



California Regional Water Quality Control Board San Diego Region



Linda S. Adams
Acting 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

Edmund G. Brown Jr.
Governor

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June 7, 2011

Certified Mail – Return Receipt Requested

Article Number: 7010 1060 0000 4952 7990

Marvin Howell
Hanson Aggregates Pacific Southwest, Inc.
1955 Ventana Way
El Cajon, CA 92020

In reply refer to:
750119: amonji

Subject: Action on Request for Clean Water Act Section 401 Water Quality Certification for the **Former South Coast Quarry Amended Reclamation Plan** Water Quality Certification No. **010C-018**.

Dear Mr. Howell:

Enclosed find Clean Water Act Section 401 Water Quality Certification for discharge to Waters of the United States and acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017-DWQ for the **Former South Coast Quarry Amended Reclamation Plan** Project (Project). A description of the Project and Project location can be found in the project information sheet, location map, and site maps which are included as Attachments 1 through 5 of this certification.

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 California Regional Water Quality Control Board, San Diego Region (San Diego Water 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

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 Alan Monji at (858) 637-7140 or amonji@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosures:

Clean Water Act Section 401 Water Quality Certification No. **10C-018** for **Former South Coast Quarry Amended Reclamation Plan** project, with **5** attachments

cc: Refer to Attachment 2 of Certification **10C-018** for Distribution List.

Tech Staff Info & Use	
File No.	10C-018
WDID	9-000002038
Reg. Measure ID	373329
Place ID	750119
Party ID	521422



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<http://www.waterboards.ca.gov/sandiego>

Action on Request for
Clean Water Act Section 401 Water Quality Certification
and Waste Discharge Requirements
for Discharge of Dredged and/or Fill Materials

PROJECT: Former South Coast Quarry Amended
Reclamation Plan, Certification Number
10C-018, WDID: 9 00002038

CIWQS Reg. Meas. ID: 373329 Place ID: 750119 Party ID: 521422
--

APPLICANT: Marvin Howell
Hanson Aggregates Pacific Southwest, Inc.
1955 Ventana Way
El Cajon, CA 92020

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 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 Former South Coast Quarry Amended Reclamation Plan Project (Project) is located in the cities of Carlsbad and Oceanside along Buena Vista Creek south of State Route 78 (SR 78) and west of College Blvd. Buena Vista Creek is an existing east to west trending perennial stream channel along the south side of SR 78. The Project site is approximately 104.2 acres with 100.1 acres in the City of Carlsbad and 4.1 acres in the City of Oceanside. Approximately 28.22 acres of the site are designated for preservation as open space.

The reclamation project includes re-grading portions of the Buena Vista Creek channel at its current location to expand the width of the channel bottom and create earthen slopes along both sides. The total channel cross-section will include a low flow channel, an expanded channel riparian zone, overbank terraces, and an upland zone. The existing 35 to 80 foot channel bottom will be left intact over approximately 750 feet of its length, with areas adjacent to the channel being graded down to approximately the existing channel bottom. The

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resulting total channel bottom width is 150 feet. Overbank terraces will be added to both sides of the channel resulting in an overall channel width of approximately 197 feet.

Seven rock drop structures ranging from one to three feet in height at the center of the creek will be constructed at irregular intervals along the channel. Each structure will extend across the channel bottom and up the adjacent banks to at least one foot above the 100-year water surface elevations. The stepped profile would allow the 100-year flow velocities to be maintained below erosive threshold throughout the proposed channel between the drop structures. The upper and lower two drop structures will be partially grouted rip rap with filter fabric underneath. The middle three drop structures will be ungrouted rip rap with granular filter.

The entire length of the channel bottom will be seeded and planted with a variety of riparian, woodland, and scrub vegetation and contain a meandering low-flow channel.

The project also includes grading work north and south of Buena Vista Creek to create two unpaved gently sloping pads. Project grading will be limited to areas previously disturbed by mining activities. The current project does not propose development of the site other than the channel widening and pad grading. The pads will contain desiltation basins and be hydroseeded for erosion control. Any future development will be required to comply with the Construction and Municipal Storm Water NPDES permits standards applicable at that time.

The construction of the drop structures will permanently impact 0.40 acres (660 linear feet) of wetland waters of the United States and/or State and temporarily impact 0.56 acres (575 linear feet) of wetland waters of the United States and/or State. Mitigation includes the onsite creation of 1.68 acres, rehabilitation of 0.36 acres, and enhancement of 1.04 acres, totaling 3.08 acres of wetland waters of the United States and/or State. In the eastern portion of the project site, a 100 foot upland sage scrub buffer will be established from the toe of the slope of the restored channel on both the north and south sides of the creek and upstream to the property boundary. In the western portion of the project site, a 100 foot buffer will be established outside the preservation and enhancement areas and downstream to the project boundary.

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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 (Action 3).

- 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 (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.

II. ADDITIONAL CONDITIONS: GENERAL

- A. Water Quality Certification No. 10C-018 (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. Hanson Aggregates Pacific Southwest, Inc. 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. Hanson Aggregates Pacific Southwest, Inc. 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 (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 prior to the Certification action. Any modifications thereto, would require notification to the San Diego Water Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.

- D. During construction, Hanson Aggregates Pacific Southwest, Inc. must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.
- E. Hanson Aggregates Pacific Southwest, Inc. 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 Certification.
- F. 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.
- G. In response to a suspected violation of any condition of this Certification, the San Diego Water Board may, pursuant to California Water Code (CWC) sections 13267 and 13383, require the holder of any permit or license subject to this Certification to investigate, monitor, and report information on the violation. The only restriction is that the burden, including costs of preparing the reports, must bear a reasonable relationship to the need for and the benefits to be obtained from the reports.
- H. In response to any violation of the conditions of this Certification, the San Diego Water Board may modify the conditions of this Certification as appropriate to ensure compliance.

- I. To protect rare, threatened, or endangered species the Hanson Aggregates Pacific Southwest, Inc. must implement all Conservation Measures included in the United States Fish and Wildlife Service Section 7 Consultation.

III. ADDITIONAL CONDITIONS: CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. Prior to the start of the project, and annually thereafter, Hanson Aggregates Pacific Southwest, Inc. must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response measures, and Best Management Practices (BMPs) implementation and maintenance.
- B. Hanson Aggregates Pacific Southwest, Inc. 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.
- C. Hanson Aggregates Pacific Southwest, Inc. must enroll in and comply with the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the *General Permit for Storm Water Discharges Associated with Construction Activity*.
- 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 State or placed in locations that may be subjected to storm flows.
- 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 have 14 or more days of inactivity must be stabilized within 14 days of the last activity. Hanson Aggregates Pacific Southwest, Inc. and subsequent owners are responsible for implementing and maintaining BMPs to prevent erosion of the rough graded areas from causing adverse effects to beneficial uses. 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, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States/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- August 31).

