



California Regional Water Quality Control Board

San Diego Region



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Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Linda S. Adams
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Environmental Protection

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(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

August 31, 2010

Certified Mail – Return Receipt Requested

Article Number: 7009 1410 0002 2347 4589

Mr. Abraham Chen
City Engineer
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

In reply, refer to:

WDID	9 000001851
Reg. Measure	354035
Place	728112
Party	148472
Person	451626

Dear Mr. Chen:

Subject: Amendment to Clean Water Act Section 401 Water Quality Certification No. 08C-078 for the El Camino Real Detention Basin Project

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is amending the El Camino Real Detention Basin Project project, Certification number 08C-078. This amendment to the Water Quality Certification has been requested by the City of Oceanside. The original certification with requested changes is included as Attachment A.

The proposed additional work would include driving 2,170-linear feet of sheetpiling adjacent to an existing (North County Transit District Sprinter rail line) retaining wall, covering and filling the gap between the wall and the new sheetpiling with a cement cap, covering with soil, and replanting with Mulefat plants. The proposed sheetpiling will be 2,170-feet long and be driven to a depth of 20-feet below grade or to bedrock. The purpose of the sheetpiling is to control potential erosion along the retaining wall during a 100-year storm flow event.

Any petition for reconsideration of this 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 City of Oceanside has accepted and will comply with all conditions of the Certification. Failure to comply with all conditions of this Certification may result in enforcement actions against the City of Oceanside.

Amended language to the Water Quality Certification is shown as strikeout and bold-underlined font in the amended Water Quality Certification (Attachment A). Technical information provided by the City of Oceanside in support of the amendment is included as Attachment B.

California Environmental Protection Agency

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OPENING

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.

Respectfully,



David W. Gibson
Executive Officer
San Diego Regional Water Quality Control Board

cc: See Attachment 2 in the Amended Certification No. 06C-070

Attachments:

A – Amended Water Quality Certification 08C-078, dated June 10, 2010.

B – Amendment Request No. 1 with Supporting Documents, dated April 26, 2010.



Linda S. Adams
Acting Secretary for
Environmental
Protection

California Regional Water Quality Control Board San Diego Region

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

PROJECT: El Camino Real Detention Basin Project
Water Quality Certification No. 08C-078

APPLICANT: ~~Mr. Scott Smith~~
Mr. Abraham Chen
City Engineer
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

WDID	9 000001851
Reg. Measure	354035
Place	728112
Party	148472
Person	451626

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 construction of two masonry walls, ranging in height from 6 to 25-feet tall, approximately 300-feet long in the floodplain of Loma Alta Creek, and connecting to an existing wall. These structures will serve to detain flood waters.

This project is the third and final phase of a larger, three phase project. Phase 1 was the replacement and expansion of the Coast Highway bridge with concrete box culverts in Loma Alta Creek, downstream of the Phase 2 project area.

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>.

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0801110

Phase 2 was the channelization of sections of Loma Alta Creek to provide up to a 40-year storm water elevation protection. Completion of Phase 3 project will provide up to a 100-year storm water elevation protection.

The proposed additional work as described in the amendment request would include driving sheetpiling adjacent to an existing (North County Transit District Sprinter rail line) retaining wall, covering and filling the gap between the wall and the new sheetpiling with a cement cap, covering with soil, and replanting with Mulefat plants. The proposed sheetpiling will be 2,170-feet long and be driven to a depth of 20-feet below grade or to bedrock. The purpose of the sheetpiling is to control potential erosion along the retaining wall during a 100-year storm flow event.

STANDARD CONDITIONS:

The following three standard conditions apply to all certification actions, except as noted under Condition 3 for denials (Action 3).

1. 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).
2. 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.
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 Oceanside must satisfy the following:

A. GENERAL CONDITIONS:

1. The City of Oceanside 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 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. If project impacts have not been initiated within 5 years of issuance of this Certification, this Certification shall expire and another application for water quality certification will have to be submitted.
3. During construction activities, the City of Oceanside must maintain a copy of this certification at the project site so as to be available at all times to site personnel and agencies.
4. The City of Oceanside 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.
5. The City of Oceanside 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.
6. The City of Oceanside 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.
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. The City of Oceanside must submit annual progress reports to the Regional Board, prior to **August 1** of each year following the issuance of this certification, that reports on the status of the project until the project is completed.

B. PROJECT CONDITIONS:

1. Prior to the start of the project, and annually thereafter, the City of Oceanside must educate all personnel on the requirements in this certification, pollution prevention measures, spill response, and Best Management Practices implementation and maintenance.
2. The City of Oceanside 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 Requirement are accessible at:
http://www.waterboards.ca.gov/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf.
3. The City of Oceanside must notify the Regional Board in writing at least **5 days** prior to the actual commencement of construction.
4. 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.

C. MAINTENANCE BEST MANAGEMENT PRACTICES:

1. Best Management Practices (BMPs) are described on page 3 of 6 in the Application for Clean Water Act § 401 Water Quality Certification for the El Camino Real Detention Basin project, dated October 1, 2008. Proposed BMPs must include, but not be limited to:
 - a) Silt fencing (sediment control).
 - b) Straw wattles (erosion control).
 - c) Hydro-mulching (erosion control).
 - d) Straw blankets (erosion control).
 - e) Gravel bags (sediment control).
 - f) Staging areas and materials storage must occur outside of jurisdictional waters.
 - g) Staging area and material storage must be protected by erosion and sediment control BMPs.
 - h) Work performed during the wet season must be suspended during and after rain events until flood waters recede and soils are dry enough to work safely and without causing impacts to water quality.
 - i) All denuded and barren areas within temporary construction corridors must be re-vegetated with native vegetation to control erosion no later than one week after construction of the masonry walls.

