



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

February 19, 2009

Russell Williams
Department of Transportation
District 8 ("Caltrans")
464 West Fourth Street, 6th Floor
San Bernardino, CA 92410-1400

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE STATE ROUTE 210 CORRIDOR PROJECT, CITY OF SAN BERNARDINO, SAN BERNARDINO COUNTY (CORPS FILE NO. NOT AVAILABLE)

Dear Mr. Williams:

On November 7, 2008, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification"), for the proposed improvements to the State Route 210 ("SR-210") Corridor in the City of San Bernardino. 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:

Construction of freeway improvements to a segment of SR-210 between Massachusetts Avenue/Muscupiabe Drive and University Parkway, and to State Route 30 ("SR-30"), from the vicinity of 27th Street to Miramonte Drive. The improvements will result in the widening of SR-210 into an 8-lane freeway and the construction of connector roads to SR-30. Miramonte Drive will be realigned onto Little Mountain Drive and the old alignment will be made into an intersection. In addition, the off- and on-ramps at Highland Avenue will be relocated and 27th Street will be realigned. The project will result in the extension of a culvert and the fill of a roadside drainage. An earthen channel will be realigned to accommodate a new roadway embankment and the channel widened for approximately 600 feet of its length. The realigned and widened drainage is proposed as compensatory mitigation. The project is located within Section 23 of Township 1 South and Range 5 West of the U.S. Geological Survey *San Bernardino North, California*,

California Environmental Protection Agency



7.5-minute topographic quadrangle map (34 deg. 09 min. 23 sec. N/-117 deg. 19 min. 36 sec. W).

Receiving Waters: Rialto Channel and an un-named drainage channel.

Fill Area: 0.13 acre of permanent, and 0.11 acre of temporary impact to ephemeral drainages (3,007 total linear feet). See Table 1 below for additional details.

Table 1: Proposed fill and locations.

Drainage ¹	Fill (acres)	Latitude/longitude
A	Up to 0.01	34 deg. 09 min. 35.53 sec. N/ -117 deg. 19 min. 47.31 sec. W
B	Up to 0.01	34 deg. 09 min. 34.05 sec. N/ -117 deg. 19 min. 45.93 sec. W
C	0.13	34 deg. 09 min. 19.88 sec. N/ -117 deg. 19 min. 34.77 sec. W

Dredge Volume: Not applicable.

Federal Permits: US Army Corps of Engineers Nationwide Permit Nos. 3 and 14.

This certification addresses impacts to water quality standards associated with the dredging or filling of waters of the United States. Construction and post-construction impacts resulting from the project and use of the roadways are addressed by waste discharge requirements issued to the Department of Transportation by the State Water Resources Control Board in Order No. 99-06 DWQ. These requirements include the development and implementation of appropriate Best Management Practices for the purpose of removing construction-related and transportation-related pollutants from discharges from Caltrans' rights-of-way and easements.

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. The California Department of Fish and Game has determined that the project is not subject to a Streambed Alteration Agreement under Fish and Game Code Section 1600 *et seq.* Pursuant to the California Environmental Quality Act ("CEQA"), Caltrans certified an environmental impact report for the larger 28.2-mile long SR-210 Corridor Project on September 19, 1996 (State Clearinghouse No. 87122105). Subsequent environmental analysis was provided in an Addendum for the larger SR-210 Corridor Project, adopted on

¹ As identified in the project Jurisdictional Delineation, dated October 2008, prepared by LSA Associates, Inc.

September 19, 1996, and another Addendum, dated July 24, 2007, for the segment that is the subject of this Certification. Pursuant to California Code of Regulations, Title 14, Section 15096, subdivision (f), the Regional Board must consider the environmental effects of the project as shown in the associated environmental documents prior to reaching a decision on the project. The Regional Board has considered Caltrans' environmental documents in the issuance of this Certification and finds that changes or alterations have been required, or incorporated into the proposed project, which avoid impacts to water quality or mitigates them to a less than significant level.

This 401 Certification is contingent upon the execution of the following conditions:

- 1) A copy of this Certification and any subsequent amendments must be maintained on site as a denoted element of the project Storm Water Pollution Prevention Plan(s) ("SWPPP").
- 2) The discharger must comply with the conditions and provisions of the U.S. Army Corps of Engineer's permit(s).

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

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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/wqo2003-0017.pdf

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT
Executive Officer

cc (via electronic message):

U. S. Army Corps of Engineers, Los Angeles Office – Stephanie Hall
State Water Resources Control Board, OCC – David Rice
State Water Resources Control Board, DWQ – Water Quality Certification Unit
California Department of Fish and Game, Ontario Office – Michael Flores
U.S. EPA – Supervisor of the Wetlands Regulatory Office WTR- 8

APF: 401/certifications/SR210 corridor project 362008-28