



# California Regional Water Quality Control Board San Diego Region



Linda S. Adams  
Secretary for  
Environmental  
Protection

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

Arnold  
Schwarzenegger  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340  
(858) 467-2952 • Fax (858) 571-6972  
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

August 20, 2009

Certified Mail – Return Receipt Requested  
Article Number: 7007 0710 0000 5763 4533

In reply refer to:  
736000:jebsen

Mr. Chris Gascon  
City of San Diego  
600 B Street, Suite 800  
San Diego, CA 92101

Dear Mr. Gascon:

**SUBJECT: Action on Request for Clean Water Act Section 401 Water Quality Certification for Group Job 665 Project, 09C-027**

Enclosed find Clean Water Act Section 401 Water Quality Certification (Certification) with acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017 DWQ for Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have received State Water Quality Certification for the Group Job 665 Project. A description of the project and location can be found in the project information sheet and on location and site maps compiled by the California Regional Water Quality Control Board, San Diego Region (Regional Board), which are included as Attachments 1 through 3.

Any petition for reconsideration of this Certification 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 you have accepted and will comply with all the conditions of this Certification.

Failure to comply with all conditions of this Certification may subject you to enforcement actions by the Regional Board including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

***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.svrwb.ca.gov>.*

Recycled Paper







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.

3. The validity of any non-denial Certification action (Actions 1 and 2) 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.

**ADDITIONAL CONDITIONS:**

In addition to the three standard conditions, the City of San Diego must satisfy the following:

**A. GENERAL CONDITIONS:**

1. The City of San Diego must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (Regional Board), to support this 401 Water Quality Certification (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 prior to the Certification action. Any modifications thereto, would require notification to the Regional Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.
2. During construction, the City 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.
3. City of San Diego must permit the Regional Board or its authorized representative at all times, upon presentation of credentials:
  - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
  - b. Access to copy any records required to be kept under the terms and conditions of this Certification.
  - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
  - d. Sampling of any discharge or surface water covered by this Order.
4. The City of San Diego must notify the Regional Board within 24 hours of any unauthorized discharge, including hazardous or toxic materials, to waters of

the U.S. 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 practice (BMPs) or other measures that will be implemented to prevent future discharges.

5. The City of San Diego must, at all times, maintain appropriate types and sufficient quantities of materials onsite 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 U.S. and/or State.
6. This Certification is not transferable to any person except after notice to the Executive Officer of the Regional Board. City of San Diego must notify the Regional Board of any change in ownership of the project area. Notification must include, but not be limited to, a statement that the property owner has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands the permit requirements and must implement them; the seller and purchaser must sign and date the notification. The notification for transfer of mitigation responsibility shall include a signed statement from the new party demonstrating acceptance and understanding of the responsibility to meet the mitigation conditions and applicable requirements of the Certification. Notification must be provided within **10 days** of the sale of the property.
7. 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.
8. In response to a suspected violation of any condition of this Certification, the Regional 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 Regional 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.
9. In response to any violation of the conditions of this Certification, the Regional Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.

10. City of San Diego and successor owners must submit annual progressive reports to the Regional Board prior to **August 1** of each year following the issuance of this Certification until the project has reached completion.

**B. PROJECT CONDITIONS:**

1. Prior to the start of the project, and annually thereafter, the City of San Diego must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
2. City 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/cwa401/docs/generalorders/go\\_wdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf).
3. The City of San Diego must implement a Storm Water Pollution Prevention Plan during project construction.
4. 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 Regional Board pursuant to CWC § 13260.
5. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
6. 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.
7. 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.



6. If at any time during the implementation and establishment of the mitigation area(s), and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation area, City of San Diego is responsible for repair and replanting of the damaged area(s).
7. The City of San Diego must provide the name and contact information of any third party accepting responsibility for implementing the mitigation requirements of this Certification. The notification must be submitted to the Regional Board within 30 days of the transfer of responsibility. The notification must include a signed statement from the new party demonstrating acceptance and understanding of the responsibility to meet the mitigation conditions and applicable requirements of the Certification.
8. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the U.S./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 U.S./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 U.S./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 U.S./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 U.S./State (e.g., conservation easement).

**E. REPORTING:**

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.
2. City of San Diego must submit a report to the Regional Board within 30 days of completion of the project. The report should include as-built drawings no bigger than 11" x 17" and photos of the completed project.
3. All reports and information submitted to the Regional 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.



