



# California Regional Water Quality Control Board San Diego Region



Linda S. Adams  
Secretary for  
Environmental  
Protection

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

Arnold  
Schwarzenegger  
Governor

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

November 12, 2008

In reply refer to: WPC:08C-058:bjames

Rebecca Bartling  
22<sup>nd</sup> District Agricultural Association  
2260 Jimmy Durante Blvd.  
Del Mar, CA 92014

WDID 9 000001819

CIWQS:  
Party No. 345310  
Person No. 345311  
Place No. 724915  
Reg. Mes. No. 350992

Dear Ms. Bartling:

**SUBJECT:** Action on Request for Clean Water Act Section 401 Water Quality Certification for **Sewer Forcemain Replacement Project** Water Quality Certification No. **08C-058**

Enclosed find Clean Water Act Section 401 Water Quality Certification and acknowledgment of enrollment under State Water Resources Control Board General Waste Discharge Requirements Order Number 2003-017 DWQ for discharge to Waters of the U.S. for the Sewer Forcemain Replacement Project. A description of the project and project location can be found in the project information sheet, project location map, and project site maps, by the Regional Board, which are included as Attachments 1 through 4.

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, 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.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

*California Environmental Protection Agency*

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

Recycled Paper



Ms. Rebecca Bartling  
22<sup>nd</sup> District Agricultural Association  
401 Certification No. 08C-058

- 2 -

November 12, 2008

If you have any questions regarding this notification, please contact Mr. Benjamin James directly at (858) 467-2968 or by email via [bjames@waterboards.ca.gov](mailto:bjames@waterboards.ca.gov).

Respectfully,



JOHN H. ROBERTUS  
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 08C-058 for the Sewer Forcemain Replacement Project, with 4 attachments

cc: Refer to Attachment 2 of Certification 08C-058 for Distribution List.



Linda S. Adams  
Secretary for  
Environmental Protection

# 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



Arnold Schwarzenegger  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353  
(858) 467-2952 • Fax (858) 571-6972  
[http:// www.waterboards.ca.gov/sandiego](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:** Sewer Forcemain Replacement Project  
(File No. 08C-058, WDID No. 9 000001819)

**APPLICANTS:** Ms. Becky Bartling  
22<sup>nd</sup> District Agricultural Association  
2260 Jimmy Durante Boulevard  
Del Mar, CA 92014

**ACTION:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Order for Low Impact Certification              | <input type="checkbox"/> Order for Denial of Certification                    |
| <input 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 |

**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 shall 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.

*California Environmental Protection Agency*

Recycled Paper



3. The validity of any non-denial certification action (Actions 1 and 2) shall 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 22<sup>nd</sup> District Agricultural Association must satisfy the following:

**A. GENERAL CONDITIONS**

1. The 22nd District Agricultural Association must, at all times, fully comply with the engineering plans, specifications and technical reports submitted with this application for 401 Water Quality Certification and all subsequent submittals required as part of this certification. The conditions within this certification shall supersede conflicting provisions within such plans submitted prior to the certification action.
2. The 22nd District Agricultural Association must comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.
3. The 22nd District Agricultural Association 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. Prior to the start of the project, the 22nd District Agricultural Association must educate all personnel on the requirements in this certification, pollution prevention measures, spill response, and best management practices.
5. The 22nd District Agricultural Association must permit the San Diego Regional Water Quality Control Board (SDRWQCB) 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.
6. The 22nd District Agricultural Association must notify the SDRWQCB within 24 hours of any unauthorized discharge 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 BMPs or other measures that will be implemented to prevent future discharges.

7. The 22nd District Agricultural Association 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 reached a waters of the U.S. and/or State.
8. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall 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.
9. In response to a suspected violation of any condition of this certification, the SDRWQCB 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 SDRWQCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
10. In response to any violation of the conditions of this certification, the SDRWQCB may add to or modify the conditions of this certification as appropriate to ensure compliance.

