



California Regional Water Quality Control Board

Santa Ana Region



Matthew Rodriguez
Secretary for
Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 • FAX (951) 781-6288
www.waterboards.ca.gov/santaana

Edmund G. Brown Jr.
Governor

October 5, 2011

Dennis Barton
City of Highland
27215 East Baseline
Highland, CA 92346

**AMENDED CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE GREENSPOT BRIDGE REPLACEMENT, HIGHLAND,
COUNTY OF SAN BERNARDINO, CALIFORNIA (ACOE REFERENCE NO. NOT
AVAILABLE) (SARWQCB PROJECT NO. 362010-08)**

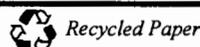
Dear Mr. Barton:

The City of Highland's Greenspot Bridge Replacement Project received Clean Water Act Section 401 Water Quality Standards Certification (Certification) on February 14, 2011. On September 9, 2011, we received e-mail notification that the Project's Certification needs to be amended to reflect revised calculations that show the Project's area of impact is less than previously reported. This letter responds to your request for an amended certification that the proposed project, 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 consists of constructing a new bridge, downstream of the existing bridge, on Greenspot Road at the Santa Ana River crossing. The proposed bridge's approaches and the project's limits extend from 2,245 feet (684.28 meters) northwesterly of the existing bridge across the Santa Ana River to 960 feet (292.6 meters) southwestly of the bridge. The project impact area takes into account the realignment of Greenspot Road for the bridge approaches and construction of channel improvements. Impacts associated with the road realignment include the toe of slope lines at 4:1, staging areas, roadway accesses to the river and existing road, a 2-lane bridge with its approach tapers, and areas required during construction. A typical bridge section will include two 12-foot (3.66 meters) vehicular lanes and an 8-foot (2.44-meter) shoulder on each side. The total approach roadway width will be 40 feet (12.19 meters).

California Environmental Protection Agency



The proposed bridge will be supported by piers and will extend 270 feet (82.30 meters) across the Santa Ana River. In total, the project will result in 9.11 acres of temporary land disturbance and 5.28 acres of permanent land disturbance. The work will take place within Section 8 of Township 1 South, Range 2 West, of the U.S. Geological Survey Yucaipa quadrangle map (34.6032° N/ 117.6378° W).

Receiving water: Santa Ana River

Fill area: 0.07 acre of permanent impact to streambed habitat and 1.98 acres of temporary impact to streambed habitat

Dredge/Fill volume: 2,971.76 cubic yards

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.
- Restoration of the streambed habitat within the temporary impact areas to its native condition, at a 1:1 ratio.
- Restoration of 4.18 acres of temporarily impacted of Riversidean alluvial fan sage scrub (RAFSS) habitat within the construction area. This will be accomplished following specifications within the project's Habitat Mitigation, Monitoring & Reporting Plan (HMMRP) revised September, 2011.
- Restoration of 2.09 acres of temporarily impacted sandy river wash habitat.

Offsite Water Quality Standards Mitigation Proposed:

- Compensatory mitigation for permanent impacts to 4.35 acres of San Bernardino Kangaroo Rat SBKR habitat by purchasing 8.0 acres of SBKR habitat credits from the Cajon Creek Conservation Bank, Vulcan Materials, Inc., in San Bernardino County, within the Santa Ana River Watershed.
- Compensatory mitigation for permanent impacts to 0.07 acre of Waters of the U.S. by purchasing 0.21 acres of credits from Santa Ana Watershed Association (SAWA), an in-lieu fee entity.

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. R8-2010-0036 (NPDES Permit No. CAS618036), commonly known as the San Bernardino County Municipal Storm Water Permit, and subsequent iterations thereof. Order No. R8-2010-0036 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.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an Environmental Impact Report (EIR) or Negative Declaration (ND) prepared by the lead agency in determining whether to approve a Section 401 Certification. A responsible agency has responsibility for mitigating and avoiding only the direct and indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve. Further, the responsible agency must make findings as required by Sections 15091 and, if necessary, 15093, for each and every significant impact of the project.

As required by Section 15096, the Regional Board has considered the City of Highland's mitigated ND (MND) for the proposed project, particularly those sections of the MND that relate to water quality and beneficial uses, in approving this Certification. Based on information provided in the City's application, including 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 a less than significant 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 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) Proposed mitigation shall be timely implemented. Materials documenting the purchase of necessary mitigation credits shall be provided to this office prior to the discharge of fill to, or 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 BMPs as they relate to each potential pollution source identified.
- 4) 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.
- 5) 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.
- 6) 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.
- 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.
- 8) 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.
- 9) Applicant shall follow all procedures and policies specified within the project's HMMRP.



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.

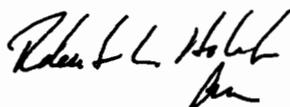
In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean 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

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):

U. S. Army Corps of Engineers, Los Angeles Office – Jason Lambert
Department of Fish and Game – Joanna Gibson
State Water Resources Control Board, Office of Chief Counsel – David Rice
U.S. EPA – Supervisor of the Wetlands Regulatory Office WTR- 8
Tom Dodson & Assocs.- Shay Lawrey – shay@tdaenv.com
State Water Resources Control Board DWQ – Water Quality Certification Unit