D. MITIGATION

1. Permanent impacts must not exceed 0.09-acre (394-linear feet) of vegetated Waters of the U.S. and State for Phase 3 of the project. Temporary impacts must not exceed 0.15-acre (394-linear feet) of vegetated Waters of the U.S. and State for Phase 3 of the project. **Additional, temporary impacts as proposed in the amendment (dated April 26, 2010) for the installation of driven sheetpiling must not exceed 1.27-acre (2,170-linear feet) of vegetated Waters of the U.S. and State.**
2. Proposed mitigation is described within the Wetland Mitigation Plan for Loma Alta and Garrison Creek Detention Basins, prepared by RECON, and dated February 9, 2004. Total mitigation obligation for all three project phases will be the creation of 5.15-acres. Mitigation is located at the City of Oceanside's Loma Alta Flood Control Project Mitigation site. The 5.15-acres must be comprised of:
 - a) Willow woodland 1.5-acres.
 - b) Willow scrub 2.15-acres.
 - c) Mule fat scrub 0.5-acre.
 - d) Freshwater marsh 1.0-acre.

2.e) Mitigation for impacts caused by the installation of the sheetpiling shall be the onsite (exactly where impacts are proposed to occur) restoration (replanting and irrigation) of Mulefat scrub as described in the amendment request dated April 26, 2010.

3. Within **90 days** of the issuance of this Certification, City of Oceanside must provide the Regional 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, the City of Oceanside must submit proof of a completed 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.
4. 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 onsite or offsite mitigation areas.
5. 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.
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, the City of Oceanside is responsible for repair and replanting of the damaged area(s).

7. Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful by the Regional Board. Annual monitoring reports must be submitted prior to **December 1** of each year. Monitoring reports must include, but not be limited to, the following:
 - a) Names, qualifications, and affiliations of the persons contributing to the report.
 - b) Tables presenting the raw data collected in the field as well as analyses of the physical and biological data, including at a minimum.
 - c) Topographic complexity characteristics at each mitigation site.
 - d) Upstream and downstream habitat and hydrologic connectivity.
 - e) *Source of hydrology.*
 - f) Width of native vegetation buffer around the entire mitigation site.
 - g) Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results.
 - h) Photodocumentation from established reference points.
 - i) A Survey report documenting boundaries of mitigation area.
8. Regional Board acceptance of the final mitigation plan applies only to the site and plan that mitigates for the El Camino Real Detention Basin project and must not be construed as approval of the mitigation site or plan for use by other current or future projects that are planning to use the City of Oceanside's Loma Alta Flood Control Project Mitigation site for mitigation.

E. P RE-PROJECT AND POST-PROJECT PHOTO DOCUMENTATION PROCEDURE:

The City of Oceanside must conduct photo documentation of project areas before and after maintenance activities. Photo-documentation must be modeled after the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure, included as Attachment 6. In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced. The City of Oceanside must submit this information in a photo documentation report to the Regional Board no later than **30 days** after

project completion at each site. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

F. GEOGRAPHIC INFORMATION SYSTEM REPORTING:

The City of Oceanside must submit Geographic Information System (GIS) shape files of the impact and mitigation areas within **30 days** of project impacts and the mitigation area within **30 days** of mitigation installation. All impact and mitigation areas shapefiles must be polygons. 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.

G. 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. 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.
3. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:
 - a. For a corporation, by a responsible corporate officer of at least the level of vice president.
 - b. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - c. 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 of a person designated in Items 3.a. through 3.c. above may sign documents if:
 - a. The authorization is made in writing by a person described in Items 3.a. through 3.c. 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 Regional Board Executive Officer.
- 5. 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."

- 6. The City of Oceanside 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 No. 08C-078
9174 Sky Park Court, Suite 100
San Diego, California 92123

- 7. Required Reports: The following list summarizes the reports, including 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)
Unauthorized Discharges	A.5. Report within 24 hours.	Within 24 hours.
Annual Progress Reporting	A.10. Submit annual progress reports.	Annually before August 1 st .
Impacts to Waters	B.3. Notify before impacting Waters of U.S. and State.	5 Days prior to impacts.
Mitigation	D.3. Provide draft and final preservation mechanisms.	Within 90 days and one year of issuance of Certification.
Mitigation	D.7. Provide annual mitigation monitoring reports.	Prior to December 1 of each year after installation of mitigation site.
Photo Documentation	E. Provide photo	Within 30 days of

	documentation of project areas.	project completion at each site.
GIS shapefiles	F. Submit GIS shapefiles of impacts and mitigation areas.	30 Days after impacts and 30 days after mitigation installation.

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On October 20, 2008 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

On May 4, 2010 receipt of the amendment request was posted on the San Diego Water Board web site to serve as appropriate notification to the public.


REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

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

AMENDED WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the City of Oceanside El Camino Real Detention Basin **Amended** Project (Certification No. 08C-078) 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 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 Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



DAVID W. GIBSON
Executive Officer
Regional Water Quality Control Board

31 Aug. 2010
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map
 4. Site Maps
 5. Mitigation Map
 6. Stream Photodocumentation Procedure

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant:

~~Mr. Scott Smith~~
Mr. Abraham Chen
City Engineer
Engineering Division
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054
~~Telephone: 760-435-5074~~
Telephone: 760-435-5121
Facsimile: 760-435-6121
~~Email: ssmith@ci.oceanside.ca.us~~
Email: amchen@ci.oceanside.ca.us

Applicant
Representatives:

Mr. Abraham Chen
Associate Engineer
Engineering Division
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054
Telephone: 760-435-5121
Facsimile: 760-435-6121
Email: amchen@ci.oceanside.ca.us

Project Name:

El Camino Real Detention Basin Project,
Certification 08C-068

Project Location:

The project is located southeast and adjacent to the intersection of El Camino Real and Oceanside Boulevard, north of and in the floodplain of Loma Alta Creek, City of Oceanside, north-coastal San Diego County.

Type of Project:

Flood control.

Project Description:

The proposed project is the construction of two masonry walls, ranging in height from 6 to 25-feet tall, approximately 300-feet long in the floodplain of Loma Alta Creek, and connecting to an existing wall. These structures will serve to detain flood waters.

This project is the third and final phase of a larger, three phase project. Phase 1 was the replacement and expansion of the Coast Highway bridge with concrete box culverts in Loma Alta Creek, downstream of the Phase 2 project area. Phase 2 was the channelization of sections of Loma Alta Creek to provide up to a 40-year storm water elevation protection. Completion of Phase 3 project will provide up to a 100-year storm water elevation protection.

