

# 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



Edmund G. Brown Jr.

Governor

Matthew Rodriquez Secretary for Environmental Protection

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353 (858) 467-2952 • Fax (858) 571-6972 http:// www.waterboards.ca.gov/sandiego

April 18, 2012

Certified Mail – Return Receipt Requested Article Number: 7011 0470 0002 8961 5209

Mr. Rob Rundle Principal Regional Planner San Diego Association of Governments 401 B Street, Suite 800 San Diego, CA 92101

In reply refer to: 770839: mporter

Dear Mr. Rundle:

### SUBJECT: Clean Water Act Section 401 Water Quality Certification No. 11C-074 for the San Ysidro Freight Yard Project

Enclosed is the Clean Water Act Section 401 Water Quality Certification for discharges to waters of the U.S. and acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017-DWQ for the San Ysidro Freight Yard Project. A description of the project and project location can be found in the project information sheet, location map, and site maps which are included as Attachments 1 through 6.

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

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

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California Environmental Protection Agency

Rob Rundle 401 Certification 11C-074 Page 2 of 2

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,

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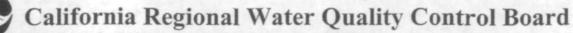
DAVID W. GIBSON Executive Officer

Enclosures:

Clean Water Act Section 401 Water Quality Certification No. 11C-074 San Ysidro Freight Yard Project, with five attachments.

E-copies: Refer to Attachment 2 of Certification 11C-074 for the Distribution List.

Tech Staff In	fo & Use
File No.	11C-074
WDID	9000002346
Reg. Measure ID	381277
Place ID	770839
Party ID	524619
Person ID	524620
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San Diego Region

Matthew Rodriquez 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

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

Edmund G. Brown Jr. Governor

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:	San Ysidro Freight Yard	
	Improvement Project	
	Water Quality Certification 11C-074	

In reply, please refer to:

Certificatio	on 11C-074
Reg. Meas	s. 381277
Place	770839
Party	524619
Person	524620
WDID:	9 000002346

APPLICANT: Mr. Rob Rundle Principal Regional Planner San Diego Association of Governments 401 B Street Suite 800 San Diego, CA 92101-4231

#### ACTION:

Order for Low Impact Certification	Order for Denial of Certification
☑ Order for Technically-conditioned	Waiver of Waste Discharge
Certification	Requirements
☑ Enrollment in SWRCB GWDR	Enrollment in Isolated Waters Order
Order No. 2003-017 DWQ	No. 2004-004 DWQ

#### **PROJECT DESCRIPTION:**

The proposed project includes the construction of two new track extensions and revisions of track alignment for additional rail car storage, a new truck access road, drainage improvements, sediment detention basins, and bioretention facilities.

#### 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

San Ysidro Freight Yard Improvement Project

The project would provide two new track extensions to the north to provide additional storage capacity, as well as the ability to switch rail cars outside of the constrained operating windows without interrupting the trolley line. The new storage tracks and other revisions to track alignment would double rail car storage capacity. The improved truck access to the Rail Yard would provide additional opportunities for cargo transfer (transloading) and would eliminate some regional truck traffic trips on freeways in the region. Truck access to the Rail Yard would be provided from East Beyer Boulevard via a new one-way, entrance-only driveway that would connect to an internal access road parallel to the railroad tracks to the east. Trucks would exit the Rail Yard via the existing driveway off East Beyer Boulevard, north of East San Ysidro Boulevard. Other improvements, such lighting and fencing, would be constructed to improve safety and security.

Additionally, the project would include drainage improvements to alleviate flooding and siltation that occur at the Rail Yard. As a result of the Rail Yard's adjacency to steeper topography of the undeveloped hillsides to the east, the project site is subject to inundation by water and silt during storm events. During those events the Rail Yard and tracks are not in service, which further exacerbates the operational constraints, and limits the efficient movement of goods in the region. The project would correct the drainage deficiencies by constructing storm drain facilities to accommodate flows during storm events, including detention and desiltation basins, grated catch basins and storm drain pipes.