IV. ADDITIONAL CONDITIONS: POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. Hanson Aggregates Pacific Southwest, Inc. shall not allow post-construction discharges to cause onsite or offsite downstream erosion, and/or damage to properties or damage to stream habitats in Buena Vista Creek that will receive post-construction discharges from project site.
- B. All storm drain inlet structures within the project boundaries must be stamped and/or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
- C. All post-construction BMPs, including those described in the Storm Water Management Plan for Hanson Aggregates' *Former South Coast Quarry Amended Reclamation Plan* dated May 6, 2011, prepared by Chang Consultants, must be implemented, installed, and functional prior to construction completion and maintained in perpetuity.

- D. For all post-construction BMPs, including but not limited to, two biofilter swales and three desiltation basins, as described in the Storm Water Management Plan for Hanson Aggregates' *Former South Coast Quarry Amended Reclamation Plan* dated May 6, 2011, prepared by Chang Consultants; and storm water discharge points, Hanson Aggregates Pacific Southwest, Inc. must:
1. No less than one time per year, assess the performance of the systems on protection of the receiving waters and identify any necessary corrective measures;
 2. Have all preventive and corrective maintenance performed;
 3. Maintain a log documenting all BMP inspections and maintenance activities.
- E. The desiltation basins must be designed, constructed, and maintained in accordance with the most recent California Stormwater Quality Association guidance for extended detention basins. Maintenance activities shall include, but are not limited to:
1. Semiannual inspection for the beginning and end of the wet season for standing water, slope stability, sediment accumulation, trash and debris, and presence of burrows;
 2. Removal of accumulated trash and debris in the basin as needed to ensure proper functioning of the basin; and
 3. Yearly inspection of accumulated sediment volume. Accumulated sediment should be removed and the basin re-graded when the accumulated sediment volume exceeds 10 percent of the basin volume.

V. ADDITIONAL CONDITIONS: COMPENSATORY MITIGATION

- A. Mitigation for permanent discharges to 0.40 acres (660 linear feet) of wetland waters of the United States and/or State, and temporary impacts to 0.56 acres (575 linear feet) of wetland waters of the United States and/or State, must be achieved as described in the draft *Quarry Creek Reclamation Project*, prepared by Helix Environmental Planning, Inc. and dated January 26, 2010 (and any subsequent versions reviewed by the San Diego Water Board). The total mitigation area shall encompass 3.08 acres for waters of the United State and/or State and must include:

1. Creation of a minimum of 1.68 acres of wetland waters of the United States and/or State. Creation will occur through widening, benching, and the planting of the streambed within the project site and in areas adjacent to the project impacts.
 2. Rehabilitation of 0.36 acres of wetland waters of the United States and/or State. Rehabilitation will occur through widening, benching and the planting of the streambed within the project site and in areas adjacent to the project impacts. The areas for rehabilitation will be areas temporarily impacted by the mitigation construction.
 3. Enhancement of a minimum of 1.04 acres of wetland waters of the United States and/or State. Enhancement will occur by removing an estimated 1.04 acres of invasive plant species. After removal, these areas will be seeded and/or have native cuttings installed.
 4. In the eastern portion of the project site, a 100 foot upland sage scrub buffer will be established from the toe of the slope of the restored channel on both the north and south sides of the creek and upstream to the property boundary. In the western portion of the project site, a 100 foot buffer will be established outside the designated preservation and enhancement areas and downstream to the project boundary.
- B. Hanson Aggregates Pacific Southwest, Inc. must restore all areas of temporary impacts within the creek channel which could result in a discharge or a threatened discharge to waters of the United States and/or State. Riparian restoration must include grading of disturbed areas to design contours appropriate for revegetation with native species. Hanson Aggregates Pacific Southwest, Inc. must implement all necessary BMPs to control erosion and runoff from areas associated with this project.
- 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% of the cumulative compensatory mitigation for each month of delay.
- D. Hanson Aggregates Pacific Southwest, Inc. 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.
- E. The mitigation site, including the areas within the drop structures, must be designed and constructed to meet the following conditions:

1. Most of the channel through the mitigation site is 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;
 3. The mitigation site has a well-developed plant community characterized by a high degree of horizontal and vertical interspersion among plant zones and layers; and
 4. Two of the upper and two of the lower grade control drop structures will be made of natural rock with partial grouting. The remaining three middle drop structures shall be natural rock with natural granular filtration.
- F. 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.
- G. San Diego Water Board acceptance of the final mitigation plan applies only to the Project described in this Certification must not be construed as approval for other current or future projects that are planning to use additional acreage at the site for mitigation.
- H. Any maintenance activities that do not contribute to the success of the mitigation site 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.
- I. 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, Hanson Aggregates Pacific Southwest, Inc. is responsible for repair and replanting of the damaged area(s).
- J. 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.

- K. **Prior to the start of construction**, Hanson Aggregates Pacific Southwest, Inc. 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 issuance of this Certification**, Hanson Aggregates Pacific Southwest, Inc. must submit proof of a completed final preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. Construction of the site must not be initiated until a completed preservation mechanism is received. 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 U.S. 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.
- 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).

VI. MONITORING REQUIREMENTS:

Prior to construction initiation, Hanson Aggregates Pacific Southwest, Inc. shall develop a monitoring plan that contains the following elements for approval by the San Diego Water Board Executive Officer:

A. **Benthic Macroinvertebrate Community Analysis**

Bioassessment monitoring must be performed using the professional level non-point source protocol of the California Stream Bioassessment procedure¹ to assess effects of the project on the biological integrity of receiving waters. At a minimum, bioassessment monitoring must be performed at three sites (assessment stations) on Buena Vista Creek (as flow permits) before project initiation, and then on years three and five, during the established "index period" for the Buena Vista Creek watershed. The first assessment station is the reference station, which must be located upstream of the discharge from the project site on Buena Vista Creek in a reference area; the second assessment station must be located immediately within the area of the discharge (i.e. between the drop structures) Buena Vista Creek; the third assessment station must be located immediately downstream of the discharge from the discharge from the project site on Buena Vista Creek. The reference station upstream of the project discharge must be located and sampled concurrently with second and third assessment stations. The results of the Benthic Macroinvertebrate Community Analysis must be submitted **with the respective Annual Progress Report**.