The proposed additional work, as described in the amendment request, would include driving sheetpiling adjacent to an existing (North County Transit District Sprinter rail line) retaining wall, covering and filling the gap between the wall and the new sheetpiling with a cement cap, covering with soil, and replanting with Mulefat plants. The proposed sheetpiling will be 2,170-feet long and be driven to a depth of 20-feet below grade or to bedrock. The purpose of the sheetpiling is to control potential erosion along the retaining wall during a 100-year storm flow event.

Project Purpose:	The purpose of the project is to reduce flooding potential to nearby businesses.
Federal Agency/Permit:	U.S. Army Corps of Engineers §404, Individual Permit, Ms. Crystel Doyle.
Other Required Regulatory Approvals:	California Department of Fish and Game, §1602 Streambed Alteration Agreement, Ms. Tamara Spear.
California Environmental Quality Act (CEQA) Compliance:	<u>Loma Alta Creek Flood Control Project, Subsequent Environmental Impact</u> , March 1999, City of Oceanside SCH # 1998031129.
Receiving Waters:	Loma Alta Creek floodplain, Carlsbad hydrologic unit, Loma Alta hydrologic area (904.10).

Mitigation is located at the City of Oceanside's Loma Alta Flood Control Project Mitigation site. Mitigation was completed in 2005 and is now in year 4 of monitoring and maintenance. The mitigation site is meeting its success criterion.

Amended, Additional Mitigation:

Additional mitigation for impacts caused by the installation of the sheetpiling will be the onsite (exactly where impacts are proposed to occur) restoration (replanting and irrigation) of 1.27-acres (2,170-linear feet) of Mulefat scrub.

Best Management Practices:

Best Management Practices (BMPs) are described on page 3 of 6 in the Application for Clean Water Act § 401 Water Quality Certification for the El Camino Real Detention Basin project, dated October 1, 2008. Proposed BMPs include:

1. Silt fencing (sediment control).
2. Straw wattles (erosion control).
3. Hydro-mulching (erosion control).
4. Straw blankets (erosion control).
5. Gravel bags (sediment control).
6. Staging areas and materials storage outside of jurisdictional waters.
7. Staging area and material storage will be protected by erosion and sediment control BMPs.
8. Work performed during the wet season will be suspended during and after rain events until flood waters recede and soils are dry enough to work safely and without causing impacts to water quality.
9. All denuded and barren areas within temporary construction corridors will be re-vegetated with native vegetation to control erosion.

Public Notice:

October 20, 2008 – Regional Board website.

On May 4, 2010 receipt of the amendment request was posted on the San Diego Water Board web site to serve as appropriate notification to the public.

Fees:

Total Due:	\$3,162.00	
Total Paid:	\$2,470.00	(Check No. 1017972)
	\$692.00	(Check No. 1032018)

Affected Waters of the United States and State: Temporary:

~~Wetland 0.15-acre, 394-linear feet~~

Additional Temporary:

Wetland 1.27-acre, 2,170-linear feet

Streambed	None
Lake	None
Ocean	None

Permanent:

Wetland	0.09-acre, 394-linear feet
Streambed	None
Lake	None
Ocean	None

Dredge Volume: None

Related Projects Implemented/to be Implemented by the Applicant(s):

Project phases 1 and 2 have been implemented and mitigated for.

Compensatory Mitigation:

Proposed mitigation is described within the Wetland Mitigation Plan for Loma Alta and Garrison Creek Detention Basins, prepared by RECON, and dated February 9, 2004. Total mitigation obligation for all three project phases is the creation of 5.15-acres. The 5.15-acres is comprised of:

- Willow woodland 1.5-acres.
- Willow scrub 2.15-acres.
- Mule fat scrub 0.5-acre.
- Freshwater marsh 1.0-acre.

The mitigation obligation for Phase three of the project is 1.20-acres. The 1.20-acres is part of the 5.15-acres mitigation area. The 1.20-acres is mathematically-derived from the sum of the impacts for this phase (0.15-acre + 0.09-acre) times a mitigation ratio of 5:1.

Amendment Fees: Total Due: \$640.00
 Total Paid: \$640.00 (Check No. 01044220)

CIWQS: Regulatory Measure: 351035
 Place: 728112
 Party: 148472

**ATTACHMENT 2
DISTRIBUTION LIST**

Ms. Crystal Doyle
U.S. Army Corps of Engineers
San Diego Field Office
6010 Hidden Valley Road
Suite 105
Carlsbad, CA 92011

Ms. Tamara Spear
California Department of Fish and Game
South Coast Region
Habitat Conservation Planning – North
4949 Viewridge Avenue
San Diego, CA 92123

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

Mr. Abraham Chen,
Associate Engineer
Engineering Division
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

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

ATTACHMENT B

AMENDMENT REQUEST No. 1

WITH

SUPPORTING DOCUMENTS, DATED APRIL 26, 2010



California Regional Water Quality Control Board

San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties

Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA



Alan C. Lloyd, Ph.D.
Secretary for
Environmental
Protection

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

AMENDMENT REQUEST No. 1 APPLICATION FOR CLEAN WATER ACT §401 WATER QUALITY CERTIFICATION

All applicants **must** provide a complete and detailed response to all sections of the application or the application will be deemed incomplete. Responses by reference shall indicate the specific document(s) and page number(s) (include copies of the entire document). Indicate by Not Applicable (NA) all sections that do not apply, along with an explanation of why the project is exempt from the section.

APPLICANT/AGENT INFORMATION

APPLICANT'S NAME City of Oceanside	AUTHORIZED AGENT'S NAME AND TITLE
APPLICANT'S ADDRESS 300 N. Coast Highway Oceanside, CA 92054	AGENT'S ADDRESS
APPLICANT'S PHONE, FAX, EMAIL Abraham Chen TEL 760-435-5121 FAX 760-435-6121 amchen@ci.oceanside.ca.us	AGENT'S PHONE, FAX, EMAIL

STATEMENT OF AUTHORIZATION

I hereby authorize _____ to act in my behalf as my agent in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.

