



California Regional Water Quality Control Board

San Diego Region



Matthew Rodriguez

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Edmund G. Brown Jr.
Governor

Secretary
for
Environmental Protection

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March 15, 2012

Certified Mail – Return Receipt Requested
Article Number: 7011 0470 0002 8961 5162

Mr. Thomas Duffy
Department of Public Works
County of San Diego
5469 Kearny Villa Road
Suite 305
San Diego, CA 92123

In reply refer to:
760239: mporter

Dear Mr. Duffy:

**SUBJECT: Amendment No. 1 to Clean Water Act Section 401
Water Quality Certification No. 10C-114 for the Woodside
Avenue Drainage Improvement Project**


By letter dated February 21, 2012, the County of San Diego requested modification of the Woodside Avenue Drainage Improvement Project Certification, number 10C-114 (Certification). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) has reviewed both the request and the Woodside Avenue Drainage Improvement Project file and determined that the proposed modification to the original Certification is reasonable and appropriate. As a result, the Certification for the Woodside Avenue Drainage Improvement Project has been amended to reflect the proposed modification. The amended Certification with the changes shown in redline strikeout is attached.

Any petition for reconsideration of this amended Certification amendment must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that the County of San Diego has accepted and will comply with all conditions of the amended Certification. Failure to comply with all conditions of this amended Certification may result in enforcement actions against the County of San Diego.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Mike Porter at 858-467-2726 or mporter@waterboards.ca.gov.

California Environmental Protection Agency

Respectfully,


DAVID W. GIBSON
Executive Officer

E-copies:

Ms. Meris Bantilan-Smith
U.S. Army Corps of Engineers
San Diego Field Office
meris.bantilan-smith@usace.army.mil

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Mr. Eric Raffini
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U.S. Environmental Protection Agency, Region 9
R9-WTR8-Mailbox@epa.gov

State Water Resources Control Board
Division of Water Quality
401 Water Quality Certification and Wetlands Unit
Stateboard401@waterboards.ca.gov

Tech Staff Info & Use	
File No.	10C-114
WDID	9000002202
Reg. Measure ID	377112
Place ID	760239
Party ID	525090
Person ID	525512



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Action on Request
for
Clean Water Act Section 401 Water Quality Certification
and
Waste Discharge Requirements
for
Discharge of Dredged and/or Fill Materials
AMENDMENT NO. 1

PROJECT: Woodside Avenue Drainage Improvement Project
Water Quality Certification No. 10C-114

APPLICANT: Mr. Tom Duffy
Environmental Planning Manager
Department of Public Works
County of San Diego
5469 Kearny Villa Road
Suite 305
San Diego, CA 92123

WDID	9000002202
Reg. Meas.	377112
Place	760239
Party	525090
Person	525512

ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned, Programmatic Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

PROJECT DESCRIPTION:

The proposed project is the replacement of approximately 1,800-feet of an existing, partially underground storm water drainage system parallel to Woodside Avenue with an upgraded underground drainage system and construction of two 14-foot by 5-foot box culverts that would transport water under State Route 67 for a distance of approximately 340-feet. Dewatering may be required if groundwater is encountered during construction.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper



The project would result in permanent impacts to 0.07-acre (125-linear feet) of jurisdictional wetlands, resulting from the placement of the underground box culverts north of Woodside Avenue. The proposed project would also result in temporary impacts to ~~0.08-acre~~ 0.17-acre (74-linear feet) of jurisdictional wetlands, as a result of construction activities. This temporary impact would affect the water quality basin south of Woodside Avenue.

Mitigation will consist of onsite and offsite mitigation. Onsite mitigation will be the establishment of 0.07-acre (35-linear feet) of Freshwater marsh. Offsite mitigation will be the restoration (rehabilitation) and enhancement of 0.21-acre (75-linear feet) of Southern willow scrub within Dulzura Creek at the Lawrence and Barbara Daley Preserve. All temporary impacts will be regraded and reseeded (or planted) to restore original functions.

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I. STANDARD CONDITIONS:

The following three standard conditions apply to all Certification actions, except as noted under Condition 3 for denials.