B. **Water Quality Assessment**

Hanson Aggregates Pacific Southwest, Inc. must perform water quality sampling and analysis for pH, temperature, turbidity, dissolved oxygen, and selenium. Water quality sampling must also include gasoline and diesel as long as the remediation sediment piles are located on the site. At a minimum, sampling must be conducted once each year. Water quality sampling must be coordinated with the Benthic Macroinvertebrate Community Analysis (section VI.A above) in the appropriate monitoring years. The results of the water quality assessment must be submitted each year **with the Annual Progress Report**.

Where procedures are not otherwise specified for the Receiving Water Quality Monitoring Program, sampling, analysis, and quality assurance/quality control must be conducted in accordance with the Surface Water Ambient Monitoring Program (SWAMP) Quality Assurance

¹ Copies of the California Stream Bioassessment Procedure can be obtained at <http://www.dfg.ca.gov/cabw/cabwhome.html>. Additional Information on Stream bioassessment may be obtained at http://www.waterboards.ca.gov/rwqcb9/water_issues/programs/bioassessment/index.shtml

Program Plan (QAPrP)² for the State of California's Surface Water Ambient Monitoring Program, adopted by the State Water Resources Control Board.

C. California Rapid Assessment Method

Hanson Aggregates Southwest, Inc. must conduct a quantitative function-based assessment of the health of wetland and riparian habitats to establish baseline conditions, set success criteria, and assess mitigation site progress in Buena Vista Creek using the California Rapid Assessment Method (CRAM)³ at the three assessment stations described above (in section VI.A) prior to the start of construction and then three and five years following construction completion and continue until success criteria have been met. The results of the CRAM assessment must be submitted with **the respective Annual Progress Reports.**

- D. The San Diego Water Board may make revisions to the Receiving Water monitoring program at any time during the five year monitoring term, and may include a reduction or increase in the number of parameters to be monitored, locations monitored, the frequency of monitoring, or the number and size of samples collected.

VII. NOTIFICATION REQUIREMENTS:

- A. Hanson Aggregates Pacific Southwest, Inc. must report to the San Diego Water Board any noncompliance which may endanger human health or the environment. Any information shall be provided orally within **24 hours** from the time the Hanson Aggregates Pacific Southwest, Inc. becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Hanson Aggregates Pacific Southwest, Inc. becomes aware of the circumstances. The written submission shall contain a description of the incident and its cause, the period of the noncompliance including exact dates and times, and if the and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The San Diego Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours.
- B. This Certification is not transferable in its entirety or in part to any person except after notice to the Executive Officer of the San Diego Water Board

² The Quality Assurance Program Plan is available on the State Water Board's SWAMP website at http://www.waterboards.ca.gov/water_issues/programs/swamp/docs/qapp/qaprp082209.pdf

³ Information on CRAM is available at the California Rapid Assessment Method homepage at <http://www.cramwetlands.org/>

in accordance with the following terms.

1. **Transfer of Property Ownership:** Hanson Aggregates Pacific Southwest, Inc. 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 Hanson Aggregates Pacific Southwest, Inc. 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 Section V of 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). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**
3. **Transfer of Post-Construction BMP Maintenance Responsibility:** Hanson Aggregates Pacific Southwest, Inc. assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred Hanson Aggregates Pacific Southwest, Inc. must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to Hanson Aggregates Pacific Southwest, Inc. will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve Hanson Aggregates Southwest, Inc. of this Certification in the event that a transferee fails to comply.

- C. Hanson Aggregates Pacific Southwest, Inc. must notify the San Diego Water Board in writing **at least 5 days prior to** the actual commencement of dredge, fill, and discharge activities.

VIII. REPORTING REQUIREMENTS:

- A. Hanson Aggregates Pacific Southwest, Inc. 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. Hanson Aggregates Pacific Southwest, Inc. 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. Date of construction completion.
 3. Status of BMPs for the project.
 4. Final Project Report: As-built drawings no bigger than 11”X17.”
 5. Final Project Report: Photo documentation of implemented post-construction BMPs. 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 Global Positioning System (GPS) coordinates for each of the photo points referenced.
- B. Hanson Aggregates Pacific Southwest, Inc. must develop and implement a Receiving Waters Monitoring Plan in accordance with section VI of this Certification to evaluate potential adverse effects from Project –related pollutants/stressors to Buena Vista Creek in the Buena Vista Creek Hydrologic Area. The Receiving Waters Monitoring Plan must be developed and submitted to the San Diego Water Board for approval **prior to construction commencement** with elements of the monitoring plan incorporated as success criteria. The Receiving Waters Monitoring Plan must assess conditions before, during, and after impacts have occurred by measuring changes in benthic macroinvertebrate community, water quality, and a functional assessment of the health of wetland and riparian habitats in Buena Vista Creek. The receiving water monitoring must begin prior to the start of project construction, and the data and analysis **must**

be submitted with the Annual Progress Reports until all success criteria have been met. **Annual reports must be submitted with the Mitigation and Monitoring reports (section VIII.D).**

- C. Hanson Aggregates Pacific Southwest, Inc. must submit a Final Enhancement and Mitigation Plan **prior to commencement of Project construction.**
- D. Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful in accordance with the mitigation success criteria in the *Wetland Mitigation Plan*. 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, statement of qualifications, and affiliations of the responsible lead professionals 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.
 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, must be submitted with the mitigation monitoring reports. 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.

- E. The submittal of information under this Certification is required pursuant to CWC section 13267 and 13383. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit information pursuant to CWC sections 13268 or 13383.
- F. 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.
- G. 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.
- H. 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."

- I. Hanson Aggregates Pacific Southwest, Inc. 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-018
9174 Sky Park Court, Suite 100
San Diego, California 92123

VIII. CEQA FINDINGS:

- A. The City of Oceanside is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and filed Notice of Determination of their Environmental Impact Report (EIR) on January 19, 2011 (SCH# 2005111124). The City of Oceanside has determined the project will have a significant effect on the environment and mitigation measures were made a condition of the project.
- B. The San Diego Water Board has reviewed the lead agency's Notice of Determination and also finds that the project as proposed will have a significant effect on the environment and has conditioned mitigation measures accordingly and therefore determines that issuance of this Certification is consistent with the Notice of Determination.

IX. PUBLIC NOTIFICATION OF PROJECT APPLICATION:

- A. On March 4, 2010, 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.

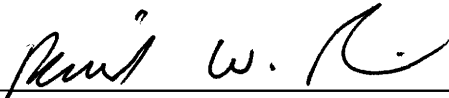
X. SAN DIEGO WATER BOARD CONTACT PERSON:

ALAN MONJI
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
(858)-637-7140
amonji@waterboards.ca.gov.