4. All applications, reports, or information submitted to the Regional 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."*

5. City of San Diego must submit reports required under this Certification, or other information required by the Regional Board, to:

Executive Officer  
California Regional Water Quality Control Board  
San Diego Region  
Attn: 401 Certification; Project No. 08C-044  
9174 Sky Park Court, Suite 100  
San Diego, California 92123

6. Required Reports: The following list summarizes the reports, excluding spill notifications and emergency situations, required per the conditions of this Certification to be submitted to the Regional Board.

Report Topic	Certification Condition	Due Date(s)
Project Completion Report	E2	within 30 days of completion of the project

**PUBLIC NOTIFICATION OF PROJECT APPLICATION:**

On April 6, 2009 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.


**REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:**

Jody Ebsen  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123  
858-636-3146  
jebesen@waterboards.ca.gov

**WATER QUALITY CERTIFICATION:**

I hereby certify that the proposed discharge from the Alvarado Court Sewer Pipe Crossing Accelerated Project (09C-028) 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 Regional Board may issue 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 Regional Board's Water Quality Control Plan (Basin Plan).

  
\_\_\_\_\_  
JOHN H. ROBERTUS  
Executive Officer  
Regional Water Quality Control Board

20 Aug 2009  
Date

Attachments:           1. Project Information  
                              2. Distribution List  
                              3. Location and Site Maps

**ATTACHMENT 1  
PROJECT INFORMATION**

Applicant: ✓ City of San Diego,  
Attention: Chris Gascon  
600 B Street, Suite 800  
San Diego, CA 92101  
Telephone: 619-533-7418  
FAX: 619533-5176

Project Name: ✓ Group Job 665

Project Location: ✓ Along the streets of Harney, Hortensia, Ampudia, Arista, Conde,  
Presidio, and in Presidio Park, Trias and Heritage Park Canyons.  
Latitude 32 /45/10.0398" N Longitude 117/11/17.7756 W

Type of Project: ✓ Sewer Replacement and Repair

Project Description: ✓ The scope of work consists of replacement and rehabilitation of  
sewer lines in the Old Town/Mission Hills area within the City of San  
Diego. The project will replace and rehabilitate sections of the  
sewer lines that run through Presidio Park, Trias and Heritage Park  
Canyons.

Federal Agency/Permit: ✓ Army Corps of Engineers Section 404 NWP 12, Terry Dean

Other Required  
Regulatory Approvals: California Department of Fish and Game Streambed Alteration  
Agreement, Kelly Fisher

California Environmental  
Quality Act (CEQA)  
Compliance: ✓ Notice of Determination, Mitigated Negative Declaration, November  
22, 2005, City of San Diego, SCN 2005071107

Receiving Water: ✓ Boundary of Pueblo San Diego Hydrologic Unit, San Diego Mesa  
Hydrologic Area, Chollas Hydrologic Sub-Area (908.22) and San  
Diego Hydrologic Unit, Lower San Diego Hydrologic Area, Mission  
San Diego Hydrologic Sub-Area (907.11)

Affected Waters of the  
United States: ✓ Temporary: 0.0137 acres of water of the U.S  
0.165 acres of riparian habitat

Dredge Volume N/A

Compensatory  
Mitigation: - Temporary impacts will be mitigated at 1.6:1 ratio by 0.1 acres on-  
site wetland enhancement and 0.192 acres of off-site wetland  
establishment at the City of San Diego's San Diego River Wetland  
Creation Project site.

Public Notice: -On April 6, 2009, receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

Fees: Total Due: \$640.00  
✓Total Paid: \$640.00 (check No. 7620527)