#### **B. DRILLING FLUID RELEASE CONTINGENCY CONDITIONS**

1. The 22<sup>nd</sup> District Agricultural Association must comply with all of the provision set forth in the Drilling Fluid Release Monitoring and Contingency Plan.
2. In the event that an inadvertent surface return of drilling fluid (frac-out) or drilling fluids entering the waterway from the banks occurs, the 22nd District Agricultural Association shall immediately implement corrective actions consistent with the Section 8.0 of the Drilling Fluid Release Monitoring and Contingency Plan.
3. The 22nd District Agricultural Association shall report any frac-out to Regional Board within 24-hours of the occurrence, and shall provide:
  - a. The location and extent of the discharge.
  - b. Corrective actions taken to contain the discharge.
  - c. All other information required by Condition A.6 of this certification.



4. As proposed in Section 6.0 of the Drilling Fluid Release Monitoring and Contingency Plan, a diver contracted with the 22<sup>nd</sup> District Agricultural Association will be put on-call during the periods in which active drilling construction is occurring to respond to sudden drilling fluid pressure loss reported by the contractor.
5. The 22<sup>nd</sup> District Agricultural Association shall cease drilling activities if it is determined by the RWQCB that continuance of operations will pose a significant threat to the environment.
6. Within 90 days of completion of the project the 22<sup>nd</sup> District Agricultural Association will provide the SDRWQCB with a report describing the results of cleanup activities for all frac-outs which occurred during the construction phase of the project. The report will provide documentation that all temporary impacts to waters of the State have been returned to pre-construction conditions.

### C. 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 applications, reports, or information submitted to the Regional Board must be signed by the 22<sup>nd</sup> District Agricultural Association 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.
3. A duly authorized representative of a person designated in Items 2.a. through 2.c. above may sign documents if:
  - a. The authorization is made in writing by a person described in Items 2.a. through 2.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.



4. All applications, reports, or information submitted to the Regional Board shall be signed and certified as follows:

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

5. The 22nd District Agricultural Association shall submit reports required under this certification, or other information required by the Regional Board, to:

John H. Robertus, Executive Officer  
California Regional Water Quality Control Board  
San Diego Region  
Attn: 401 Certification; File No 08C-058  
9174 Sky Park Court, Suite 100  
San Diego, California 92123

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

Benjamin James  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123  
(858) 467-2968  
bjames@waterboards.ca.gov



**WATER QUALITY CERTIFICATION:**

I hereby certify that the proposed discharge from the Del Mar Sewer Force Main Project (File No. 08C-058, WDID No. 9 000001819) 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 Resources Control Board Order No. 2003-0017-DWQ for non-isolated Waters of the State. Please note that enrollment under Order No. 2003-0017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the Regional Board may issue waste discharge requirements at that time.

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



John H. Robertus  
Executive Officer  
Regional Water Quality Control Board

12 Nov 2008  
Date

- Attachments:
1. Project Information
  2. Distribution List
  3. Location Map
  4. Site Map





**ATTACHMENT 1****PROJECT INFORMATION**

- Applicant: ✓ Ms. Becky Bartling  
22nd District Agricultural Association  
2260 Jimmy Durante Boulevard  
Del Mar, CA 92014  
Phone: 858-792-4202  
Facsimile: 858-755-7820  
E-mail: [bbartling@sdfair.com](mailto:bbartling@sdfair.com)
- Applicant Representatives: ✓ Mr. Dustin Fuller, Senior Environmental Planner  
22<sup>nd</sup> District Agricultural Association  
2260 Jimmy Durante Boulevard  
Del Mar, CA 92014  
Phone: 858-792-4212  
Facsimile: 858-755-7820  
E-mail: [dfuller@sdfair.com](mailto:dfuller@sdfair.com)
- Project Name: ✓ Sewer Forcemain Replacement Project
- Project Location: ✓ The project is located underneath the San Dieguito River. The replacement sewer force main will extend approximately 500 feet from the existing pump station at the Del Mar Fairgrounds, connecting to the 15" diameter gravity sewer line within the City of Del Mar's Public Works yard. (San Dieguito HU, Solana Beach HA, Rancho Santa Fe HSA 905.11)  
Assessor's Parcel Number: 299-030-0100 & 299-030-0200
- Type of Project: ✓ Sewer pipeline replacement project
- Project Description: ✓ The proposed project is will: 1) replace an existing, aging pipeline; 2) replace the existing pipeline in such a manner as to precede Southern California Edison's planned dredging in the area and at such a depth as to avoid any potential for dredging efforts to encounter the pipeline.
- ✓ The new pipeline would have the same carrying diameter as the existing pipeline (eight-inch). The new forcemain would be constructed of thick wall high density polyethylene (HDPE) with heat fused (welded) joints. The proposed eight-inch forcemain would be encased within a larger 16-inch diameter pipeline. The larger encasing pipeline would also be made of thick walled HDPE with welded joints.
- The project will utilize the horizontal directional drilling (HDD) method. The directional drilling will be completed in three phases consisting of pilot hole drilling, reaming and pullout.