XI. WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the **Former South Coast Quarry Amended Reclamation Plan** Project (Project No. 10C-018) 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 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

6-7-2011

Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map
 4. Site and Mitigation Map
 5. Checklist of Required Reports and Notifications

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: Hanson Aggregates Pacific Southwest, Inc.
Attention: Marvin Howell
1955 Ventana Way, El Cajon, CA 92020
Telephone: 858-577-2770
Email: Marvin.Howell@hanson.biz

Applicant
Representatives: Helix Environmental Planning, Inc.
Attention: Barry Jones
7578 El Cajon Blvd, Suite 100
Telephone: 619-462-1515
Email: barryj@helixepi.com

Project Name: Former South Coast Quarry Amended Reclamation Plan

Project Location: Project is within the City boundaries of Oceanside and Carlsbad, San Diego County, California, south of State Route 78 (SR 78) and east of College Blvd.

Latitude: 33° 11'00"N Longitude: 117°30'00"W

Type of Project: Land reclamation of a former quarry mining operation.

Need for Project: Required as part of the applicants reclamation plan.

Project Description: The Former South Coast Quarry Amended Reclamation Plan Project (Project) is located in the cities of Carlsbad and Oceanside along Buena Vista Creek south of State Route 78 (SR 78) and west of College Blvd. Buena Vista Creek is an existing east to west trending perennial stream channel along the south side of SR 78. The Project site is approximately 104.2 acres with 100.1 acres in the City of Carlsbad and 4.1 acres in the City of Oceanside. Approximately 28.22 acres of the site are designated for preservation as open space.

The reclamation project includes re-grading portions of the Buena Vista Creek channel at its current location to expand the width of the channel bottom and create earthen slopes along both sides. The total channel cross-section will include a low flow channel, an expanded channel riparian zone, overbank terraces, and an upland zone. The existing 35 to 80 foot channel bottom will be left intact over approximately 750 feet of its length, with areas adjacent to the channel being graded down to approximately the existing channel bottom. The resulting total channel bottom width is 150 feet.

Overbank terraces will be added to both sides of the channel resulting in an overall channel width of approximately 197 feet.

Seven rock drop structures ranging from one to three feet in height at the center of the creek will be constructed at irregular intervals along the channel. Each structure will extend across the channel bottom and up the adjacent banks to at least one foot above the 100-year water surface elevations. The stepped profile would allow the 100-year flow velocities to be maintained below erosive threshold throughout the proposed channel between the drop structures. The upper and lower two drop structures will be partially grouted rip rap with filter fabric underneath. The middle three drop structures will be ungrouted rip rap with granular filter.

The entire length of the channel bottom will be seeded and planted with a variety of riparian, woodland, and scrub vegetation and contain a meandering low-flow channel.

The project also includes grading work north and south of Buena Vista Creek to create two unpaved gently sloping pads. Project grading will be limited to areas previously disturbed by mining activities. The current project does not propose development of the site other than the channel widening and pad grading. The pads will contain desiltation basins and be hydroseeded for erosion control. Any future development will be required to comply with the Construction and Municipal Storm Water NPDES permits standards applicable at that time.

The construction of the drop structures will permanently impact 0.40 acres of wetland waters of the United States and/or State and temporarily impact 0.56 acres of wetland waters of the United States and/or State. Mitigation includes the onsite creation of 1.68 acres, rehabilitation of 0.36 acres, and enhancement of 1.04 acres, totaling 3.08 acres of wetland waters of the United States and/or State. In the eastern portion of the project site, a 100 foot upland sage scrub buffer will be established from the toe of the slope of the restored channel on both the north and south sides of the creek and upstream to the property boundary. In the western portion of the project site, a 100 foot buffer will be established outside the preservation and enhancement areas and downstream to the project boundary

Federal Agency/Permit:	U.S. Army Corps of Engineers Individual 404 Permit, Michelle L. Mattson
Other Required Regulatory Approvals:	California Department of Fish and Game Streambed Alteration Agreement, Marilyn Fluharty
California Environmental Quality Act (CEQA) Compliance:	Former South Coast Quarry Amended Reclamation Plan, Environmental Impact Report, Notice of Determination, January 19, 2011, SCH# 2005111124, City of Oceanside.
Receiving Water:	Buena Vista Creek, 904.21
Affected Waters of the United States/State:	Temporary: Wetland: 0.56 acres, 575 linear feet Permanent: Wetland; 0.40 acres, 660 linear feet
Dredge Volume:	None
Related Projects Implemented/to be Implemented by the Applicant(s):	NA
Compensatory Mitigation:	Mitigation includes the creation of 1.68 acres, rehabilitation of 0.36 acres, and enhancement of 1.04 acres, totaling 3.08 acres of wetland waters of the United States and/or State. In the eastern portion of the project site, a 100 foot upland sage scrub buffer will be established from the toe of the slope of the restored channel on both the north and south sides of the creek and upstream to the property boundary. In the western portion of the project site, a 100 foot buffer will be established outside the preservation and enhancement areas and downstream to the project boundary. Mitigation work will be done as outlined in the <i>Quarry Creek Reclamation Project. Wetland Mitigation Plan. January 26, 2010</i> (and any subsequent versions reviewed by the San Diego Water Board), prepared by Helix Environmental Planning, Inc.

Mitigation Location: The project is the reclamation and mitigation of the former quarry site.

Latitude: 33° 11'00"N Longitude: 117°30'00"W

Best Management Practices (BMPs): **Construction:** In accordance with the *Storm Water Pollution Prevention Plan for Hanson Aggregates' Former South Coast Quarry Amended Reclamation Plan, May 6, 2011* (and any subsequent versions reviewed by the San Diego Water Board) for Risk Level 2 projects, prepared by Chang Consultants. Proposed BMPs include:

Gravel Bags
Fiber Rolls
Silt Fences
Stabilized Construction Entrance
Desiltation Basins
Hydroseeding

Post Construction: Post construction BMPs will be in accordance with the *Storm Water Management Plan for Hanson Aggregates' Former South Coast Quarry Amended Reclamation Plan, May 6, 2011* (and any subsequent versions reviewed by the San Diego Water Board), prepared by Chang Consultants. BMPs include:

Desiltation Basins
Biofilter Swales
Hydroseeding
Stenciling Inlets
Minimize Irrigation

Public Notice: On March 4, 2010, 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.