Abraham Chen
Applicant's Signature

4/26/2010
Date

(This **must** be signed by the applicant, **not** the authorized agent)

WDID 900001851
Reg. Measure 354035
Place _____ 728112
Party _____ 148472
Person _____ 451626

2010 APR 30 P 4: 34
SAN DIEGO REGIONAL
WATER QUALITY
CONTROL BOARD

City of Oceanside
OCEANSIDE, CALIFORNIA
Accounts Payable Check

4/29/2010

Page 1 of 1

Vendor Name: SWRCB
Vendor Number: 158203

Check Number: 01044220

<u>Invoice Number</u>	<u>Invoice Date</u>	<u>Description</u>	<u>PO No.</u>	<u>Amount</u>
PERMIT EXTENSION	4/21/2010	EICaminoRealLomaAltaDe		640.00

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT

CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM



City of Oceanside
300 North Coast Highway
Oceanside, California 92054

Union Bank
Payable at any Union Bank branch including
400 California St., San Francisco, CA 94104
(800) 798-8486 unionbank.com
16-66/1220 2740030437

Check Number:
01044220

DATE
4/29/2010

Pay This Amount
\$*****640.00

PAY SIX HUNDRED FORTY AND 00/100*****

VOID IF NOT CASHED WITHIN SIX MONTHS

TO THE ORDER OF
SWRCB
Attn: Michelle Mata
9174 Sky Park Ct Ste 100
San Diego CA 92123-4340



Handwritten signature: E. Weis

⑈01044220⑈ ⑆122000496⑆ 2740030437⑈

CHONNNO

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Security Features Included

OWNERSHIP

Does the applicant own the project site? Yes No

If the project site is not owned by the applicant, provide the name, address, and phone number for the property owner as well as evidence that the applicant has the necessary approvals to construct the project at this location.

Does the applicant plan on selling all or a portion of the site after receiving the necessary approvals and prior to starting construction? Yes No

If yes, provide the name, address, and phone number of the future landowner, if available.

PROJECT/ACTIVITY INFORMATION

PROJECT NAME OR TITLE

El Camino Real Detention Basin Project

AFFECTED WATER BODY(IES) (Provide a clear written description and clearly indicate affected water body(ies) on maps of appropriate scale.)

Loma Alta Creek upstream of El Camino Real Road in the City of Oceanside.

Are any of the waterbody(ies) considered isolated per SWANCC? Yes No

LOCATION OF PROJECT (Attach map(s) showing project location.)

Street address El Camino Real and Oceanside Boulevard

Latitude 33-12-00 Longitude 117-20-30

Assessors Parcel Number(s) _____

County San Diego City Oceanside

DIRECTIONS TO PROJECT SITE

The project site is located on the southeast corner of the intersection of Oceanside Boulevard and El Camino Real on Loma Alta Creek.

PROJECT PURPOSE (Describe the reason or purpose for the overall project.)

The purpose of the proposed amendment to the authorized 401 certification is to repair the existing Sprinter Wall so that this wall will be able to withstand a 100 year flood event.

DESCRIPTION OF ACTIVITY (Provide a full, technically accurate description of the entire activity and associated environmental impacts. Include proposed start and completion dates and dates for major phases of the project. If reference is made to documents submitted with this application, provide the specific document title and page numbers.)

(See Attachment 1 – Supplemental Information)

AVOIDANCE AND MINIMIZATION OF IMPACTS (Describe efforts to avoid and minimize direct impacts to waters of the U.S.)

The Sprinter Wall repair project would be located within the previous 20-foot wide construction corridor used by NCTD to build the wall to avoid and minimize any new impacts to mature riparian habitat on Loma Alta Creek. The construction corridor is vegetated with young mule fat scrub and would be restored to similar vegetation once the installation of the sheet pile protection is complete.

PROTECTION OF WATER QUALITY – CONSTRUCTION Describe efforts to avoid and minimize impacts to water quality during project construction. Include a discussion of erosion and sediment control measures, project scheduling, flow diversions, staging and material storage yards.

Protection of water quality during the installation of the sheet piles would be achieved by the implementation of best management practices (BMPs) to control erosion. BMP's available to the construction contractor to control erosion include the use of silt fence, straw wattles, hydro-mulch, straw/jute blankets, gravel bags, etc. Staging and material storage would be located outside of jurisdictional waters and would be protected by BMP's to prevent sediment or other construction related pollutants from entering the creek. Work would be performed during the dry season to avoid and minimize any impacts to water quality.

PROTECTION OF WATER QUALITY – POST-CONSTRUCTION Describe efforts to avoid and minimize impacts to water quality following project construction.

- Include a description of each proposed land use (e.g., residential, street, commercial), identify the expected pollutants, specific post-construction BMPs, their effectiveness with regard to the expected pollutants, maintenance requirements, and party(ies) responsible for maintenance*.
- Also include a detailed description of how the project will address post-construction changes in flow rates, velocities, and shear stresses.
- Include a figure showing the location and type of all post-construction BMPs.

Post-construction, all bare areas within the temporary construction corridor would be revegetated with native plant species to control erosion. The facility is a detention basin and would not add any new sources of pollutants to the creek after it is completed. Flood flows would be temporarily detained within the basin, and the outlet of these waters moderated by the basin outlets to prevent increases in volume and velocities downstream to help alleviate flooding.

* The applicant must submit proof with this application that the parties designated as responsible for BMP maintenance have accepted the maintenance responsibility and are aware of the maintenance requirements.

PROTECTION OF WATER QUALITY – IMPAIRED WATER BODY(IES)

Are any of the water body(ies) within the project area, including impacted and preserved water body(ies), listed as impaired on the Clean Water Act Section 303(d) list? Yes _____ No X_____

Are any of the water body(ies) within the project area a tributary to a Clean Water Act Section 303(d) water body(ies)?
Yes X_____ No _____

Are any of the water body(ies) within the project area the subject of an adopted Total Maximum Daily Load (TMDL)?
Yes _____ No X_____

If yes, provide a detailed description of the actions that will be taken to ensure that the project does not contribute additional pollutants to the water body(ies). Include a discussion of the pollutants causing the impairment, potential sources of pollutants, and construction and post-construction BMPs.

