



# 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 92123-4353  
(858) 467-2952 • Fax (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>

February 22, 2010

**Certified Mail – Return Receipt Requested**  
Article Number: 7009 1410 0002 2347 5326

Tamara Spear  
San Diego Gas and Electric  
8315 Century Park Ct, CP21E  
San Diego, CA 92123

In reply refer to:  
747256: jebesen

Dear Ms. Spear:

**Subject: Action on Request for Clean Water Act Section 401 Water Quality Certification for the ETS #8637 – CMP Pole Replacement P273632, Lake Cuyamaca Project, No. 09C-088**

Enclosed find Clean Water Act Section 401 Water Quality Certification (Certification) with acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017 DWQ for Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have received State Water Quality Certification for the ETS #8637 – CMP Pole Replacement P273632, Lake Cuyamaca Project, No. 09C-088. A description of the project and location can be found in the project information sheet and on location and site maps compiled by the California Regional Water Quality Control Board, San Diego Region (Regional Board), which are included as Attachments 1 through 3.

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that you have accepted and will comply with all the conditions of this Certification.

Failure to comply with all conditions of this Certification may subject you to enforcement actions by the Regional Board, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$5,000 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**

0400000000

Tamera Spear  
ETS #8637 – CMP Pole Replacement  
P273632, Lake Cuyamaca  
09C-088

Page 2 of 2

February 22, 2010

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 Ms. Jody Ebsen at (858) 636-3146 or [jebsen@waterboards.ca.gov](mailto:jebsen@waterboards.ca.gov).

Respectfully,



DAVID W. GIBSON  
Executive Officer

Enclosures:

Clean Water Act Section 401 Water Quality Certification No. 09C-088 for ETS #8637 – CMP Pole Replacement P273632, Lake Cuyamaca Project, with 4 attachments

cc: Refer to Attachment 2 of Certification 09C-088 for Distribution List.

Tech Staff Info & Use	
File No.	09C-088
WDID	9000001998
Reg. Measure ID	372124
Place ID	747256
Party ID	43018
Person ID	520549



# California Regional Water Quality Control Board

## San Diego Region



Linda S. Adams  
Secretary for  
Environmental Protection

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

Arnold Schwarzenegger  
Governor

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

### 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:** ETS # 8637 – CMP Pole Replacement  
P273632, Lake Cuyamaca, Certification  
No. 09C-088, WDID: 9 000001998

**APPLICANT:** Tamera Spear, Environmental Specialist  
San Diego Gas and Electric  
8315 Century Park Ct., CP21E  
San Diego, CA 92123

CIWQS Reg. Meas. ID: 372124 Place ID 747256: Party ID: 43018
---

**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

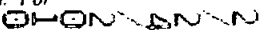
**PROJECT DESCRIPTION:**

The project entails replacement of a utility pole near Lake Cuyamaca in the Boulder Creek hydrologic area of the San Diego River Watershed. The existing wooden pole was installed many years ago, and needs to be replaced to ensure structural integrity and to address safety concerns. A small crew will access the work site on foot. The existing pole will be cut at ground level or 6" to 12" below the surface and then covered with soil. A new hole approximately 9 to 12 feet deep and 2 feet in diameter will be dug with a hand shovel, and the new pole will be installed using a helicopter. All work will occur in the existing utility easement. Beneficiaries of the project include the general public, which depend upon cost-effective, safe, and reliable utility service

**STANDARD CONDITIONS:**

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

**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>.* 



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, San Diego Gas and Electric (SDGE) must satisfy the following:

**A. GENERAL CONDITIONS:**

1. This certification expires five years from the date of issuance.
2. SDGE must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (Regional Board), to support this 401 Water Quality Certification (Certification) and all subsequent submittals required as part of this Certification and as described in Attachment 1. The conditions within this Certification must supersede conflicting provisions within such plans submitted prior to the Certification action. Any modifications thereto, would require notification to the Regional Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.
3. During construction, SDGE 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. SDGE 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. SDGE 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. SDGE 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. This Certification is not transferable in its entirety or in part to any person except after notice to the Executive Officer of the Regional Board in accordance with the following terms.
  - a. Transfer of Property Ownership: SDGE must notify the Regional 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 SDGE 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 Regional Board within **10 days** of the transfer of ownership.
8. 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.
9. 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.

10. 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.

**B. PROJECT CONDITIONS:**

1. Prior to the start of the project, and annually thereafter, SDGE must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
2. SDGE 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/general\\_orders/go\\_wdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/general_orders/go_wdr401regulated_projects.pdf).
3. The treatment, storage, and disposal of wastewater during the life of the project must be done in accordance with waste discharge requirements established by the Regional Board pursuant to CWC § 13260.
4. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
5. 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.
6. 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.

**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 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. SDGE must submit a report to the Regional Board within **30 days** of completion of the project. The report should include as-built drawings no bigger than 11" x 17" and photos of the completed project.
4. 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.
5. A duly authorized representative of a person designated in Items 4.a. through 4.c. above may sign documents if:
  - a. The authorization is made in writing by a person described in Items 4.a. through 4.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.
6. 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."*

7. SDGE must submit reports required under this Certification, or other information required by the Regional Board, to:

Executive Officer  
California Regional Water Quality Control Board  
San Diego Region  
Attn: 401 Certification; Project No. 09C-088  
9174 Sky Park Court, Suite 100  
San Diego, California 92123

6. Required Reports: The following list summarizes the reports required per the conditions of this Certification to be submitted to the Regional Board.

