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SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**Santa Ana Regional Water Quality Control Board**

November 26, 2012

Thomas A. Love  
Inland Empire Utilities Agency  
6075 Kimball Avenue, Building A  
Chino, CA 91710

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
CERTIFICATION FOR THE EL PRADO ROAD IMPROVEMENTS PROJECT,  
COUNTY OF SAN BERNARDINO, CALIFORNIA (ACOE REFERENCE NO. NOT  
AVAILABLE) (SARWQCB PROJECT NO. 362012-17)**

Dear Mr. Love:

On August 15, 2012, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from Inland Empire Utilities Agency for a project located in the City of Chino, San Bernardino County. The project proposes to widen the easterly side of El Prado Road, to the limit of the existing right-of-way. 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 widen the existing east side of El Prado Road to the ultimate street right-of way (ROW) width of 44 feet. The project extends southeasterly from the intersection of El Prado Road and Kimball Avenue to approximately 2,300 feet south of Kimball Ave. The easterly portion of the ROW will include the construction of a 5-foot wide sidewalk within a 12-foot parkway (7 feet will be curb and adjacent landscaped area). The construction of the project will result in the temporary grading of a channel and the removal of riparian habitat in order to construct the road and pedestrian sidewalk on the east side of the road. The work will take place within Township 2 South, Range 8 West, of the U.S. Geological Survey *El Prado Dam* quadrangle map (33° 57' 53.685" N/ -117° 40' 38.13" W).

Receiving water:

Chino Creek

CAROLE H. BESWICK, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | [www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)

Fill area: 0.1 acre of permanent impact to riparian habitat and 0.015 acre of temporary impact to streambed habitat.

Dredge/Fill volume: N/A

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.
- After construction is complete, drainage features in temporary construction areas will be restored to existing contours, and revegetated according to site revegetation plan requirements.
- A Storm Water Pollution Prevention Plan (SWPPP) will be developed and implemented consistent with the requirements of the SWRCB General Permit for Stormwater Discharges Associated with construction activity.
- A revegetation and rehabilitation plan will be developed to identify appropriate recontouring and revegetation of temporarily disturbed areas and site drainage features. The revegetation plan will include native species designed for long-term erosion protection and habitat restoration.
- For loss of the 0.1 acre of riparian habitat, the mitigation ratio will be a 2:1 ratio, or 0.2 acre of new riparian habitat in the immediate area of the project.

**Offsite Water Quality Standards Mitigation Proposed:**

- 0.015 acre (15 linear feet) of restored streambed compensatory mitigation is proposed within the streambed, immediately adjacent to the project site.

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.

A Mitigated Negative Declaration for the project was filed by the Inland Empire Utilities Agency on June 26, 2012. Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an EIR or Negative Declaration prepared by the lead agency in determining whether to approve a project. 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.

The Regional Board has considered the Inland Empire Utilities Agency's Mitigated Negative Declaration (MND) for this project before issuing this Certification, particularly those sections of the MND that relate to water quality. Based on the mitigation proposed in the MND and application, and the conditions set forth in this Certification, the Regional Board concludes that 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. The proposed revegetation and rehabilitation plan shall be submitted to Regional Board staff for review within 120 days.
- 3) Subsequent reporting for on and off-site mitigation status shall be submitted annually to the Regional Board staff until mitigation plan objectives are met.
- 4) 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.
- 5) 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.
- 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, shall not be discharged to soils or waters of the state. All waste concrete shall be removed.
- 7) 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.
- 8) 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 of 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.

- 9) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 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 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](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):

J.I> Patterson & Associates – Environmental Manager – Lisa M. Patterson  
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 Game - Joanna Gibson  
U.S. EPA- Supervisor of the Wetlands Regulatory Office WTR- 8