CIWQS: Regulatory Measure ID: 363622  
Place ID: 736000  
✓Party ID: 8710



**ATTACHMENT 3  
LOCATION AND SITE MAPS**

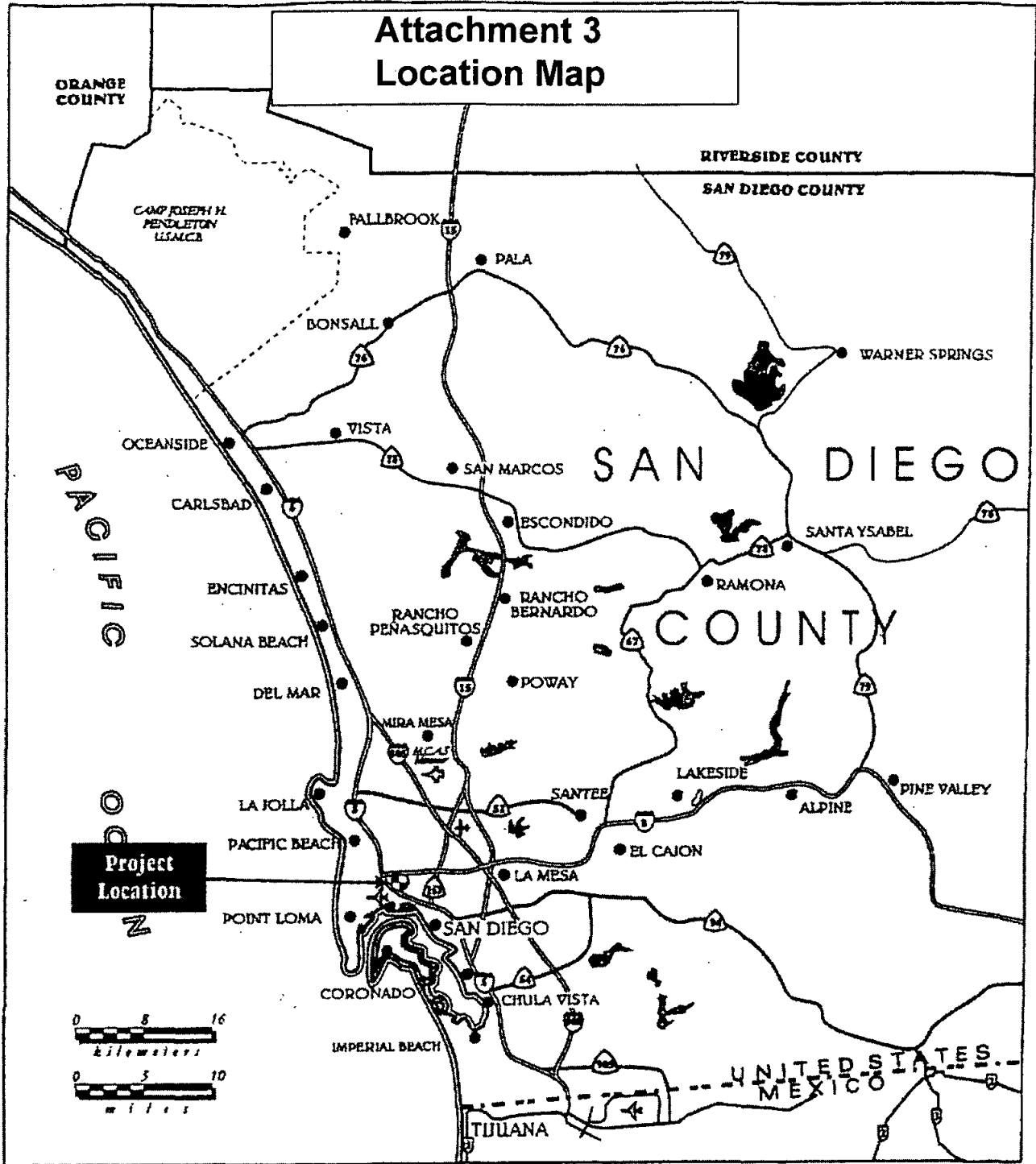
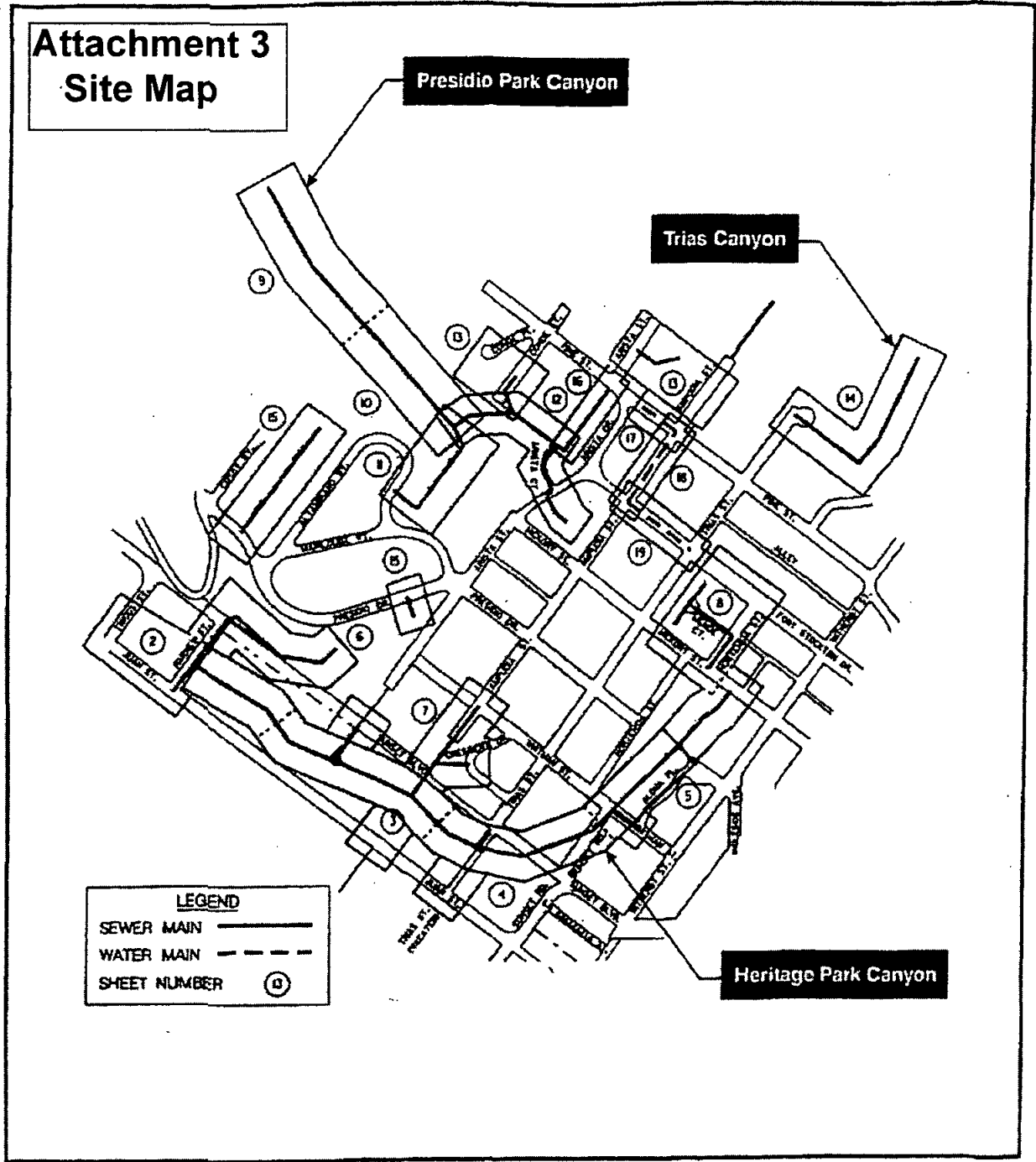