Federal Agency/Permit:  United States Army Corps of Engineers, Nationwide Permit 12

Other Required Regulatory Approvals:  CA Coastal Commission Coastal Development Permit (CDP)  
 CA Department of Fish & Game Streambed Alteration Agreement

California Environmental Quality Act (CEQA) Compliance:  Final Initial Study and Mitigated Negative Declaration for the proposed Del Mar Fairgrounds Sewer Foremain Replacement Project.  
 Certified: 9/10/08  
 Lead Agency: 22<sup>nd</sup> District Agricultural Association  
 State Clearing House No.: 2008081034

Receiving Water: San Dieguito River

Impacted Waters of the United States:  No permanent fill or impacts to waterways or wetland habitat are proposed or anticipated by the project. It is possible that an inadvertent surface return (frac-out) of drilling fluids could enter into waters of the U.S.

Dredge Volume: n/a

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

Compensatory Mitigation:  No compensatory mitigation is proposed. Any temporary impacts will be returned to a pre-construction condition.

Best Management Practices:  The 22<sup>nd</sup> District Agricultural Association will be required to enroll in and comply with the requirements of the State Water Resources Control Board Water Quality Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity

The contractor will be required to adhere to the requirements contained in the Drilling Fluid Release Monitoring and Contingency Plan developed for the project.

Fees: Total Due: \$500.00  
 Total Paid (check No. 1651): \$500.00



**ATTACHMENT 2**

**DISTRIBUTION LIST (via email)**

Robert Smith  
U.S. Army Corps of Engineers  
Regulatory Branch  
16885 W. Bernardo Dr., Suite 300 A  
San Diego, CA 92127  
(858) 674-5388 (fax)  
[Robert.R.Smith@spl01.usace.army.mil](mailto:Robert.R.Smith@spl01.usace.army.mil)

Tamara Spears  
California Department of Fish and Game  
South Coast Region  
Habitat Conservation Planning – South  
4949 Viewridge Avenue  
San Diego, CA 92123  
[tspear@dfg.ca.gov](mailto:tspear@dfg.ca.gov)