Inspection: NA

Fees: Total Due:\$0
Total Paid:\$1,890.50 (check No. 1101966 and 1101967)

CIWQS: Regulatory Measure ID: 373329
Place ID: 750119
Party ID: 521422

**ATTACHMENT 2
DISTRIBUTION LIST**

Michelle L. Mattson
U.S. Army Corps of Engineers, Regulatory Branch
Michelle.L.Mattson@usace.army.mil

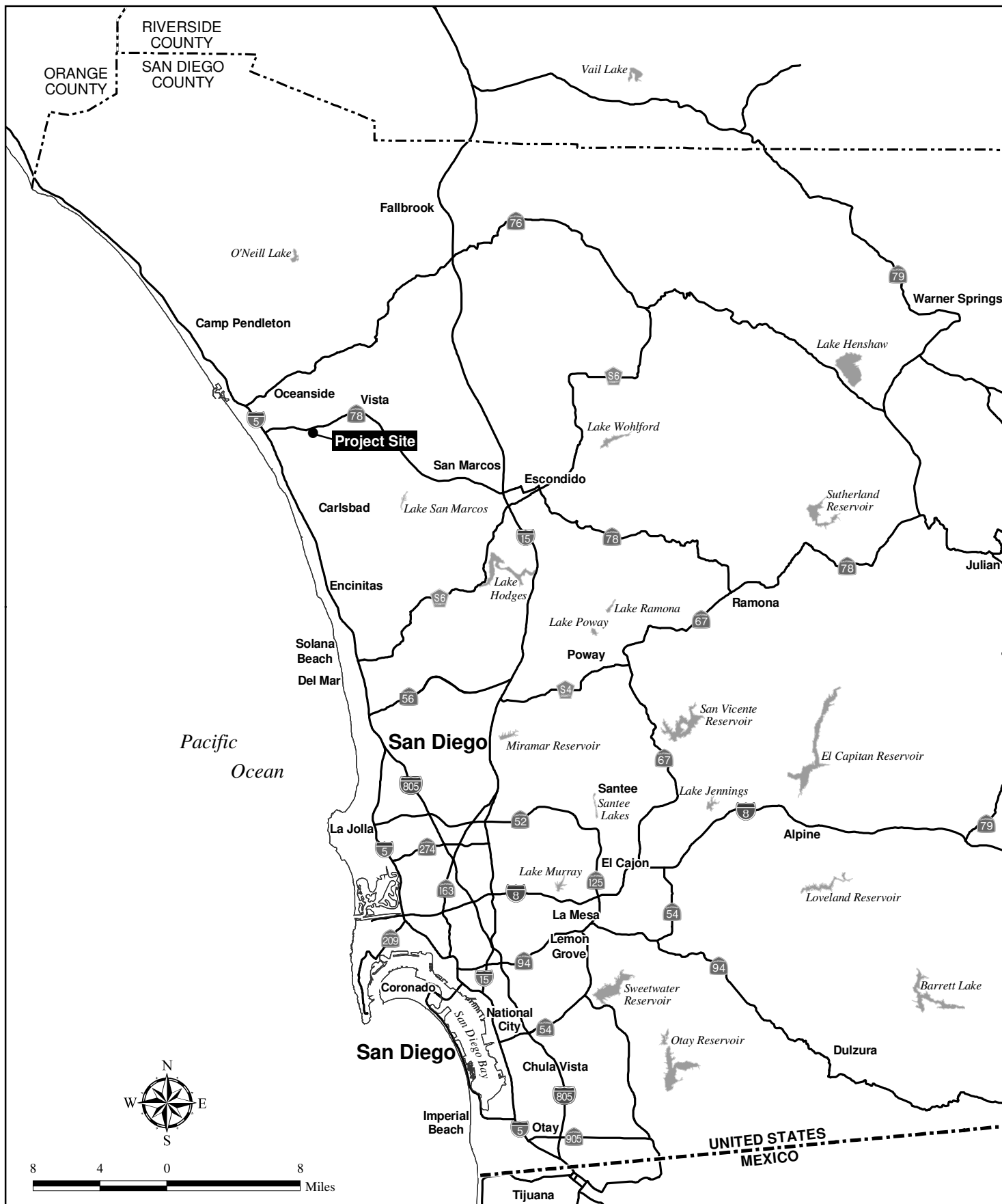
Marilyn Fluharty
California Department of Fish and Game
mfluharty@dfg.ca.gov

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

U.S. EPA, OWOW, Region 9
75 Hawthorne St.,
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