Figure 1  
Regional Location Map



TERRA  
ENVIRONMENTAL SERVICES



SOURCE: City of San Diego, Engineering and Capital Projects Department

Figure 2  
Project Location Map



TIERRA  
ENVIRONMENTAL SERVICES



COMPLETE THIS SECTION

Items 1, 2, and 3. Also complete Restricted Delivery if desired. Write name and address on the reverse and return the card to you. Attach to the back of the mailpiece, if space permits.

Delivered to:

GASCON  
of SAN DIEGO  
600 B Street, Suite 800  
SAN DIEGO CA 92101

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

7007 0710 0000 5763 4533

(service label)

February 2004, 8-26 Domestic Return Receipt J. Ebsen 102595-02-M-1540

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.  
**CERTIFIED MAIL™**



7007 0710 0000 5763 4533

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.05

Postmark Here

Sent To: Chris GASCON, City of SAN DIEGO  
Street, Apt. No., or PO Box No. 600 B Street, Suite 800  
City, State, ZIP+4 SAN DIEGO CA 92101

PS Form 3800, August 2006 See Reverse for Instructions





Date of Letter

Staff Name

8/18/2009

R. STEWART

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>R. Stewart</i> 8/20</p>
<p>1. Article Addressed to:</p> <p><i>Kenneth Frank</i>  <i>City Manager, City of</i>  <i>Laguna Beach</i>  <i>1505 Forestone</i>  <i>Laguna Beach CA</i>  <i>92651</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No          If YES, enter delivery address below:</p> <p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number <i>7009 0080 0000 7308 0608</i>          (Transfer from service)</p>	
<p>PS Form 3811, February 2004 8-18 Domestic Return Receipt <i>R. Stewart</i> 102595-02-M-1540</p>	

Date of Letter

Staff Name

8/19/2009

N/A

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>LCPL Williams 8/21/09</p>
<p>1. Article Addressed to:</p> <p>Commanding Officer, Assistant Chief of Staff Environmental Security.</p> <p>Marine Corps Base Camp Pendleton</p> <p>Box 555008. Bldg. 22165</p> <p>MCB Camp Pendleton, CA 92055</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7008 1140 0002 4285 3919</p>

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540