- A. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
- B. This Certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. The validity of any non-denial Certification action must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

II. ADDITIONAL CONDITIONS: GENERAL

- A. Water Quality Certification No. 10C-114 (Certification) is only valid if the project begins no later than 5 (five) years from the date of issuance. If the project has not begun within 5 years from the date of issuance, then this Certification expires.
- B. The County of San Diego must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification*. These General Waste Discharge Requirements are accessible at:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf.
- C. The County of San Diego must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the San Diego Water Board, to support this Certification and all subsequent submittals required as part of this Certification and as described in Attachment 1. The conditions within this Certification must supersede

conflicting provisions within such plans submitted as part of this Certification action.

- D. The County of San Diego must permit the San Diego Water Board or its authorized representative at all times, upon presentation of credentials:
1. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 2. Access to copy any records required to be kept under the terms and conditions of this Certification.
 3. Inspection of any treatment equipment, monitoring equipment, or *monitoring method* required by this Certification.
 4. Sampling of any discharge or surface water covered by this Order.
- E. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must 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.
- F. In response to a suspected violation of any condition of this Certification, the San Diego Water Board may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the San Diego Water Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- G. In response to any violation of the conditions of this Certification, the San Diego Water Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.

III. ADDITIONAL CONDITIONS: CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. Construction Best Management Practices as described in the December 10, 2010 application and the *Woodside Avenue Flood Control Improvements, Conceptual Water Pollution Control Notes & Details*, RBF

Consulting, October 12, 2011 must be implemented. Proposed BMPs must include, but not be limited to:

1. Catch basin and inlet protection.
 2. Headwall outlet protection.
 3. Silt fencing.
 4. Fiber rolls.
 5. Gravel bag berms.
 6. Erosion control stabilizing emulsion.
 7. Concrete washout area.
 8. Stabilized construction entrance/exit.
 9. Spill prevention and control.
 10. Street sweeping and vacuuming.
- B. Prior to the start of the project, and annually thereafter, the County of San Diego must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and Best Management Practices BMPs implementation and maintenance.
- C. The County of San Diego must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.
- D. The treatment, storage, and disposal of wastewater during the life of the project must be done in accordance with waste discharge requirements established by the San Diego Water Board pursuant to CWC § 13260.
- E. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
- F. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or the State or placed in locations that may be subjected to storm flows. Pollutants discharged to areas within a stream diversion area must be removed at the end of each work day or sooner if rain is predicted.
- G. All surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no

siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.

- H. All areas that will be left in a rough graded state must be stabilized no later than two weeks after completion of grading. The County of San Diego, land owners, and/or land managers are responsible for implementing and maintaining BMPs to prevent erosion of the rough graded areas. After completion of grading, all areas must be revegetated with native species appropriate for the area. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at <http://www.cal-ipc.org/ip/inventory/weedlist.php>.
- I. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete (except as authorized by this Certification), asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.
- J. Removal of vegetation must occur by hand, mechanically, or using EPA approved herbicides deployed using applicable BMPs to prevent impacts to Beneficial Uses of waters of the State. Use of aquatic pesticides must be done in accordance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, and any subsequent reissuance as applicable. Removal of vegetation must occur outside of the avian nesting season (March 15 to August 31).
- K. If groundwater dewatering with discharge to surface water is necessary for project construction, the County of San Diego must comply with San Diego Water Board Order No. R9-2008-0002, *General Waste Discharge Requirements for Discharges from Groundwater Extraction and Similar Discharges to Surface Waters Within the San Diego Region*. These General Waste Discharge Requirements are accessible at: [http://www.swrcb.ca.gov/rwqcb9/board decisions/adopted orders/2008/2008_0002.pdf](http://www.swrcb.ca.gov/rwqcb9/board%20decisions/adopted%20orders/2008/2008_0002.pdf)
- L. During construction, the County of San Diego must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.