ATTACHMENT 3
LOCATION MAPS



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Regional Location Map


FORMER SOUTH COAST QUARRY AMENDED RECLAMATION PLAN

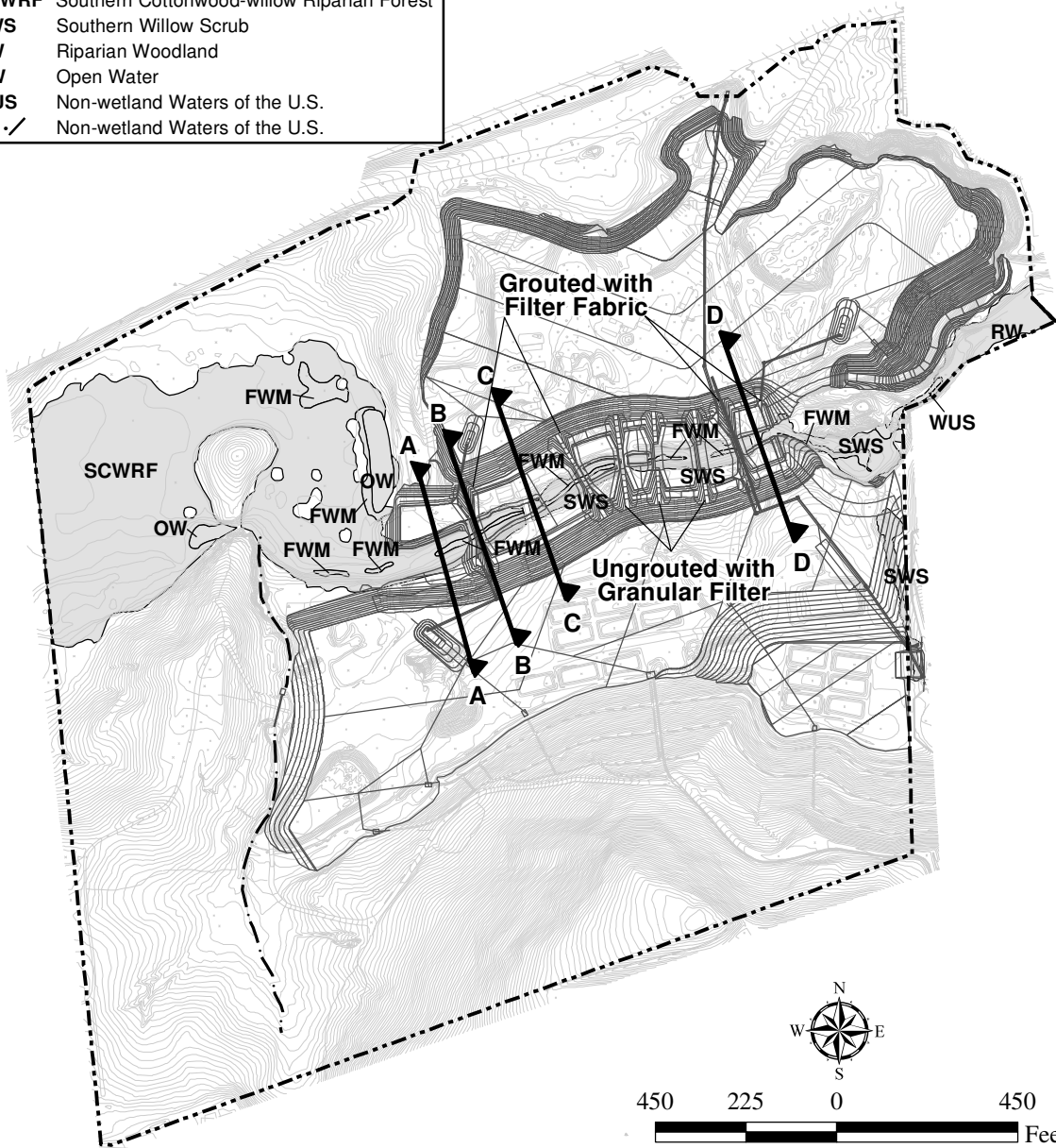


Aerial Photograph

FORMER SOUTH COAST QUARRY AMENDED RECLAMATION PLAN

**ATTACHMENT 4
SITE AND MITIGATION MAPS**

LEGEND	
Corps Jurisdictional Habitats	
FWM	Freshwater Marsh
SCWRF	Southern Cottonwood-willow Riparian Forest
SWS	Southern Willow Scrub
RW	Riparian Woodland
OW	Open Water
WUS	Non-wetland Waters of the U.S.
	Non-wetland Waters of the U.S.



PURPOSE: Reclamation Project
DATUM: MSL
ADJACENT PROPERTY OWNERS:
 See List Attached to Form 4345











PLAN VIEW OF PROPOSED PROJECT FORMER SOUTH COAST QUARRY AMENDED RECLAMATION PLAN

3701 Haymar Drive
 Carlsbad, CA 92008


WATERBODY: Buena Vista Creek
COUNTY: San Diego **STATE:** CA
APPLICANT: Hanson Aggregates Pacific Southwest, Inc.
AGENT: HELIX Environmental Planning, Inc.
 7578 El Cajon Blvd. Suite 200
 La Mesa, CA 91942
USGS Quadrangle: San Luis Rey
 LAT: 33° 11' 00" LONG: 117° 30' 00"
 T: 11S R: 4W S: N/A

Sheet 3 of 15 Date: 05/16/11



-  Riparian Creation
 -  Riparian Restoration
 -  Riparian Enhancement* (Tree Removal)
 -  Riparian Preservation*
 -  Transitional Benches
 -  Upland Creation
 -  Planted Rip-rap
 -  Project Impacts
 -  100' Riparian Buffer
 -  Transect Location
- *Additional riparian enhancement and preserve may occur on site beyond the limits shown on this figure.