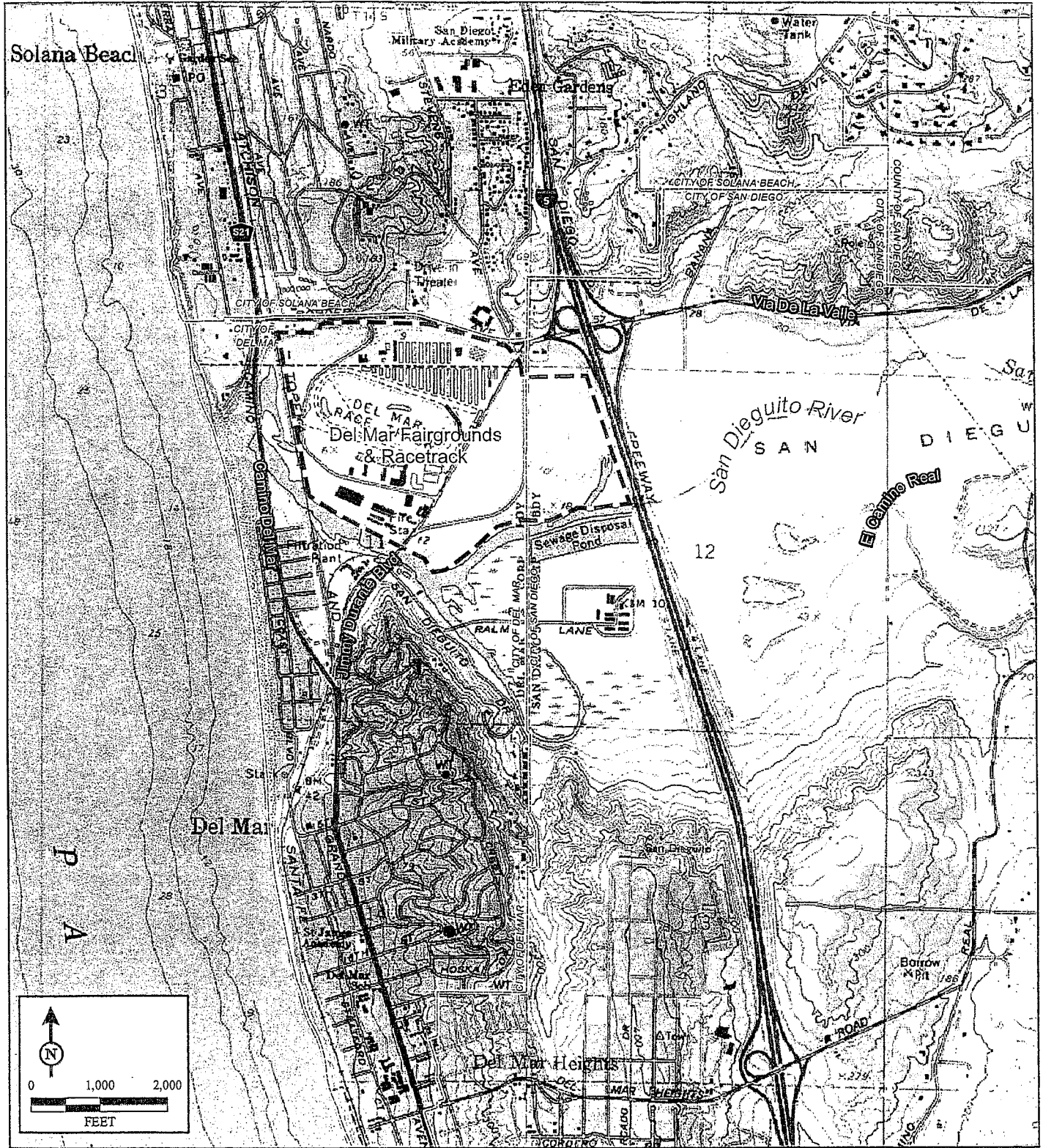
Bill Orme  
State Water Resources Control Board  
Division of Water Quality  
401 Water Quality Certification and Wetlands Unit  
P.O. Box 100  
Sacramento, CA 95812-0100  
[BOrme@waterboards.ca.gov](mailto:BOrme@waterboards.ca.gov)

Ms. Elizabeth Goldmann  
Wetlands Regulatory Office,  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105  
[Goldmann.Elizabeth@epamail.epa.gov](mailto:Goldmann.Elizabeth@epamail.epa.gov)


Mr. Dustin Fuller  
22<sup>nd</sup> District Agricultural Association  
401 B Street, Suite 1450  
San Diego, CA 92101  
[dfuller@sdfair.com](mailto:dfuller@sdfair.com)



**ATTACHMENT 3  
PROJECT LOCATION**



Legend

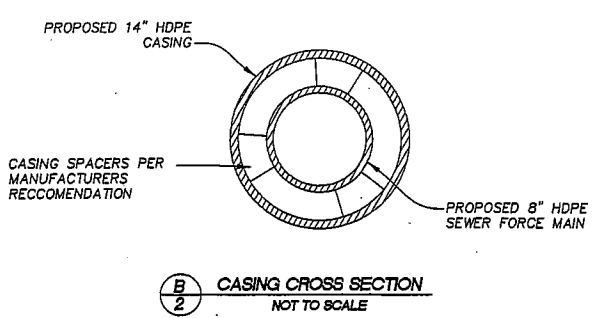
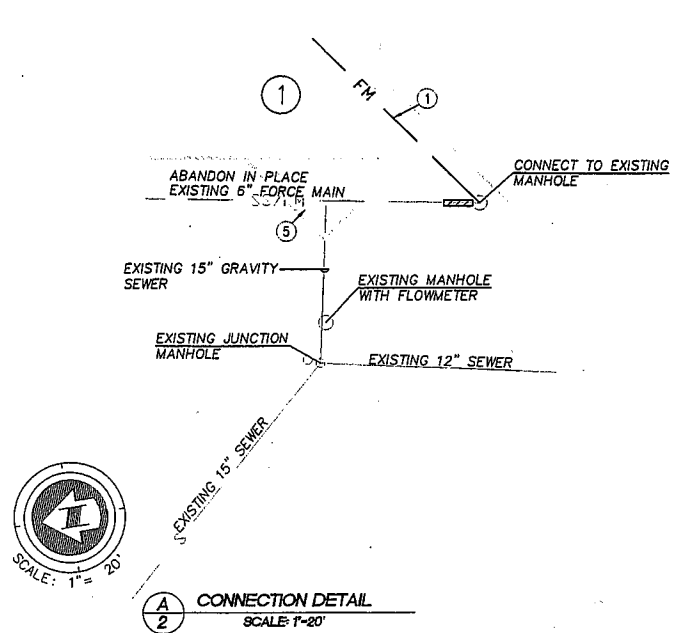
 22nd DAA Property Boundary