IV. ADDITIONAL CONDITIONS:

COMPENSATORY MITIGATION

- A. Impacts to waters and wetlands of the U.S. and State are limited to:
1. Permanent Impacts (San Diego hydrologic unit) -
Wetlands 0.07-acre, 125-linear feet
 2. Temporary Impacts (San Diego hydrologic unit) -
~~Wetlands 0.08-acre, 74-linear feet~~
Wetlands 0.17-acre, 74-linear feet
- B. Mitigation for non-avoidable impacts shall be implemented as described in the *Comprehensive Wetland Conceptual Mitigation Plan*, prepared by AMEC Earth & Environmental, Inc., and dated October 14, 2011. Mitigation must include:
1. Onsite establishment of 0.07-acre (35-linear feet) of Freshwater marsh.
 2. All temporary impacts will be regraded and reseeded (or planted) to restore original functions.
 3. Offsite mitigation will be the combined restoration (rehabilitation) and enhancement of 0.21-acre (75-linear feet) of Southern willow scrub within Dulzura Creek at the Lawrence and Barbara Daley Preserve.
- C. The construction of proposed mitigation must be concurrent with project grading and completed no later than 9 months following the initial discharge of dredge or fill material into on-site waters. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10 percent of the cumulative compensatory mitigation for each month of delay.
- D. The County of San Diego must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the United States/State. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species. County of San Diego must implement all necessary BMPs to control erosion and runoff from areas associated with this project.
- E. The County of San Diego must salvage leaf litter, coarse woody debris, and upper soil horizons from impacted jurisdictional water sites that are relatively free of invasive exotic species for use in on-site mitigation areas.

- F. The County of San Diego must also salvage large cuttings from appropriate tree species if they exist at the impact site and use them as pole plantings at the mitigation site.
- G. The mitigation sites must be designed, constructed, and maintained in perpetuity to meet the following conditions:
 - 1. Most of the channel through the mitigation sites are characterized by equilibrium conditions, with no evidence of severe aggradation or degradation;
 - 2. As viewed along cross-sections, the channel and buffer have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope contains physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and
 - 3. The mitigation sites have a well-developed plant community characterized by a high degree of horizontal and vertical interspersion among plant zones and layers.
- H. Throughout the mitigation monitoring program mitigation areas must be maintained free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the on-site or off-site mitigation areas.
- I. Any maintenance activities that do not contribute to the success of the mitigation sites and enhancement of beneficial uses and ecological functions and services are prohibited. Maintenance activities are limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species and remedial measures deemed necessary for the success of the restoration program.
- J. If at any time during the implementation and establishment of the mitigation areas, and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation areas, the County of San Diego is responsible for repair and replanting of the damaged areas.
- K. For the purpose of determining mitigation credit for the removal of exotic/invasive plant species, only the actual area occupied by exotic/invasive plant species must be quantified to comply with mitigation requirements.

- L. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the United States/State where the resource has never previously existed (e.g. conversion of nonnative grassland to a freshwater marsh). Restoration is divided into two activities, re-establishment and rehabilitation. Re-establishment is defined as the return of natural/historic functions to a site where vegetated or unvegetated waters of the United States/State previously existed (e.g., removal of fill material to restore a drainage). Rehabilitation is defined as the improvement of the general suite of functions of degraded vegetated or unvegetated waters of the United States/State (e.g., removal of a heavy infestation or monoculture of exotic plant species from jurisdictional areas and replacing with native species). Enhancement is defined as the improvement to one or two functions of existing vegetated or unvegetated waters of the United States/State (e.g., removal of small patches of exotic plant species from an area containing predominantly natural plant species). Preservation is defined as the acquisition and legal protection from future impacts in perpetuity of existing vegetated or unvegetated waters of the United States/State (e.g., conservation easement).
- M. Mitigation site maintenance and monitoring must continue until the mitigation sites have met the success criteria stated in the mitigation plan. The mitigation sites must be maintained free of non-native and invasive plant species in perpetuity, as proposed.

V. MONITORING REQUIREMENTS:

A. Bioassessment -

The County of San Diego must conduct bioassessment monitoring, as described in this section, to assess effects on the biological integrity of onsite and Dulzura Creek mitigation sites. Bioassessment shall include: 1) the collection and reporting of specified instream biological data, and 2) the collection and reporting of specified instream physical and habitat data.