(See Attachment 1 – Supplemental Information)

Indicate in ACRES and LINEAR FEET (where appropriate) the total quantity of waters of the United States proposed to be created, restored, enhanced, or preserved for purposes of providing compensatory mitigation.

Water Body Type/Plant Community Type	Created	Restored	Enhanced	Preserved
Mule Fat Scub		1.27 acres		

Note: Creation is defined as creating waters of the U.S. where none have previously existed; restoration is restoring waters of the U.S. where they have previously existed but have since been eliminated; enhancement is improving existing waters of the U.S. (e.g., removing exotic species and replanting with natives); and preservation is protecting an area in perpetuity and place by a conservation easement, deed restriction, or other legal instrument.

Is the mitigation site owned by the applicant? Yes No

(if no, provide the name, address, and phone number of the landowner and evidence (e.g., agreements, contracts, etc.) that the applicant has the necessary approvals to implement mitigation at this location. If the land is to be purchased, provide the expected date that the purchase will be complete.)

MITIGATION BANK/IN-LIEU FEE PROGRAM (if proposed)

Mitigation Bank/In-Lieu Fee Name: _____

Name of Mitigation Bank/In-Lieu Fee Operator: _____

Office Address of Operator/Phone Number: _____

Mitigation Bank/In-Lieu Fee Location (Latitude/Longitude, County, and City): _____

Mitigation Bank/In-Lieu Fee Water Body Type(s): _____

Mitigation Area (acres or linear feet) and cost (dollar): _____

APPLICATION FEE

FILING FEE A fee deposit of \$640.00 is required to be submitted with this application. Additional fees, based on the extent of impacts, may be due. A fee schedule and calculator can be found at: <http://www.swrcb.ca.gov/rwqcb9/programs/401cert.html>

Is check payable to the "State Water Resources Control Board" attached? Yes No

Check No. _____ Amount \$640.00

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Document Type/Title Loma Alta Creek Flood Control Project – Final Subsequent EIR (March 1999)

Lead Agency and Contact Information (name, address, phone number) City of Oceanside (same as applicant)

State Clearing House Number No. 88071325

Has the document been certified/approved or has a Notice of Exemption been filed? Yes No
(If yes, include a copy of the certification. If no, provide the expected approval date.)

Is this project considered an "emergency" pursuant to CEQA? Yes No

Include a copy of the draft or final CEQA document with this application.

Note: The Regional Board is required to comply with CEQA before issuing a certification. Section 401 certification will not be granted without a certified CEQA document.

ADDITIONAL INFORMATION

Has any portion of the work been initiated? Yes No

If yes, describe the initiated work and explain why it was initiated prior to obtaining a permit; indicate whether any enforcement action has been taken against the project.

The Sprinter Wall along the south side of the detention basin was built by the North County Transit District (NCTD) as part of the Metro Rail Line project in 2006. Currently, the lateral walls of the detention basin at El Camino Real are under construction.

PAST/FUTURE IMPACTS (Briefly list/describe any projects carried out in the last 5 years or planned for implementation in the next 5 years that are in any way related to the proposed activity or may impact the same receiving body of water. Include actual or estimated adverse impacts.)

Future impacts to Loma Alta Creek are expected to occur upstream of the detention basin at El Camino Real and Oceanside Boulevard with the construction and completion of a similar detention basin at Rancho del Oro Road and Oceanside Boulevard. NCTD has already constructed the south wall of this basin in 2006 as part of the Sprinter line rail project. Total impacts to jurisdictional waters (permanent and temporary) were estimated to be approximately 1.4 acres. The completion of this basin would be the subject of a separate application.

SIGNATURE

I hereby certify under penalty of perjury that the information provided in this application and in any attachments are true and accurate to the best of my knowledge. I further certify that I possess the necessary authority to undertake the work described in this application.

Abraham Chen

Applicant's Signature
(This must be signed by the applicant, not the authorized agent)

4/26/2010

Date

Attach the appropriate fee and any additional documents and submit this application to:

California Regional Water Quality Control Board, San Diego
Attn: 401 Water Quality Certification
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Attachment 1

Supplemental Information

Project Description

The City of Oceanside would like to request that the 401 certification issued for the completion of the construction of the detention basin on Loma Alta Creek at El Camino Real Road and Oceanside Boulevard be amended to include the work needed to repair an existing detention basin wall, as outlined below. The current certification (No. 08C-078) authorizes the construction of the two lateral walls of the detention basin, which upon completion would connect to an existing wall that runs parallel to the south side of Loma Alta Creek built by the North County Transit District (NCTD), hereafter referred to as the Sprinter Wall.

The proposed project amendment includes the repair of the existing Sprinter Wall on Loma Alta Creek to eliminate potential uplifting during a 100-year storm event. Installation of a sheet pile wall requires minor excavation to expose the existing wall footing to guide placement of the piles. The construction corridor would be restricted to the previous 20-foot-wide corridor used when the Sprinter Wall was built to avoid and minimize impacts to mature native vegetation on Loma Alta Creek.

Project Background

The Sprinter Wall portion of the Loma Alta Creek detention basin project was built by NCTD in 2006 as part of the Sprinter Rail project. The Sprinter is a light passenger rail line that operates along approximately 22 miles of rail line between the cities of Oceanside and Escondido and serves on average about 8,000 riders a day. During construction of the Sprinter Wall, the project engineer raised a concern that there might be an uplift issue, and that ultimately, the City of Oceanside might have to come back and repair the wall to meet the Federal Emergency Management Agency's (FEMA) 100-year storm requirement. Uplift is a process that occurs when water passes underneath the wall footings, causing pressure at the toe of the footing that wants to overturn the wall.

Recently, at its own expense, the City of Oceanside completed a seepage analysis that verified that there is an uplift pressure on the wall, and that wall failure is possible during a major (100-year) storm event. Failure of this wall would disrupt the Sprinter Rail service and endanger light industrial businesses, commercial shopping centers, and mobile home residential parks located on downstream properties due to inundation by flood waters from this major storm event.