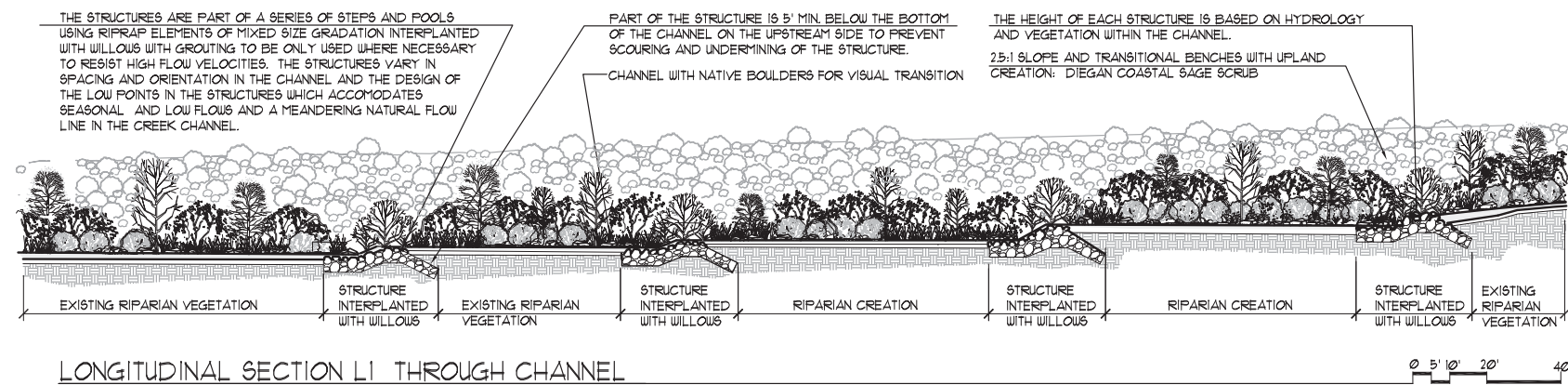
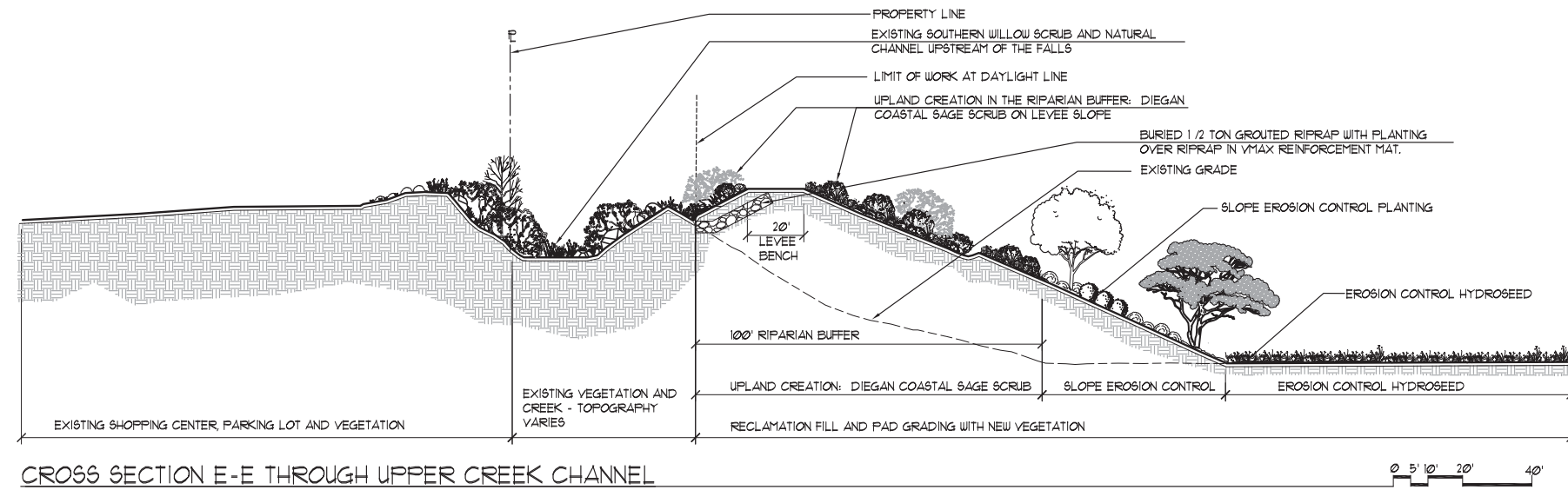
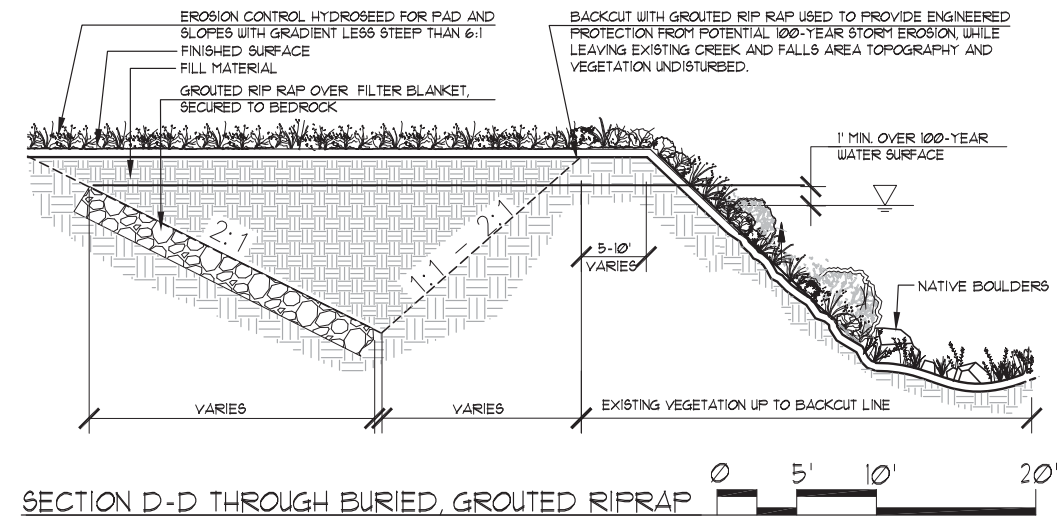
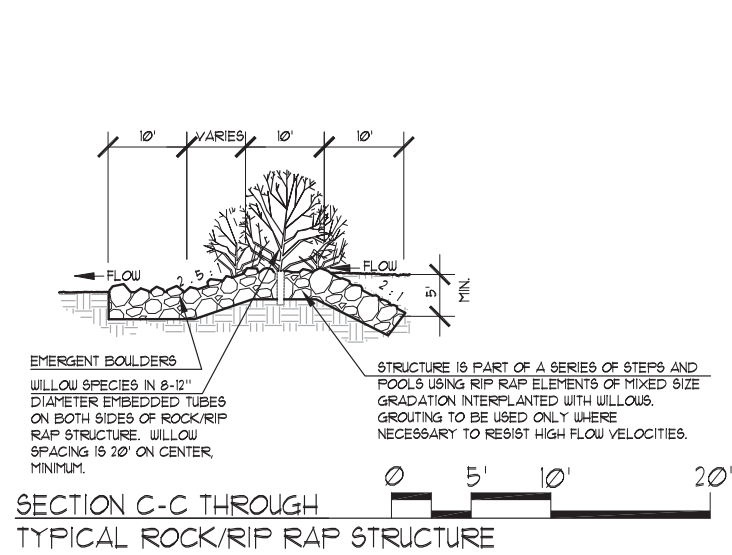
Note: The total mitigation acreage is slightly higher than required to account for a future bridged crossing (approximately 50-foot wide) somewhere along the creek, if required by the future end use of the property.


 200 100 0 200 Feet
 Job No: HAW-04 Date: 06/06/11
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Mitigation Plan