Site Locations and Frequency -

Macroinvertebrate samples shall be collected once per calendar year at the onsite and Dulzura Creek mitigation sites. Sampling areas must be located upstream, within, and downstream of the mitigation areas.

Index Period -

Macroinvertebrate sampling shall be conducted between April 1st and October 1st. Sampling should be conducted when water is present and preferably flowing.

Field Methods for Macroinvertebrate Collections -

In collecting macroinvertebrate samples, the County of San Diego shall use the "Reachwide Benthos (Multihabitat) Procedure" specified in Standard Operating Procedures for Collecting Benthic Macroinvertebrate Samples and Associated Physical and Chemical Data for Ambient Bioassessments in California (Ode 2007, available at: http://www.swrcb.ca.gov/swamp/docs/phab_sopr6.pdf).

Habitat Assessment Methods -

The County of San Diego shall conduct, concurrently with all required macroinvertebrate collections, the "Full" suite of physical/habitat characterization measurements as specified in Standard Operating Procedures for Collecting Benthic Macroinvertebrate Samples and Associated Physical and Chemical Data for Ambient Bioassessments in California (Ode 2007), and as summarized in the Surface Water Ambient Monitoring Program's Stream Habitat Characterization Form — Full Version.

Laboratory Methods -

Macroinvertebrates shall be identified and classified according to the Standard Taxonomic Effort (STE) Level II of the Southwestern Association of Freshwater Invertebrate Taxonomists (SAFIT; requirements for Level I and Level II taxonomic effort, and are located at: <http://www.safit.org/ste.html>) and using a fixed-count of 600 organisms per sample.

Quality Assurance -

The County of San Diego shall have and follow a quality assurance (QA) plan that covers the required bioassessment monitoring. The QA plan shall include, or be supplemented to include, a specific requirement for external QA checks (i.e., verification of taxonomic identifications and correction of data where errors are identified). External QA checks shall be performed on one of the discharger's macroinvertebrate samples collected per calendar year, or ten percent of the samples per year (whichever is greater). QA samples shall be randomly selected. The external QA checks shall be paid for by the discharger, and performed by

the California Department of Fish and Game's Aquatic Bioassessment Laboratory. An alternate laboratory with equivalent or better expertise and performance may be used if approved in writing by Water Board staff.

Sample Preservation and Archiving -

The original sample material shall be stored in 70 percent ethanol and retained by the discharger until: 1) all QA analyses specified herein and in the relevant QA plan are completed; and 2) any data corrections and/or re-analyses recommended by the external QA laboratory have been implemented. The remaining subsampled material shall be stored in 70 percent ethanol and retained until completeness checks have been performed according to the relevant QA plan. The identified organisms shall be stored in 70 percent ethanol, in separate glass vials for each final ID taxon. (For example, a sample with 45 identified taxa would be archived in a minimum of 45 vials, each containing all individuals of the identified taxon.) Each of the vials containing identified organisms shall be labeled with taxonomic information (i.e., taxon name, organism count) and collection information (i.e., site name/site code, waterbody name, date collected, and method of collection). The identified organisms shall be archived (i.e., retained) by the discharger for a period of not less than three years from the date that all QA steps are completed, and shall be checked at least once per year and "topped off" with ethanol to prevent desiccation. The identified organisms shall be relinquished to the Water Board upon request by any Water Board staff.

Definitions: The "original sample material" is that material (i.e., macroinvertebrates, organic material, gravel, etc.) remaining after the subsample has been removed for identification. The "remaining subsampled material" is that material (e.g., organic material, gravel, etc.) that remains after the organisms to be identified have been removed from the subsample for identification. (Generally, no macroinvertebrates are present in the remaining subsampled material, but this needs to be verified via QA completeness checks.) The "identified organisms" are those organisms within the subsample that are specifically identified and counted.