Permanent project impacts to wetlands and non-wetlands will be limited to 0.25acre (127-linear feet) and 0.02-acre (546-linear feet), respectively. Mitigation will be the establishment of 0.25-acres (127-linear feet) of Mulefat scrub, restoration of 0.5-acre (127-linear feet) of Mulefat scrub, and the establishment of 0.02-acre (546-linerar feet) of ephemeral stream at the Tijuana River Valley Wetland Mitigation Site, north-west of and adjacent to the Tijuana River.

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#### I. STANDARD CONDITIONS:

The following three standard conditions apply to <u>all</u> Certification actions, except as noted under Condition 3 for denials.

- A. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
- B. This Certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. The validity of any non-denial Certification action must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

### II. ADDITIONAL CONDITIONS: GENERAL

- A. Water Quality Certification No. 11C-074 (Certification) is only valid if the project begins no later than 5 (five) years from the date of issuance. If the project has not begun within 5 years from the date of issuance, this Certification expires.
- B. The San Diego Association of Governments 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: <a href="http://www.waterboards.ca.gov/water">http://www.waterboards.ca.gov/water</a> issues/programs/cwa401/docs/gene ralorders/go wdr401regulated projects.pdf.
- C. The San Diego Association of Governments must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the San Diego Water Board, to support this Certification and all subsequent submittals required as part of this Certification and as described in Attachment 1. The conditions within this Certification must

supersede conflicting provisions within such plans submitted as part of this Certification action.

- D. The San Diego Association of Governments must permit the San Diego Water Board or its authorized representative at all times, upon presentation of credentials:
  - 1. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
  - 2. Access to copy any records required to be kept under the terms and conditions of this Certification.
  - 3. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
  - 4. Sampling of any discharge or surface water covered by this Order.
- E. 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.
- F. In response to a suspected violation of any condition of this Certification, the San Diego Water 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 San Diego Water 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.
- G. In response to any violation of the conditions of this Certification, the San Diego Water Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.
- H. During construction, the San Diego Association of Governments must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.

### III. ADDITIONAL CONDITIONS: CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. Prior to the start of the project, and annually thereafter, the San Diego Association of Governments must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and Best Management Practices (BMPs) implementation and maintenance.
- B. The San Diego Association of Governments must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the U.S. and/or State.
- C. The San Diego Association of Governments must enroll in and comply with the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.
- D. The San Diego Association of Governments must implement the Storm Water Pollution Prevention Plan for San Ysidro Yard Improvement Project prepared by Bureau Veritas and dated August 2011. BMPs must include, but not be limited to:
  - 1. Construction and materials scheduling.
  - 2. Designated concrete washout and disposal area(s).
  - 3. Preservation of existing vegetation.
  - 4. Earth dike and drainage swales.
  - 5. Fiber rolls.
  - 6. Wind erosion control.
  - 7. Silt fencing.
  - 8. Gravel bag berms.
  - 9. Street sweeping.
  - 10. Storm drain inlet protection.
  - 11. Stabilized construction inlets and exits.
  - 12. Detention/sediment basins (3).
- E. The San Diego Association of Governments must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.
- F. The treatment, storage, and disposal of wastewater during the life of the project must be done in accordance with waste discharge requirements established by the San Diego Water Board pursuant to CWC § 13260.

- G. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
- H. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the U.S. 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.
- 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.
- J. All areas that will be left in a rough graded state must be stabilized no later than two weeks after completion of grading. The San Diego Association of Governments is responsible for implementing and maintaining BMPs to prevent erosion of the rough graded areas to prevent flow from this area from causing negative impacts to beneficial uses. After completion of grading, all earthen areas that will be vegetated must be revegetated with native species appropriate for the area. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at <u>http://www.cal-</u> ipc.org/ip/inventory/weedlist.php.
- K. Except as permitted, substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State, except as authorized by this Certification. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.
- L. Removal of vegetation must occur by hand, mechanically, or using EPA approved herbicides deployed using applicable BMPs to prevent impacts to Beneficial Uses of waters of the State. Use of aquatic pesticides must be done in accordance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, and any subsequent reissuance as applicable.