22nd DAA - Del Mar Fairgrounds  
Sewer Forcemain Replacement  
Initial Study & MND

Regional & Vicinity Map

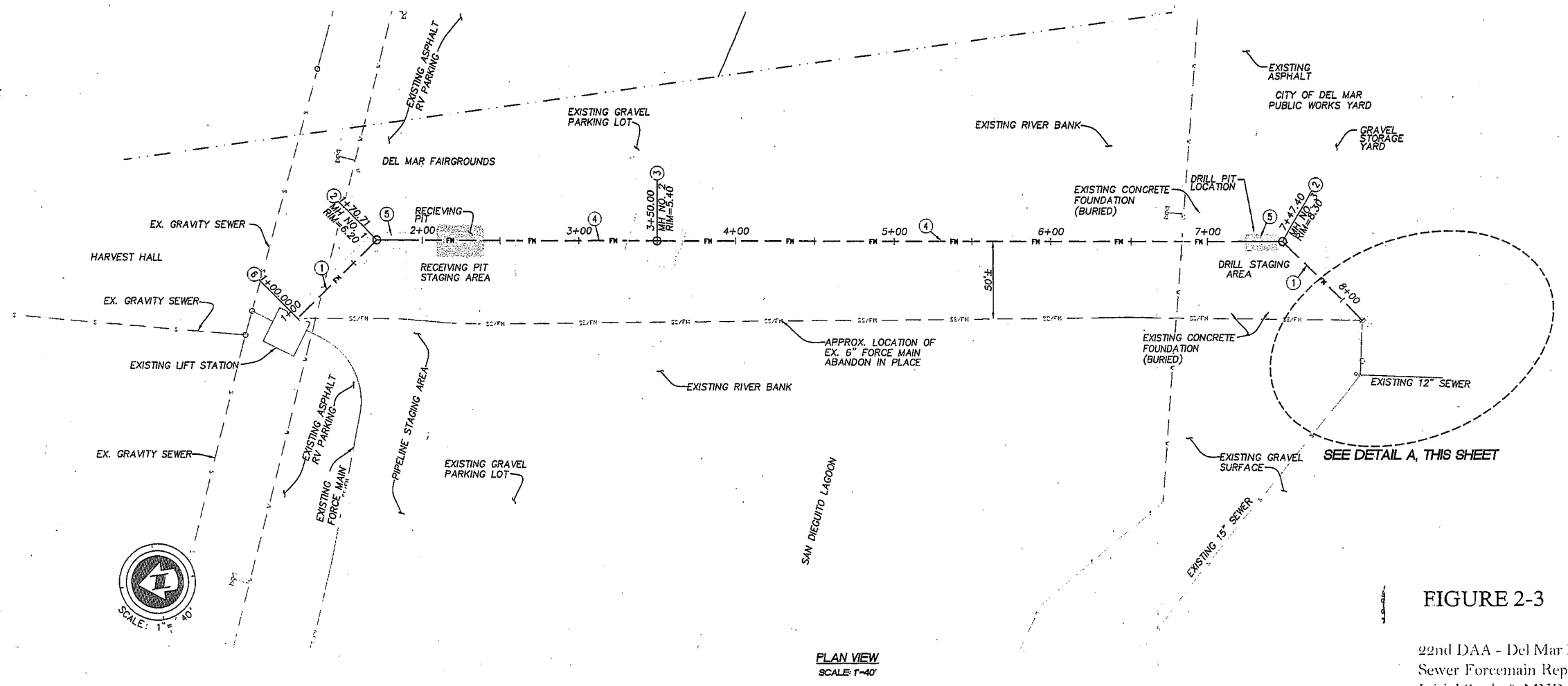
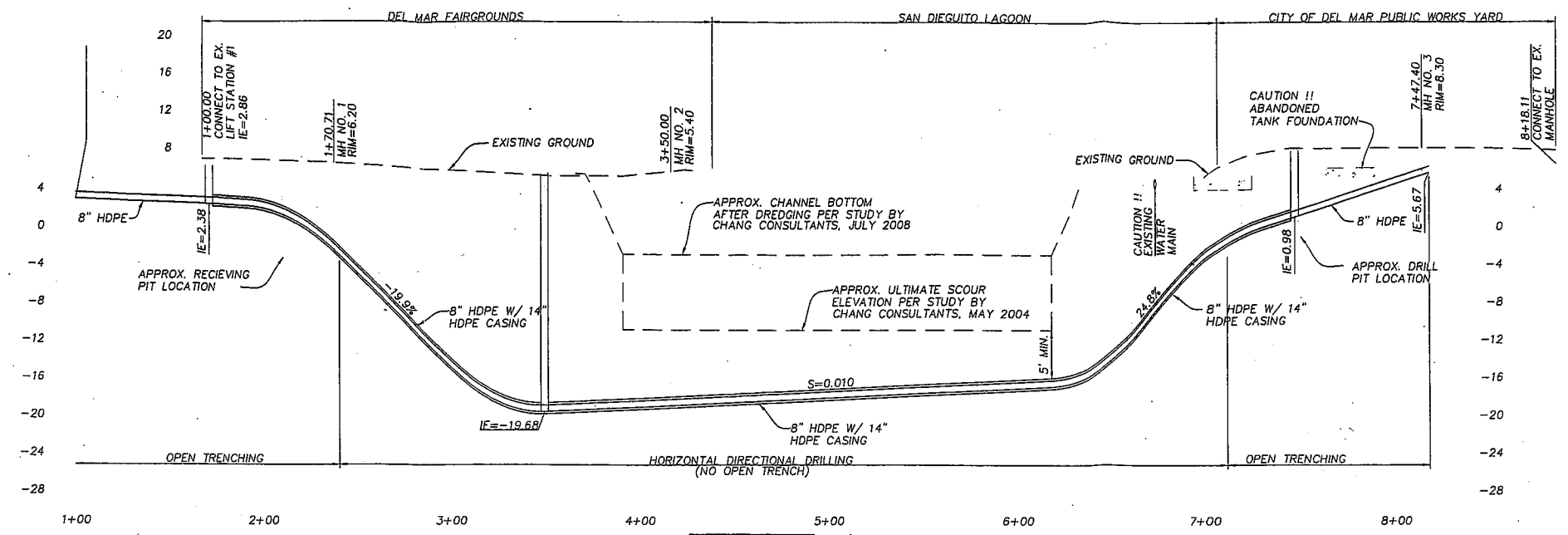
FIGURE 2 - 1

**ATTACHMENT 4  
SITE MAP**



**CONSTRUCTION NOTES**

- 1 CONSTRUCT 8" HDPE WITHOUT CASING, WITH PIPE BEDDING AND TRENCH BACKFILL PER RSD S-4
- 2 CONSTRUCT SEWER MANHOLE PER RSD S-2
- 3 CONSTRUCT SEWER MANHOLE PER RSD S-2 WITH HIGH WATER ALARM.
- 4 CONSTRUCT 8" HDPE WITH 14" CASING PER DETAIL A, THIS SHEET.
- 5 PLUG 24" WITH CONCRETE
- 6 CONNECT TO EXISTING PUMP STATION



**FIGURE 2-3**

92nd DAA - Del Mar Fairgrounds  
Sewer Force Main Replacement  
Initial Study & MND

Site Plan