Data Submittal -

The macroinvertebrate results (i.e., taxonomic identifications consistent with the specified SAFIT STEs, and number of organisms within each taxa) shall be submitted to the Water Board in electronic format. The Water Board's Surface Water Ambient Monitoring Program (SWAMP) is currently developing standardized formats for reporting bioassessment data. All bioassessment data collected after those formats become available shall be submitted using the SWAMP formats. Until those

formats are available, the biological data shall be submitted in MS-Excel (or equivalent) format. The physical/habitat data shall be reported using the standard format titled SWAMP Stream Habitat Characterization Form — Full Version.

Invasive Species Prevention -

In conducting the required bioassessment monitoring, the discharger and its consultants shall take precautions to prevent the introduction or spread of aquatic invasive species. At minimum, the discharger and its consultants shall follow the recommendations of the California Department of Fish and Game to minimize the introduction or spread of the New Zealand mudsnail.

The results of the Bioassessment must be submitted **each year with the Mitigation Monitoring Reports.**

B. California Rapid Assessment Method -

The County of San Diego must conduct a quantitative, function-based assessment of the health of wetland and riparian habitats in the impact areas and all mitigation areas using the California Rapid Assessment Method (CRAM)¹ at the three assessment stations described above (in section V.A., 'Benthic Macroinvertebrate Community Analysis'). Monitoring must occur prior to impacts and for at least three consecutive years after impacts. The results of the CRAM assessment must be submitted **each year with the Mitigation Monitoring Reports.**

VI. NOTIFICATION REQUIREMENTS:

- A. The County of San Diego must notify the San Diego Water Board within **24 hours** of any unauthorized discharge, including hazardous or toxic materials, to waters of the United States and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional best management practices (BMPs) or other measures that will be implemented to prevent future discharges.
- B. This Certification is not transferable in its entirety or in part to any person or organization except after notice to the Executive Officer of the San Diego Water Board in accordance with the following terms.

¹ Information on CRAM is available at the California Rapid Assessment Method homepage at <http://www.cramwetlands.org/>

1. **Transfer of Property Ownership:** the County of San Diego must notify the *San Diego Water Board* of any change in ownership of the project area. Notification of change in ownership must include, but not be limited to, a statement that the County of San Diego has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the Executive Officer of the San Diego Water Board within **10 days** of the transfer of ownership.

 2. **Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the County of San Diego will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the County of San Diego of this Certification in the event that a transferee fails to comply. The County of San Diego must provide such notification to the Executive Officer of the San Diego Water Board within **10 days** of the transfer of mitigation responsibility.
- C. Prior to the start of construction, the County of San Diego must provide the San Diego Water Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. Within one year of the start of construction, the County of San Diego must submit proof of a completed preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation property must be adequate to demonstrate that the site will be maintained without future development or encroachment on the site which could otherwise reduce the functions and values of the site for the variety of beneficial uses of waters of the United States that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and

values of the site. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation

VII. REPORTING REQUIREMENTS:

- A. The County of San Diego must submit annual progress reports describing status of compliance with all requirements of this Certification to the San Diego Water Board prior to **August 1** of each year following the issuance of this Certification until the project has reached completion. The County of San Diego must submit a Final Project Annual Report to the San Diego Water Board prior to **August 1** following completion of the project. The reports must include the following:
1. Date of construction initiation.
 2. Projected date of construction completion.
 3. Status of BMPs for the project.
 4. Final Project Report: As-built drawings no larger than 11"X17", GPS readings, and photodocumentation of post-construction BMPs.
- B. Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful. Annual monitoring reports must be submitted prior to **December 1** of each year. Monitoring reports must include, but not be limited to, the following:
1. Names, qualifications, and affiliations of the persons contributing to the report;
 2. Date of initiation of mitigation installation and date mitigation installation was completed.
 3. Mitigation as-builts, including topography maps and planting locations.
 4. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data;
 5. Topographic complexity characteristics at each mitigation site;
 6. Upstream and downstream habitat and hydrologic connectivity;