The proposed repair of the potential uplift issue is to install sheet piles at the edge of the existing wall footing along the entire length of the 2,170-foot Sprinter Wall (Figure 1).

The sheet piles would prevent the undercutting of the wall footing by creek flows that occur against the inner wall surface during major storm event flows. The work would occur within the previous 20-foot construction corridor that was authorized and used when the Sprinter Wall was built.

The City of Oceanside is currently constructing the two remaining lateral walls for the detention basin and would use the construction corridor for the C-2 lateral wall for access to the previous Sprinter Wall construction corridor. The sheet piles would be driven into the soil to a depth of approximately 20 feet, or to bedrock, near the outer edge of the wall footing. A cement slurry cap would be installed to prevent water infiltration between the sheet pile and the wall footing (Figure 2). The area would then be back filled with soil and replanted with native riparian plant species similar to what was planted to rehabilitate these areas after the Sprinter Wall was built.

The proposed sheet pile fix of the Sprinter Wall is anticipated to take approximately six to eight weeks. It would take another two to four weeks to reinstall the temporary irrigation system and replant the construction corridor with the native riparian species.

Loma Alta Creek is a perennial stream that flows from western Vista, California through Oceanside to the Pacific Ocean. Listed beneficial uses include uses for municipal and domestic supply (MUN), non-contact water recreation (REC2), warm freshwater habitat (WARM), wildlife habitat (WILD), and the potential for contact water recreation (REC1). This portion of the creek is not listed as an impaired water body on the Clean Water Act Section 303(d) list. However, the creek does flow into the Loma Alta slough, which is listed as an impaired water body that is eutrophic and contains indicator bacteria from non-point sources. The proposed completion of the detention basin at El Camino Real and Oceanside Boulevard would not contribute or worsen this impaired condition. Best Management Practices implemented during construction and post-construction would minimize any water quality impacts until the basin is functional.

Project Impacts

The installation of the sheet piles along the Sprinter Wall would temporarily impact a 20-foot-wide corridor along the entire 2,170-foot-long wall for a total of approximately 43,400 square feet, or 1.27 acres of wetland vegetated with young mule fat scrub plant species (Figures 3a and 3b).

The proposed changes in the project would not effect any navigation, aquatic life movements, spawning areas, migratory bird breeding areas (see also endangered species), shellfish beds, water supply intakes, management of water flows, wild or scenic rivers, historic properties, or the coastal zone. One federal and state endangered species, least Bell's vireo (*Vireo pusillus belli*), is known to occupy the willow riparian habitat in the vicinity of the project on a seasonal basis. The sheet pile installation would comply with the existing Biological Opinion issued for the project.

Supplemental information on biological resources and California Environmental Quality Act (CEQA) documents were submitted with the previous permit approval and the information is contained in the previous public notice. Additional copies of these documents can be provided upon request. The applicant is also applying for an amended streambed alteration agreement from the California Department of Fish and Game and notifying the Regional Water Quality Control Board regarding the proposed additional work related to the repair of the Sprinter Wall.

Cumulative Impacts

A third detention basin is proposed to be constructed on Loma Alta Creek at Rancho del Oro Road and Oceanside Boulevard. It is anticipated that this detention basin design at Rancho del Oro Road will require circulation of a supplemental CEQA document. Cumulative impacts to waters of the U.S./State, including jurisdictional wetlands, are expected to approach 1.4 acres.

Proposed Mitigation

Mitigation for the temporary impacts to the mule fat scrub vegetation would be accomplished by the replanting of the entire construction corridor with native mule fat scrub riparian plant species. The revegetated areas would be maintained and monitored for a five-year period.

Coastal Zone Management

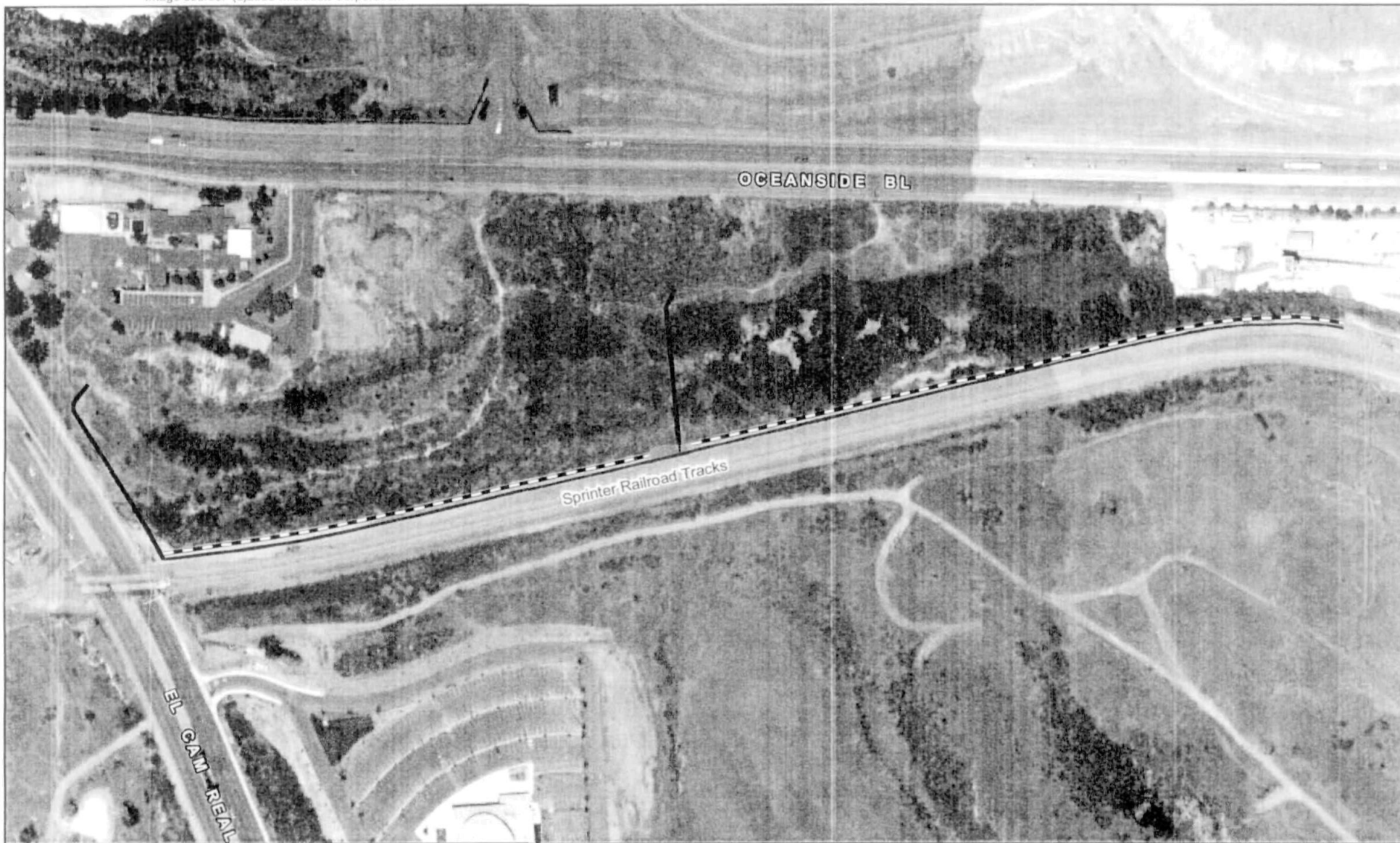
The proposed project is not within the coastal zone. The previous authorization determined that the project would not affect coastal zone resources. The currently proposed project should not change this conclusion.

