



California Regional Water Quality Control Board Santa Ana Region



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Edmund G. Brown Jr.
Governor

April 28, 2011

Mr. Romeo David
City of Rancho Cucamonga
10500 Civic Center Drive
Rancho Cucamonga, CA 91729

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR HELLMAN AVENUE STORM DRAIN AND STREET IMPROVEMENT PROJECT IN THE CITY OF RANCHO CUCAMONGA, SAN BERNARDINO COUNTY (ACOE FILE NO. NOT AVAILABLE) (SARWQCB FILE NO. 362011-04)

Dear Mr. David:

On February 8, 2011, our office received an application from the City of Rancho Cucamonga for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") for their proposed storm drain and street improvement project on a section of Hellman Avenue. The City's application states that the section of Hellman Avenue where the project will occur has historically been prone to flooding during rain events. The city proposes this project to mitigate future flooding along Hellman Avenue and the adjacent areas, by redirecting surface storm flows into below grade storm drains. This letter responds to your request for certification that the proposed project, described in the 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) and subsequent Basin Plan amendments ("Basin Plan"):

Project Description: Proposed improvements will occur within and along Hellman Avenue, from Cucamonga Creek Channel to approximately 200 feet north of 8th Street. The project will provide drainage improvements on Hellman Avenue within the project limits. Activities within this project will include:

- 1) Removal of an existing segment of 114" diameter precast concrete subsurface storm drain pipe and replacing it with sections of 120" and 138" diameter reinforced concrete pipe (RCP) within the center and eastern edge of Hellman Avenue;

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- 2) Construct a 7'x15' cast in place reinforced concrete single box culvert with associated connections to the newly installed 120" and 138" diameter sections of RCP;
- 3) Cut and remove portion of existing San Bernardino County Flood Control's Cucamonga Creek concrete channel wall and install the 7'x15' reinforced concrete box culvert;
- 4) Install: raised curb medians; storm drain facilities, including curb opening catch basins and associated junction structures and manholes; landscaping; pavement striping and marking; street lighting and traffic signals and signage; and,
- 5) Relocate existing utilities as needed.

The project is located within Section 15 of Township 1 South and Range 7 West of the U.S. Geological Survey *Guasti, California*, 7.5-minute topographic quadrangle map (17° 36' 8.98" W/ 34° 05' 093" N).

Receiving Waters: Cucamonga Creek

Fill Area: 0.075 acre of temporary impact to streambed (110 linear feet)

Dredge Volume: N/A

Federal Permits: US 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:

- 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 Game will ensure those impacts are mitigated to an acceptable level.

This certification addresses impacts to water quality standards associated with the dredging or filling of waters of the United States. Appropriate BMPs will be implemented to reduce construction-related impacts to Waters of the State according to

requirements issued to the County of San Bernardino by the Regional Water Quality Control Board in Order No. RB8-2010-0036 (NPDES Permit No. CAS618033), commonly known as the San Bernardino County Municipal Storm Water (MS4) Permit, and subsequent iterations thereof. As a co-permittee in Order No. RB8-2010-0036, the City of Rancho Cucamonga is obligated to comply with certain requirements of the Order. Order No. RB8-2010-0036 addresses construction and post-construction water quality impacts resulting from the use of roadways, and includes requirements for the development and implementation of appropriate Best Management Practices for removing construction-related and transportation-related pollutants from discharges from co-permittees' rights-of-way and easements. As a co-permittee in Order No. RB8-2010-0036, the City of Cucamonga is also required to substantially comply with the requirements of State Water Resources Control Board's Order No. 2009-0009-DWQ, General Permit for Storm Water Discharges Associated with Construction Activity, including the preparation of a SWPPP and Water Quality Management Plan (WQMP).

The proposed project is subject to a Nationwide Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. Pursuant to the California Environmental Quality Act (CEQA), the City of Rancho Cucamonga filed a CEQA Guidelines Section 15301 "Class1" Categorical Exemption, which declares that the project involves the operation, repair, maintenance, and minor alteration of public/private structures that result in a negligible expansion of uses. The Regional Board has independently reviewed the project and concludes that the project is properly considered a minor alteration of an existing facility and is therefore categorically exempt pursuant to CEQA Guidelines section 15301.

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) A copy of this Certification and any subsequent amendments must be maintained on site for the duration of work, as a denoted element of the project Storm Water Pollution Prevention Plan (SWPPP) or Water Quality Management Plan (WQMP).
- 3) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 4) 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.

- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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.
- 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/
- 10) Post-construction BMPs shall be implemented through a City approved WQMP. The City shall monitor and maintain BMPs to ensure that transportation-related pollutants from the project site are appropriately treated at all times.

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.

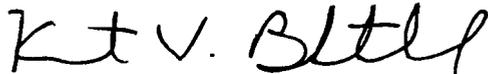
This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related 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. 200-0017-DWQ is available at: 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

cc (via electronic message):

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
U.S. EPA – Supervisor of the Wetlands Regulatory Office WTR- 8
CDFG, Region 6, Ontario Office – Michael Flores

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