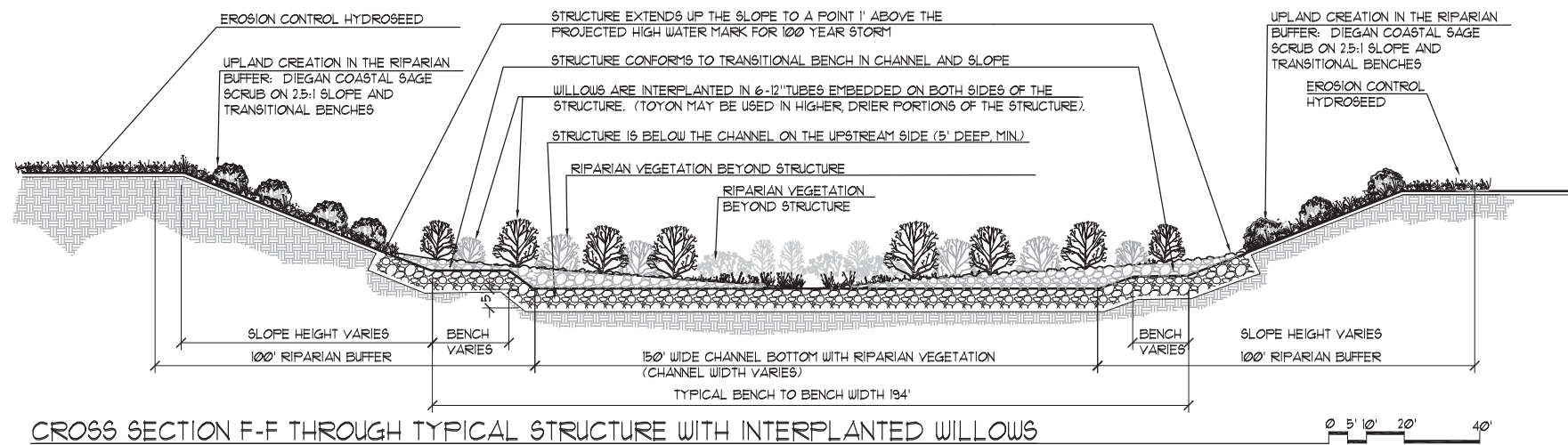
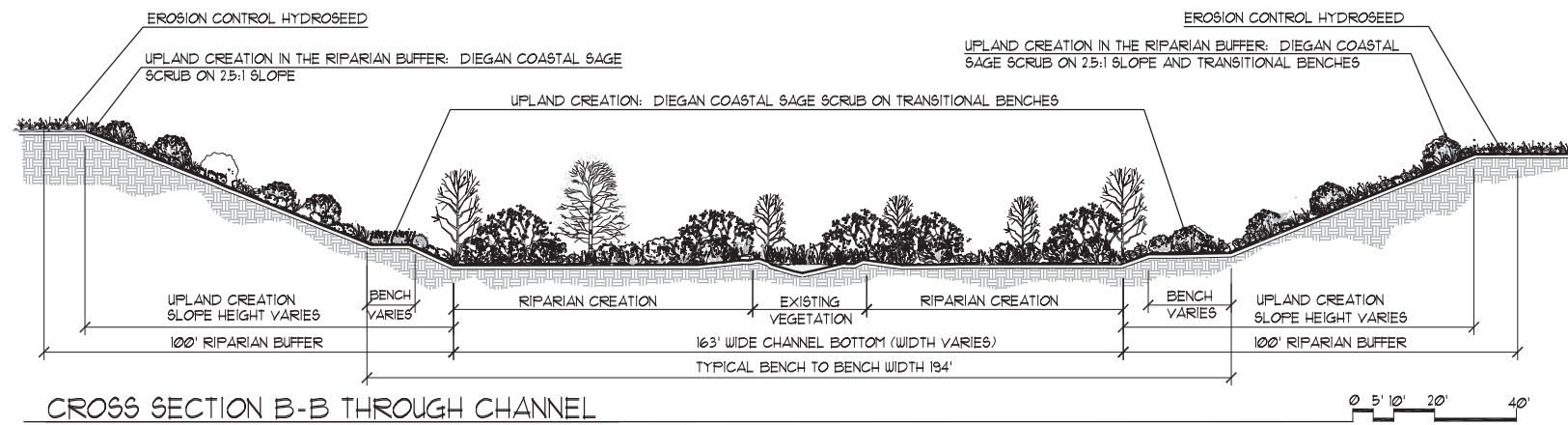
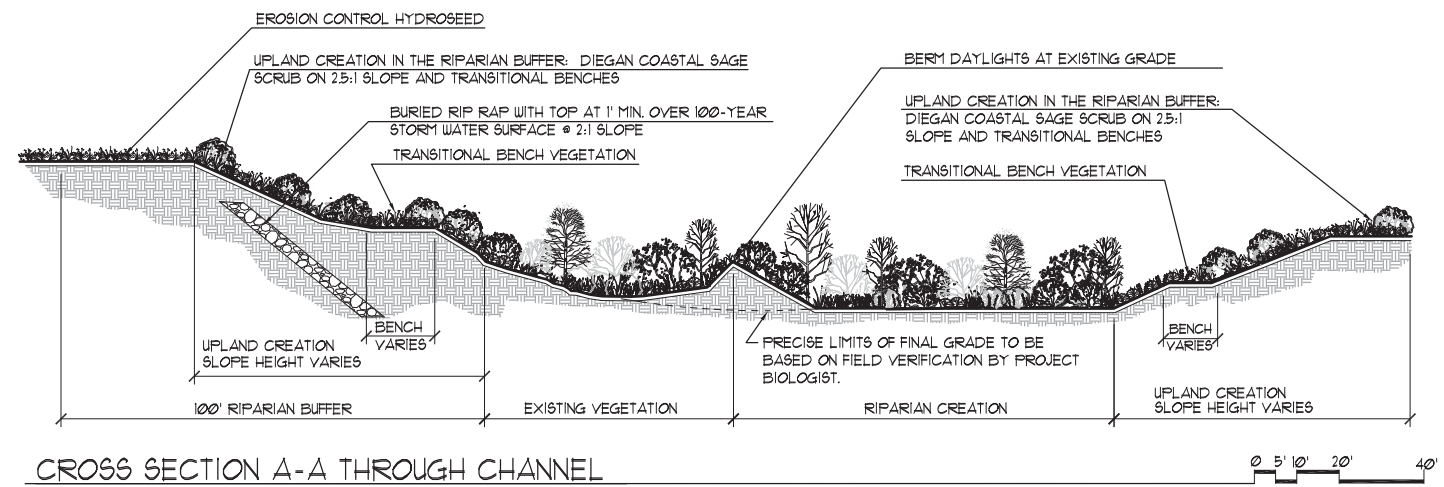
QUARRY CREEK





Source: The Lightfoot Planning Group
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Conceptual Cross-sections C-C, D-D and E-E and Longitudinal Section of Creek
 FORMER SOUTH COAST QUARRY AMENDED RECLAMATION PLAN



Source: The Lightfoot Planning Group
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3 Conceptual Cross-sections of Creek (A-A, B-B and F-F)

FORMER SOUTH COAST QUARRY AMENDED RECLAMATION PLAN

Attachment 5

Checklist of Required Reports and Notifications

Required Reports and Submittals

Due Date	Required Report	Required Condition(s) To Be Met	Report Received
Prior to Commencement of Construction	Preservation Mechanism	V.K	
August 1 st , Annually	Monitoring Reports	VI.A, B, and C	
August 1 st , Annually	Project Annual Report	VIII.A	
August 1 st After Project Completion	Final Annual Project Report	VIII.A	
Prior to Construction Commencement	Receiving Water Monitoring Plan	VIII.B	
Prior to Commencement of Construction	Final Mitigation Installation Plan	VIII.C	
December 1 of Each Year	Mitigation Monitoring Report	VIII.D	

Required Notifications

Notification Requirement	Required Notification Period	Required Condition(s) To Be Met	Date Notified
Unauthorized Discharge	Within 24 Hours of Discharge	VII.A	
Transfer of Certification Responsibility	Within 10 Days of Transfer	VII.B	
Dredge or Fill Commencement	5 Days Prior to Commencement	VII.C	
Consultation for Rare, Threatened, or Endangered Species.	Prior to Construction Activities	VII.D	