Cultural Resources

The latest version of the National Register of Historic Places has been consulted and this site is not listed.

Endangered Species

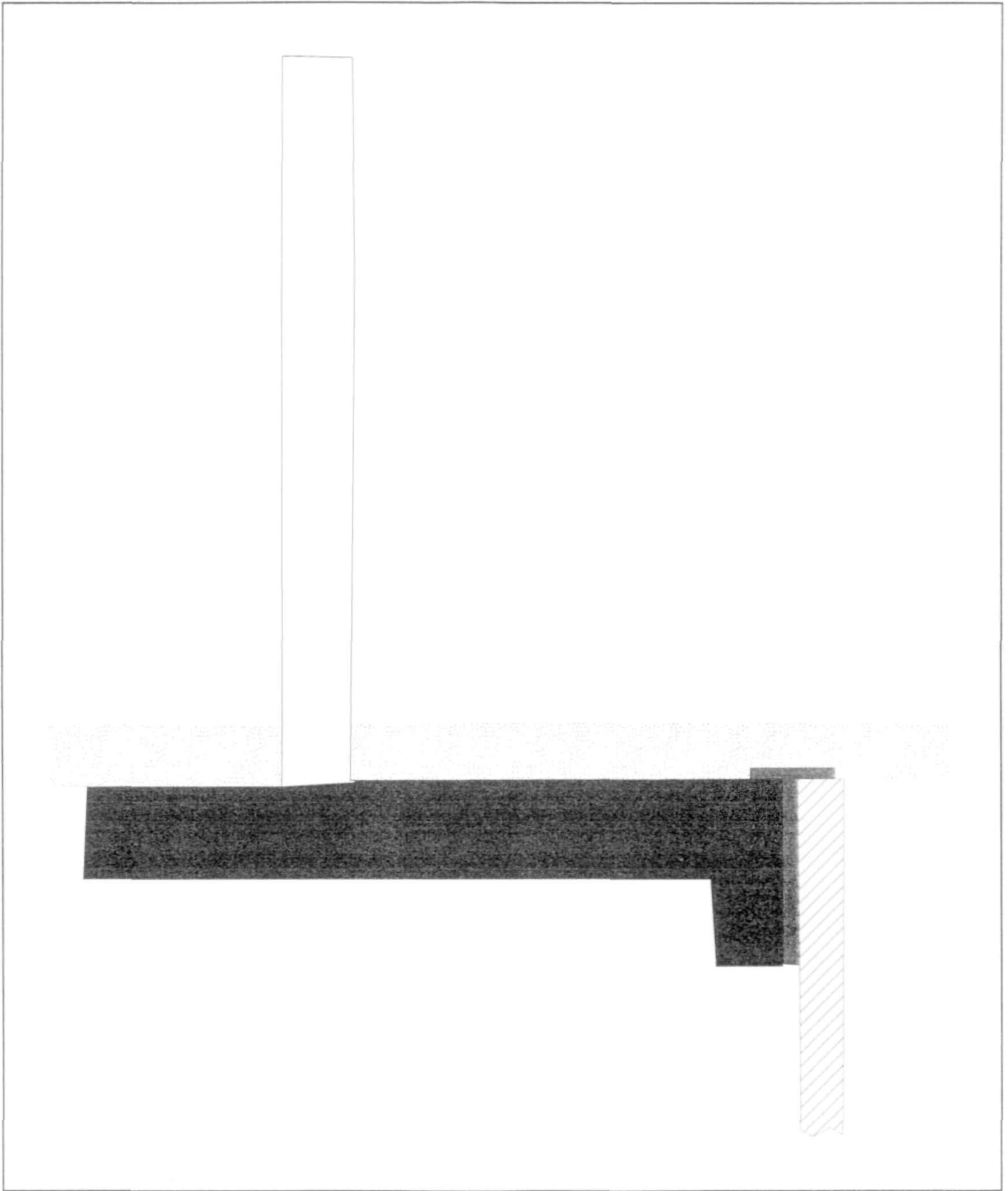
Formal consultation between USACE and the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act was completed for the previously approved project. The USFWS issued a Biological Opinion (FWS Log No. 1-6-00-F-855) for the project. It is anticipated that the currently proposed project would not significantly affect the terms and conditions of this opinion.



