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## Lahontan Regional Water Quality Control Board

July 7, 2020

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File: Environmental Doc Review  
San Bernardino County  
Governor's Office of Planning & Research

**Jul 07 2020**

**STATE CLEARINGHOUSE**

### **Comments on the Initial Study and Mitigated Negative Declaration for SBD-138 Construct Median and Standard Shoulders, Community of Pinon Hills, San Bernardino County, State Clearinghouse Number 2020060289**

Lahontan Regional Water Quality Control Board (Water Board) staff received an Initial Study and Mitigated Negative Declaration (IS/MND) for the above-referenced Project (Project) on June 15, 2020. The IS/MND was prepared by the California Department of Transportation (Caltrans) and submitted in compliance with provisions of the California Environmental Quality Act (CEQA). The proposed Project is intended to improve public safety on State Route 138 (SR-138) by adding a 4-foot median buffer in the median and installing median and shoulder rumble strips. Twelve existing culverts will be extended, and six existing culverts will be replaced as part of the Project.

Water Board staff, acting as a responsible agency, is providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations (CCR), title 14, section 15096. We thank Caltrans for providing Water Board staff the opportunity to review and comment on the IS/MND and for taking the initiative to develop the IS/MND with considerations to potential effects on water quality. We encourage Caltrans to take this opportunity to incorporate into the environmental document: (1) a mitigation measure that requires the preparation and implementation of a comprehensive Spill Prevention and Response Plan; and (2) a listing of the beneficial uses of all water resources within the Project area as outlined in Chapter 2 of the Lahontan Basin Plan. Our comments on the proposed Project 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

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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](http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml).

## **SPECIFIC COMMENTS**

Our specific comments on the Project and the IS/MND are provided below.

1. The environmental document should include a mitigation measure that requires the preparation and implementation of a comprehensive Spill Prevention and Response Plan. This plan should outline the site-specific monitoring requirements and list the best management practices necessary to prevent hazardous material spills or to contain and cleanup a hazardous material spill, should one occur.
2. The Project is located within the Mojave Hydrologic Unit (Hydrologic Unit No. 628.00) and overlies the Upper Mojave River Valley groundwater basin (Basin No. 6-42) and the El Mirage groundwater basin (Basin No. 6-43). The beneficial uses of these waters are listed either by watershed (for surface waters) and by groundwater basin (for groundwater) in Chapter 2 of the Basin Plan. The proposed Project should identify and list the beneficial uses of all water resources within the Project area.

## **PERMITTING REQUIREMENTS FOR INDIVIDUAL PROJECTS**


A number of activities if implemented at this site have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Resources Control Board (State Water Board) or Lahontan Water Board. The required permits may include the following:

1. 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 January 2017 by the US Army Corps of Engineers, South Pacific Division.

2. 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.

Thank you for the opportunity to comment on the IS/MND. If you have any questions regarding this letter, please contact me at (760) 241-7305, [tiffany.steinert@waterboards.ca.gov](mailto:tiffany.steinert@waterboards.ca.gov) or Jan Zimmerman, Senior Engineering Geologist, at (760) 241-7376, [jan.zimmerman@waterboards.ca.gov](mailto: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](mailto:Lahontan@waterboards.ca.gov) and be sure to include the State Clearinghouse No. and Project name in the subject line.

  
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cc: State Clearinghouse (SCH 2020060289) ([state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov))  
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