7. Source of hydrology;
 8. Width of native vegetation buffer around the entire mitigation site;
 9. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results, including evaluation of success criteria.
 10. Stream Photodocumentation, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation areas, including all areas of permanent and temporary impact, prior to and after project construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced.
 11. A Survey report documenting boundaries of mitigation area, including Geographic Information System (GIS) shape files (polygons) of the impact and mitigation areas (Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points). GIS metadata must also be submitted.
- C. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the San Diego Water Board for failure to furnish requested information pursuant to CWC section 13268.
- D. All reports and information submitted to the San Diego Water Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.
- E. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:
1. For a corporation, by a responsible corporate officer of at least the level of vice president.
 2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

4. A duly authorized representative may sign applications, reports, or information if:
 - a. The authorization is made in writing by a person described above.
 - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c. The written authorization is submitted to the San Diego Water Board Executive Officer.
- F. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

- G. The County of San Diego must submit reports required under this Certification, or other information required by the San Diego Water Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification; Project No. 10C-114
9174 Sky Park Court, Suite 100
San Diego, California 92123

VIII. CEQA FINDINGS:

- A. The County of San Diego is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and issued the Mitigated Negative Declaration, Woodside Avenue Improvement Project, State Clearing House No. 2008121078, on January 30, 2009.
- B. The San Diego Water Board has reviewed the lead agency's Mitigated Negative Declaration and finds that the project as proposed will not have a significant effect on the environment if compensatory mitigation is accomplished as conditioned in this Certification.

IX. PUBLIC NOTIFICATION OF PROJECT APPLICATION:

- A. On January 5, 2011, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

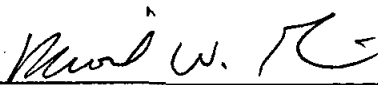
X. SAN DIEGO WATER BOARD CONTACT PERSON:

Mike Porter, Engineering Geologist
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
Telephone: 858-467-2726
Email: mporter@waterboards.ca.gov

XI. WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the **Woodside Avenue Improvement Project** (Certification No. 10C-114) 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. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)*," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue individual waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Water Quality Control Plan for the San Diego Basin Region (9) (Basin Plan).



DAVID W. GIBSON
Executive Officer
Regional Water Quality Control Board

15 March 2012
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map(s)
 4. Site Figures(s)
 5. Mitigation Figures(s)
 6. Required Reports and Notifications Checklist

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: Mr. Tom Duffy
Environmental Planning Manager
Department of Public Works
County of San Diego
5469 Kearny Villa Road
Suite 305
San Diego, CA 92123
Telephone: 858-874-4039
Fax: 858-874-4043
Email: Thomas.Duffy@sdcounty.ca.gov

Applicant Representatives: None

Project Name: Woodside Avenue Drainage Improvement Project

Project Location: The proposed project is located parallel to and under Woodside Avenue, between Winter Gardens Boulevard and Riverview Avenue, and under SR-67 within the unincorporated community of Lakeside, San Diego County, California. The project is located approximately at latitude 32° 51' 17.1" north and longitude -116° 56' 0.9" east.

Type of Project: Storm water collection system improvements.

Project Description: The proposed project is the replacement of approximately 1,800-feet of an existing, partially underground storm water drainage system parallel to Woodside Avenue with an upgraded underground drainage system and construction of two, 14-feet by 5-feet box culverts that would transport water under State Route 67 for a distance of approximately 340 feet.

The project would result in permanent impacts to 0.07 acre of jurisdictional wetlands, resulting from the placement of the underground box culverts. This impact would affect a small wetland north of Woodside Avenue. The proposed project would also result in temporary impacts to ~~0.08 acre~~ 0.17 acre

of jurisdictional wetlands, as a result of construction activities. This impact would affect the water quality basin south of Woodside Avenue. Dewatering may be required if groundwater is encountered during construction.

Federal Agency/Permit: U.S. Army Corps of Engineers §404, Nationwide Permits 33 and 43 Permit, Ms. Meris Bantilan-Smith.

Other Required Regulatory Approvals: California Department of Fish and Game (CDFG) § 1602 Streambed Alteration Agreement, Ms. Kelly Fisher.