San Ysidro Freight Yard Improvement Project

M. If groundwater dewatering with discharge to surface water is necessary for project construction, the San Diego Association of Governments must apply for and obtain coverage under the San Diego Water Board Order No. R9-2008-0002, General Waste Discharge Requirements for Discharges from Groundwater Extraction and Similar Discharges to Surface Waters Within the San Diego Region. These General Waste Discharge Requirements are accessible at: <a href="http://www.swrcb.ca.gov/rwqcb9/board\_decisions/adopted\_orders/2008/2">http://www.swrcb.ca.gov/rwqcb9/board\_decisions/adopted\_orders/2008/2</a> 008 0002.pdf

### IV. ADDITIONAL CONDITIONS: POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

A. Post-construction BMPs, including those described in the Water Quality Technical Report for San Ysidro Yard Improvement Project prepared by Kimley-Horn and dated August 2011, must treat 100 percent of the impervious surfaces associated with the project, must comply with the City of San Diego's Standard Urban Stormwater Mitigation Plan including the Final Hydromodification Management Plan, and must be sized to comply with the following numeric sizing criteria:

#### 1. Volume

Volume-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:

- a. The volume of runoff produced from a 24-hour 85<sup>th</sup> percentile storm event, as determined from the local historical rainfall record (0.6 inch approximate average for the San Diego County area); or
- b. The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85<sup>th</sup> percentile 24hour runoff event; or

#### 2. Flow

Flow-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:

- a. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour; or
- b. The maximum flow rate of runoff produced by the 85<sup>th</sup> percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or

- c. The maximum flow rate of runoff, as determined from the same reduction in pollutant loads and flows as achieved by mitigation of the 85<sup>th</sup> percentile hourly rainfall intensity multiplied by a factor of two.
- B. All storm drain inlet structures within the project boundaries must be stamped and/or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
- C. The San Diego Association of Governments must implement the postconstruction BMPs as described in the *Drainage Report San Ysidro Yard Improvement Project* prepared by Kimley-Horn and dated August 2011 and the *Water Quality Technical Report for San Ysidro Yard Improvement Project* prepared by Kimley-Hom and dated August 2011. Postconstruction BMPs must include, but not be limited to:
  - 1. Minimize impervious footprint.
  - 2. Minimize directly connected impervious areas.
  - 3. Revegetate graded slopes.
  - 4. Energy dissipaters at new drainage outlets.
  - 5. Inlet stenciling and signage.
  - 6. Employee training.
  - 7. Regular street sweeping.
  - 8. Fueling operations management and containment.
  - 9. Detention/sediment basins (3).
  - 10. Bioretention facilities (5).
- D. Post-construction BMPs must be installed and functional prior to occupancy and/or planned use of development areas.
- E. All post-construction treatment BMPs and storm water discharge points must:
  - Be regularly inspected and maintained for the life of the project per manufactures' specifications and industry standards;
  - 2. Have all preventive and corrective maintenance performed;
  - 3. Be inspected no less than one time per year, immediately prior to the commencement of the rainy season (October 1) and after every storm event exceeding 0.5 inches of precipitation; and
  - 4. Be properly documented in a log containing all BMP inspections and maintenance activities.

San Ysidro Freight Yard Improvement Project

F. The San Diego Association of Governments assumes responsibility for the inspection and maintenance of all post-construction structural BMPs unless such responsibility is legally transferred to another entity.