Report Topic	Certification Condition	Due Date(s)
Final Report	C.3	Within 30 days of project completion

**PUBLIC NOTIFICATION OF PROJECT APPLICATION:**

On December 2, 2009 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

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

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



**WATER QUALITY CERTIFICATION:**

I hereby certify that the proposed discharge from ETS #8637 – CMP Pole Replacement P273632, Lake Cuyamaca (Project No. 09C-088 ) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017 DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the Regional Board may issue waste discharge requirements at that time.

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



DAVID W. GIBSON  
Executive Officer  
Regional Water Quality Control Board

2/22/10  
Date

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

**ATTACHMENT 1  
PROJECT INFORMATION**

**Applicant:** Tamara Spear  
San Diego Gas and Electric  
8315 Century Park Ct, CP21E  
San Diego, CA 92123  
Telephone:  
Facsimile:  
Email:

**Project Name:** ETS #8637 – CMP Pole Replacement, P273632, Lake Cuyamaca

**Project Location:** Near Lake Cuyamaca in east San Diego County  
Latitude: 32.981722N Longitude: 116.57391W

**Type of Project:** Utility pole replacement.

**Need for Project:** Replacement of existing pole is necessary to ensure structural integrity, address safety concerns and ensure reliable utility service.

**Project Description:** The project entails replacement of a utility pole near Lake Cuyamaca in the Boulder Creek hydrologic area of the San Diego River Watershed. The existing wooden pole was installed many years ago, and needs to be replaced to ensure structural integrity and to address safety concerns. A small crew will access the work site on foot. The existing pole will be cut at ground level or 6" to 12" below the surface and then covered with soil. A new hole approximately 9 to 12 feet deep and 2 feet in diameter will be dug with a hand shovel, and the new pole will be installed using a helicopter. All work will occur in the existing utility easement.

**Federal Agency/Permit:** U.S. Army Corps of Engineers §404, NWP 12, Robert Smith

**California Environmental Quality Act (CEQA) Compliance:** Notice of Exemption, ETS #8637 – CMP Pole Replacement, P273632, Lake Cuyamaca, California Regional Water Quality Control Board, San Diego Region.

**Receiving Water:** Lake Cuyamaca in San Diego Hydrologic Unit, Boulder Creek Hydrologic Area, Cuyamaca Hydrologic Sub-Area (907.43).

Affected Waters of the United States:	Permanent: 2 square feet of wetlands Temporary: 34 square feet of wetlands
Dredge Volume:	N/A
Related Projects Implemented/to be Implemented by the Applicant(s):	N/A
Compensatory Mitigation:	No significant impacts to water are anticipated therefore no mitigation is required
Best Management Practices (BMPs):	The new hole will be hand dug by crew on foot, no large equipment will be on the ground. Existing pole removal and new pole placement will be done by helicopter.
Public Notice:	On December 2, 2009 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.
Fees:	Total Due: \$640.00 Total Paid: \$640.00 (check No. 763385)
CIWQS:	Regulatory Measure ID: 372124 Place ID: 747256 Party ID: 43018

**ATTACHMENT 2  
DISTRIBUTION LIST**

cc via email:

Therese O'Rourke  
U.S. Army Corps of Engineers, Regulatory Branch  
[Therese.Orourke@usace.army.mil](mailto:Therese.Orourke@usace.army.mil)

State Water Resources Control Board, Division of Water Quality  
401 Water Quality Certification and Wetlands Unit  
[Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov)

U.S. Environmental Protection Agency, Region 9  
Wetlands Regulatory Office  
[R9-WTR8-Mailbox@epa.gov](mailto:R9-WTR8-Mailbox@epa.gov)

David Zoutendyk  
U.S. Department of the Interior  
Fish and Wildlife Service  
[david\\_zoutendyk@fws.gov](mailto:david_zoutendyk@fws.gov)



# Attachment 3 - Site Location

LAND SERVICES GIS  
<http://gis.sempra.com>

## Lake Cuyamaca Pole Replacement - Pole P273632



- ### Legend
- Electric Distribution Pole
  - City Point
  - Local Roads
  - Main Roads
  - Major Roads Shields
  - Major Roads
  - Highways
  - Major Highways
  - Water Body
  - San Diego County Parcel
  - County Boundary
  - SDG&E 2008 West

Scale: 1:6,057

SDG&E is providing this map to you as a courtesy. SDG&E makes no representations or warranties, whether expressed or implied, as to the accuracy, correctness, defensibility, completeness or any other standard or measure of quality or adequacy or as to its use or intended use for any particular purpose. SDG&E disclaims all warranties, expressed or implied, including the warranty of fitness for a particular purpose. You are solely responsible for selecting this map to use and you are solely responsible for any consequences resulting from your use.

User: taspear Date: Feb 05 2010

DIONAN



**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:

TAMERA SPEAR, SDGE  
8315 Century Park Ct. CP21E  
SAN DIEGO CA 92123

2. Article Number  
(Transfer from service label)

7009 1410 0002 2347 5326

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  X  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

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

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

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



7009 1410 0002 2347 5326  
7009 1410 0002 2347 5326

<b>U.S. Postal Service™</b> <b>CERTIFIED MAIL™ RECEIPT</b> <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here	
Sent To TAMERA SPEAR, SDGE Street, Apt. No., or PO Box No. 8315 Century Park Ct. CP21E City, State, ZIP+4 SAN DIEGO CA 92123	
PS Form 3800, August 2006 <span style="float: right;">See Reverse for Instructions</span>	

NON-DOMESTIC