California Environmental Quality Act (CEQA) Compliance: *Mitigated Negative Declaration, Woodside Avenue Improvement Project, County of San Diego, State Clearing House No. 2008121078, January 30, 2009.*

Receiving Waters: One unnamed tributary (wetland) to the San Diego River. San Diego hydrologic unit, Lower San Diego hydrologic area, Los Coches hydrologic subarea (907.14).

Impacted Waters and Wetlands of the United States and State:

Permanent -
Wetlands 0.07-acre, 125-linear feet

Temporary -
~~Wetlands 0.08-acre, 74-linear feet~~
Wetlands 0.17-acre, 74-linear feet

Dredge Volume: None proposed.

Related Projects Implemented/to be Implemented by the Applicant(s): None disclosed.

Compensatory
Mitigation:

Proposed mitigation for non-avoidable impacts include:

1. Onsite reestablishment of 0.07-acre (35-linear feet) of Freshwater marsh.
2. Offsite mitigation will be the combined restoration (rehabilitation) and enhancement of 0.21-acre (75-linear feet) of Southern willow scrub within Dulzura Creek at the Lawrence and Barbara Daley Preserve.

Best Management
Practices (BMPs):

Construction BMPs as described in the December 10, 2010 application and the *Woodside Avenue Flood Control Improvements, Conceptual Water Pollution Control Notes & Details*, RBF Consulting, October 12, 2011 must be implemented. Proposed BMPs must include, but not be limited to:

- Catch basin and inlet protection.
- Headwall outlet protection.
- Silt fencing.
- Fiber rolls.
- Gravel bag berms.
- Erosion control stabilizing emulsion.
- Concrete washout area.
- Stabilized construction entrance/exit.
- Spill prevention and control.
- Street sweeping and vacuuming.

Public Notice:

On January 5, 2011, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

On February 28, 2012, receipt of the amendment request was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

Fees: Total Due: \$640.00
Total Paid: \$640.00 (Check No. 3358820)

CIWQS: Regulatory Measure ID: 377112
Place ID: 760239
Party ID: 525090
Person ID: 525512

**ATTACHMENT 2
DISTRIBUTION LIST**

Ms. Meris Bantilan-Smith
U.S. Army Corps of Engineers
San Diego Field Office
6010 Hidden Valley Road
Suite 105
Carlsbad, CA 92011
meris.bantilan-smith@usace.army.mil

Ms. Kelly Fisher
California Department of Fish and Game
South Coast Region
Habitat Conservation Planning – North
4949 Viewridge Avenue
San Diego, CA 92123
DBradford@dfg.ca.gov

Mr. Eric Raffini
Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105
R9-WTR8-Mailbox@epa.gov

State Water Resources Control Board
Division of Water Quality
401 Water Quality Certification and Wetlands Unit
P.O. Box 100
Sacramento, CA 95812-0100
Stateboard401@waterboards.ca.gov

U.S. Department of the Interior
Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011

