensatory mitigation and long-term management until Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

3. Total Compensatory Mitigation

As summarized below, the Permittee will provide compensatory mitigation for the authorized impact to waters of the state by purchasing Aquatic Resource Credits in the Mojave River Watershed and Santa Ana River Watershed Service Area.

Table 4: Total Project Compensatory Mitigation Quantity

Aquatic Resource Type	Mitigation Type	Credits	Units	Type of Credit (Rehabilitation, etc.)
Ephemeral Wash/Channel	Mitigation Bank Credits	1.753	Acres	Enhancement
Riparian Habitat	Mitigation Bank Credits	0.882	Acres	Preservation
Concrete-Lined Ephemeral Channel	Mitigation Bank Credits	6.104	Acres	Enhancement
Wetland	Mitigation Bank Credits	0.126	Acres	Enhancement
Ephemeral Wash/Channel	In Lieu Fee	2.120	Acres	Enhancement
Concrete-Lined Ephemeral Channel	In Lieu Fee	6.724	Acres	Enhancement
Lake / Detention Pond	In Lieu Fee	0.541	Acres	Enhancement

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 April 21, 2023, to May 12, 2023. The Water Board did not receive any comments during the comment period.

X. California Environmental Quality Act (CEQA)

The Water Board has determined that the issuance of this Certification and the activities described herein are exempt by statute pursuant to Public Resources Code section 21080(b)(10).

The Water Board will file a Notice of Exemption with the State Clearinghouse within 5 working days from the issuance of this Certification. (Cal. Code of Regs., tit. 14, § 15062.)

XI. Petitions for Reconsideration

Any person aggrieved by this action may petition the Water Board to reconsider this Certification 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 Certification.

XII. Water Quality Certification

I hereby issue this Certification for the Brightline West Cajon Pass Project, SB22062IN, certifying that as long as all of the conditions listed in this Certification are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act 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 Certification also serves as waste discharge requirements in accordance with State Water Board Water Quality General Order No. 2003-0017-DWQ.

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

Date

Phillip Crader  Digitally signed by Phillip Crader
Date: 2025.06.18 12:22:51 -07'00'

Phillip Crader, Deputy Director
Division of Water Quality