

Lahontan Regional Water Quality Control Board

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STATE CLEARINGHOUSE

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File: Environmental Doc Review
San Bernardino County

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**Comments on the Initial Study and Draft Mitigated Negative Declaration,
Lenwood Maintenance and Improvement Project, San Bernardino
County, State Clearinghouse Number 2019059033**

The California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received an Initial Study and Draft Mitigated Negative Declaration (IS/MND) for the above-referenced Project (Project) on May 13, 2019. The IS/MND was prepared by the San Bernardino County Department of Public Works (County) and submitted in compliance with provisions of the California Environmental Quality Act (CEQA). Based on our review of the IS/MND, we recommend the following: (1) the IS/MND acknowledge that Project area falls under the jurisdiction of the Lahontan Regional Water Quality Control Board; (2) identify whether any water quality standards that will be violated by the Project and include that information in the IS/MND; and (3) the IS/MND identify which hydrologic unit and hydrologic area the Project is located in along with a listing of the beneficial uses of water resources within that Project area. Our comments are outlined below.

WATER BOARD'S AUTHORITY

All groundwater and surface waters are considered waters of the State. All waters of the State are protected under California law. State law assigns responsibility for protection of water quality in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the United States. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the United States.

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained

or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site at http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml.

WATER QUALITY CONCERNS

Our comments on the Project are outlined below.

1. The IS/MND incorrectly identifies the Project as being under the jurisdiction of the Santa Ana Regional Water Quality Control Board in multiple sections of the IS/MND. The entire Project area resides within the Lahontan Region; please revise the environmental document.
2. The hydrologic impact analysis does not evaluate whether any water quality standards will be violated as a result of Project implementation. Please evaluate whether water quality standards will be violated by the Project and include that information in the IS/MND. Adequate mitigation must be provided to reduce potential impacts to a less than significant level.
3. The Project site is located within the Middle Mojave Hydrologic Area (628.30) of the Mojave Hydrologic Unit (628.00), and groundwater beneath the Project site is contained within the Middle Mojave Groundwater Basin (6-41). The beneficial uses of these water resources are listed either by watershed (for surface waters) or by groundwater basin (for groundwater) in Chapter 2 of the Basin Plan. These beneficial uses are applicable to all water on the Project site regardless of whether the surface waters are perennial, intermittent, or ephemeral. We request that the IS/MND identify and list the beneficial uses of the water resources within the Project area, and include an analysis of the Project's potential impacts to water quality and hydrology with respect to those beneficial uses.
4. **HYD-2: Stormwater Pollution Prevention Plan (SWPPP)** – We recommend that the San Bernardino County Flood Control District prepare a SWPPP that includes construction and post-construction Best Management Practices (BMPs) regardless of whether the Project qualifies for a waiver based on rainfall erosivity factors established by the United States Environmental Protection Agency.
5. **HYD-2: BMP 2 – Clear Water Diversion** – Please be advised that any maintenance needed to maintain drainage structures will likely require a permitting action by the Water Board.
6. **HYD-7: Location of Permanent Stockpiles** – All excess soil excavated as part of the Project that is not used onsite should be stockpiled in an upland location such that it will not be transported by wind or water into a surface water. An adequate combination of sediment and erosion control BMPs must be

implemented and maintained to temporarily stabilize the stockpiled soils until such time that they are reused and/or permanently stabilized.

7. **HYD-9 – Invasive Plant Removal Protocols** – This mitigation measure should include a statement that the use of herbicides will not be used in waterways on the Project site.
8. Equipment staging areas, excavated soil stockpiles, and hazardous materials (i.e. oils and fuels) should be sited in upland areas outside surface waters and adjacent flood plain areas. These locations should also be included on Project maps or site plans, which are needed to evaluate the Project impacts.



PERMITTING REQUIREMENTS

A number of activities associated with the proposed Project may have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Board or Lahontan Water Board. The required permits may include the following.

9. Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill waste discharge requirements for impacts to non-federal waters, both issued by the Lahontan Water Board. All unavoidable permanent impacts to waters of the State must be mitigated to ensure no net loss of beneficial use and wetland function and value. Water Board staff coordinate mitigation requirements with staff from federal and other state regulatory agencies. In determining appropriate mitigation ratios for impacts to waters of the State, we consider Basin Plan requirements (minimum 1.5 to 1 mitigation ratio for impacts to wetlands) and utilize 12501-SPD Regulatory Program Standard Operating Procedure for Determination of Mitigation Ratios, published December 2012 by the US Army Corps of Engineers, South Pacific Division.
10. Land disturbance of more than 1 acre may require a CWA, section 402(p) storm water permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.

We request that the draft IS/MND recognize the potential permits that may be required for the Project, as outlined above, and identify the specific activities that may trigger these permitting actions in the appropriate sections of the environmental document. Information regarding these permits, including application forms, can be downloaded from our website at <http://www.waterboards.ca.gov/lahontan/>. Early consultation with Water Board staff regarding potential permitting is recommended.

Thank you for requesting our consultation. If you have any questions regarding this letter, please contact me at (760) 241-7305 (tiffany.steinert@waterboards.ca.gov) or Jan Zimmerman, Senior Engineering Geologist, at (760) 241-7376 (jan.zimmerman@waterboards.ca.gov). Please send all future correspondence regarding this Project to the Water Board's email address at Lahontan@waterboards.ca.gov and be sure to include the Project name in the subject line.


 Tiffany Steinert, GIT
Engineering Geologist

cc: Ali Aghili, CA Dept. of Fish and Wildlife (Ali.Aghili@wildlife.ca.gov)
State Clearinghouse (SCH 2019059033) (state.clearinghouse@opr.ca.gov)

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