-  Sprinter Wall
-  Proposed Sheet Pile Wall
-  C-1 Lateral Wall
-  C-2 Lateral Wall
-  Energy Dissipator



FIGURE 1
Sprinter Wall Repair Project
Location of Proposed Sheet Pile Wall



NO SCALE

- Existing Sprinter Wall
 - Existing Sprinter Wall Footing
 - Soil Cover
- Proposed Sheet Pile
 - Proposed Cement Slurry Cap

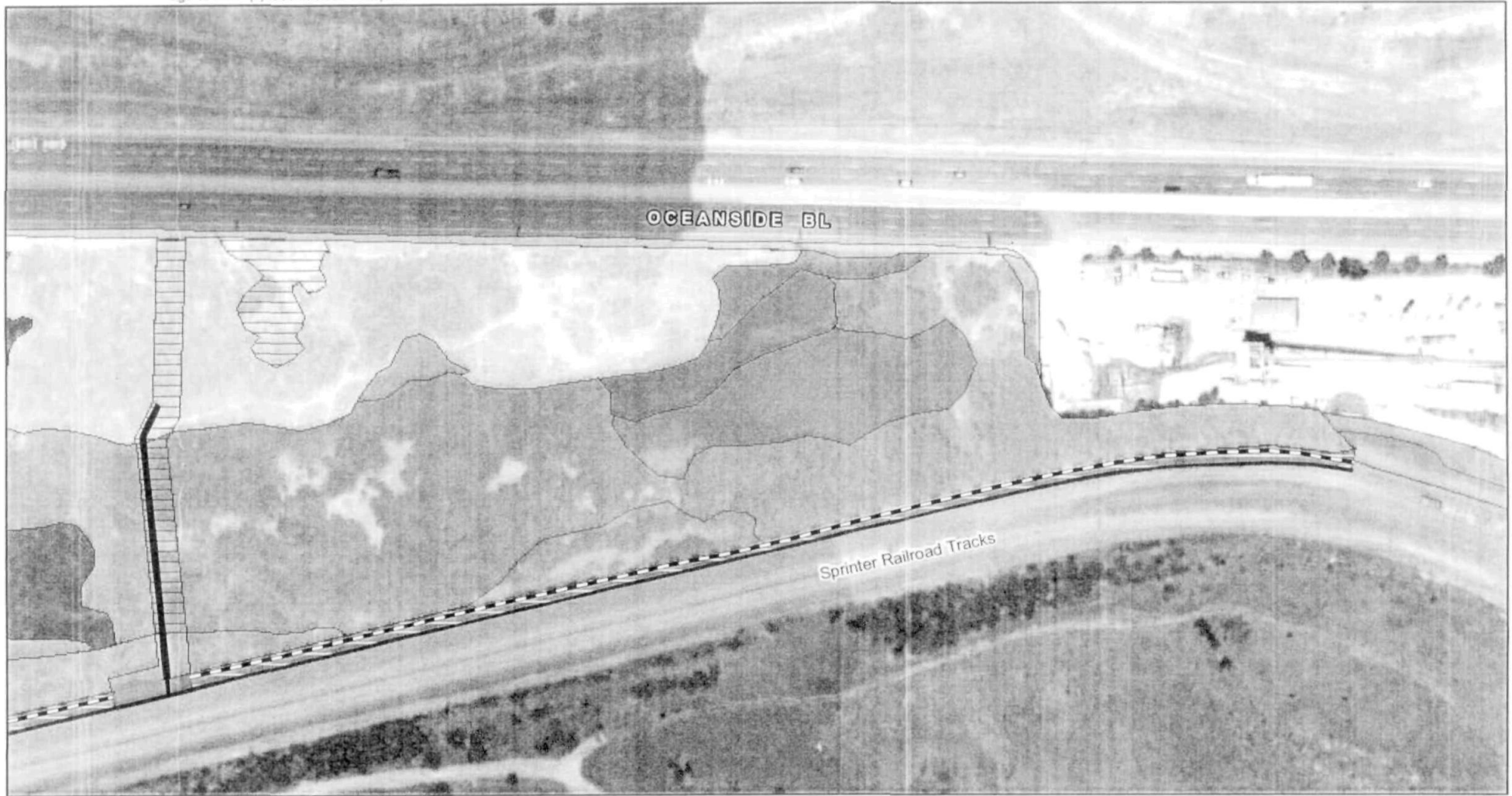
FIGURE 2

Cross-section
Proposed Sheet Pile Wall



- | | | |
|--------------------------|--|---------------------------|
| Proposed Sheet Pile Wall | Vegetation Community and Land Cover Types | Mule Fat Scrub |
| Sprinter Wall | Baccharis Scrub | Young Mule Fat Scrub |
| C-1 Lateral Wall | Coastal Sage Scrub | Open Channel |
| C-2 Lateral Wall | Disturbed Coastal Sage Scrub | Willow Woodland |
| Energy Dissipator | Disturbed Land | Disturbed Willow Woodland |

FIGURE 3a
Sprinter Wall Repair Project
Location of Impacts to Vegetation
From Proposed Sheet Pile Wall



- | | | |
|--|--|--|
| <ul style="list-style-type: none"> --- Proposed Sheet Pile Wall █ Sprinter Wall █ C-2 Lateral Wall █ Energy Dissipator | <p>Vegetation Community and Land Cover Types</p> <ul style="list-style-type: none"> █ Mule Fat Scrub (Const. Zone) █ Freshwater Marsh █ Willow Scrub █ Cismontane Alkali Marsh █ Baccharis Scrub █ Coastal Sage Scrub | <ul style="list-style-type: none"> ▨ Disturbed Coastal Sage Scrub ▨ Disturbed Land ▨ Mule Fat Scrub ▨ Young Mule Fat Scrub ▨ Willow Woodland ▨ Disturbed Willow Woodland |
|--|--|--|



FIGURE 3b
Sprinter Wall Repair Project
Location of Impacts to Vegetation
From Proposed Sheet Pile Wall

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Abraham Chen
 City of Oceanside
 300 North Coast Hwy
 Oceanside, CA
 92054

2. Article Number

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(Transfer from service label)

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X

- Agent
 Addressee

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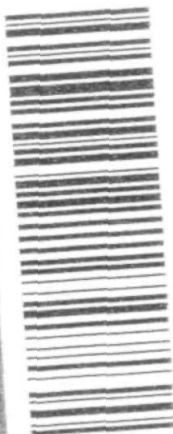
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