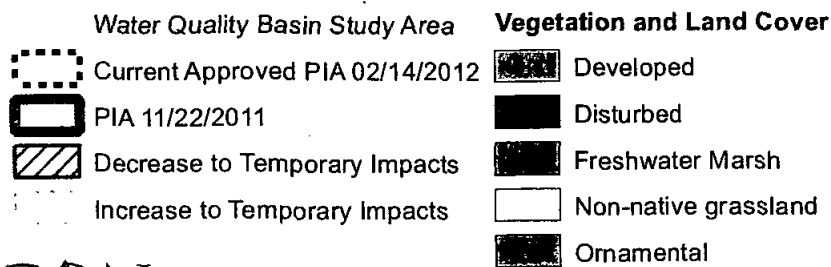
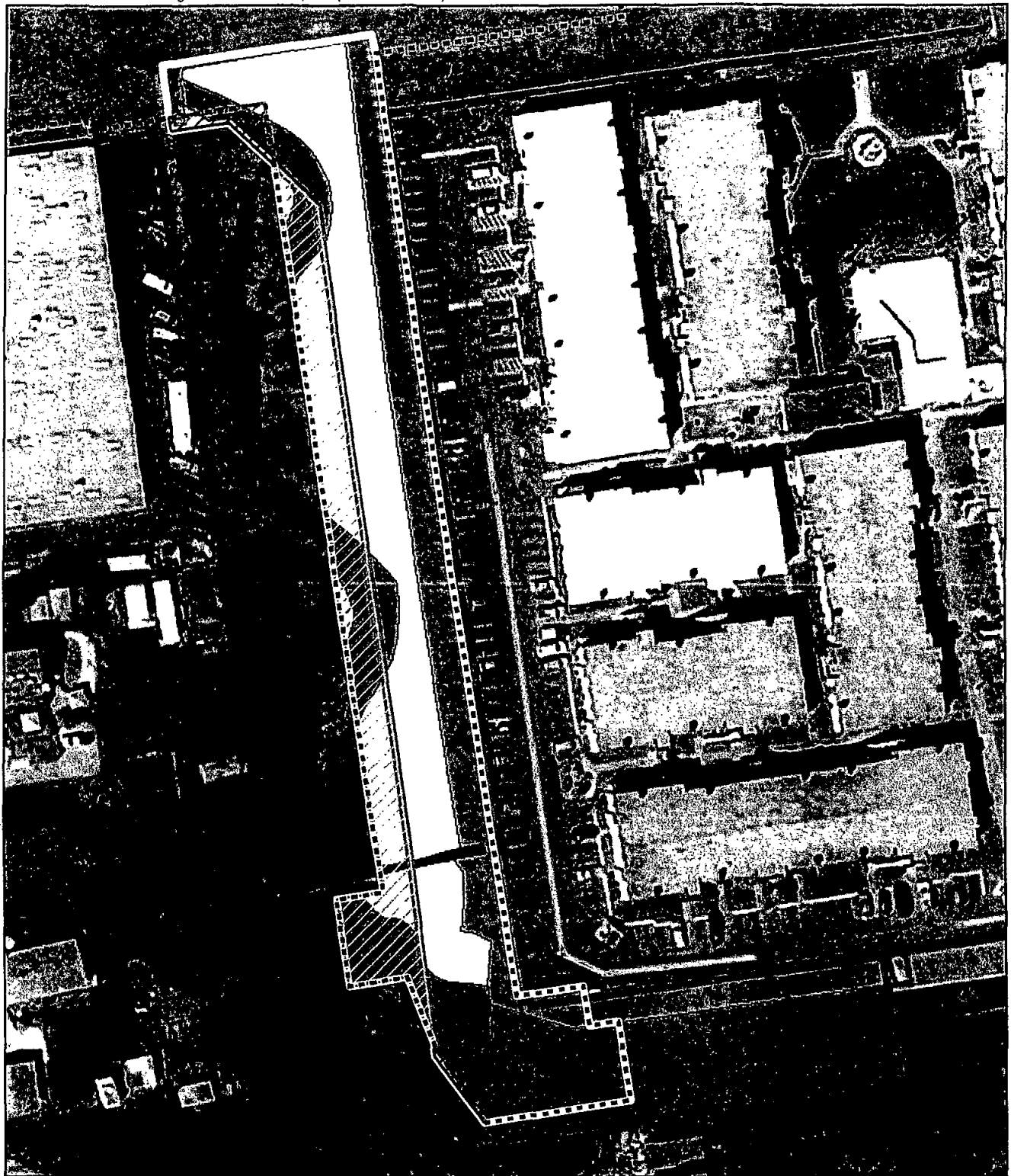


FIGURE 1
Project Impact Area
Change in the Study Area

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Thomas Duffy
 County of San Diego
 DPW
 5469 Kearny Villa Rd
 Suite 305
 San Diego CA 92123

2. Article Number
(Transfer from service label)

7011 0470 0002 8961 5162

PS Form 3811, February 2004

Domestic Return Receipt

m. Porter

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

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Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$4.85	

Sent To
 Thomas Duffy, County of San Diego
 Street, Apt. No.,
 or PO Box No. 5469 Kearny Villa Rd Suite 305
 City, State, ZIP+4
 San Diego CA 92123

PS Form 3800, August 2006

See Reverse for Instructions

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