### V. ADDITIONAL CONDITIONS: COMPENSATORY MITIGATION AND IMPACTS

- A. Mitigation for permanent project impacts to wetland and non-wetland waters of the United States and/or State must be implemented as described in the San Ysidro Freight Rail Yard Improvement Project, Wetland Mitigation Plan, prepared by Helix Environmental Planning, and dated March 26, 2012.
- B. Mitigation must occur at the Tijuana River Valley Wetland Mitigation Site, north-west and adjacent to the Tijuana River.
- C. Mitigation must consist of the:
  - 1. Establishment of 0.25-acre (127-linear feet) of Mulefat scrub.
  - 2. Restoration of 0.5-acre (127-linear feet) of Mulefat scrub.
  - 3. Establishment of 0.02-acre (546-linear feet) of ephemeral stream.
- D. Permanent impacts shall not exceed 0.25-acre (127-linear feet) for wetland waters and 0.02-acre (546-linear feet) for non-wetland (streambed) waters of the U.S. and/or State.
- E. The construction of proposed mitigation must be concurrent with project grading and completed no later than 9 months following the initial discharge of dredge or fill material into on-site waters. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10 percent of the cumulative compensatory mitigation for each month of delay.
- F. The San Diego Association of Governments must salvage leaf litter, coarse woody debris, and upper soil horizons from impacted jurisdictional water sites that are relatively free of invasive exotic species for use in onsite mitigation areas.
- G. The San Diego Association of Governments must also salvage large cuttings from appropriate tree species if they exist at the impact site and use them as pole plantings at the mitigation site.

- H. The mitigation sites must be designed, constructed, and maintained to meet the following conditions:
  - Most of the channels through the mitigation sites are characterized by equilibrium conditions, with no evidence of severe aggradation or degradation;
  - As viewed along cross-sections, the channel and buffer have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope contains physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and
  - The mitigation sites have a well-developed plant community characterized by a high degree of horizontal and vertical interspersion among plant zones and layers.
- If at any time during the implementation and establishment of the mitigation areas, and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation areas, the San Diego Association of Governments is responsible for repair and replanting of the damaged areas.
- J. Mitigation areas must be maintained, in perpetuity, free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the on-site or off-site mitigation areas.
- K. 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.
- L. Mitigation shall be considered acceptable once it has met the predetermined success criteria for that site, and shall be maintained, in perpetuity, in a manner that consistently meets the final success criteria identified.
- M. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the United States/State where the resource has never previously existed (e.g. conversion of nonnative grassland to a freshwater marsh). Restoration is divided into two activities, re-establishment and rehabilitation. Re-establishment is defined

San Ysidro Freight Yard Improvement Project

> as the return of natural/historic functions to a site where vegetated or unvegetated waters of the United States/State previously existed (e.g., removal of fill material to restore a drainage). Rehabilitation is defined as the improvement of the general suite of functions of degraded vegetated or unvegetated waters of the United States/State (e.g., removal of a heavy infestation or monoculture of exotic plant species from jurisdictional areas and replacing with native species). Enhancement is defined as the improvement to one or two functions of existing vegetated or unvegetated waters of the United States/State (e.g., removal of small patches of exotic plant species from an area containing predominantly natural plant species). Preservation is defined as the acquisition and legal protection from future impacts in perpetuity of existing vegetated or unvegetated waters of the United States/State (e.g., conservation easement).

#### VI. ADDITIONAL CONDITIONS: MONITORING REQUIREMENTS

The California Rapid Assessment Method (CRAM) must be utilized at the mitigation site prior to mitigation construction to establish pre-project baseline conditions. In addition, CRAM must be utilized at the mitigation site(s) following completion of the mitigation site construction at years 3 and 5. The results of the CRAM assessment must be submitted with the **Annual Monitoring Reports** and data must be uploaded into eCRAM (http://www.cramwetlands.org).

#### VII. NOTIFICATION REQUIREMENTS:

A. The San Diego Association of Governments must report to the San Diego Water Board any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours of the time the San Diego Association of Governments becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the San Diego Association of Governments becomes aware of the circumstances. The written submission shall contain a written description of the incident and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The San Diego Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours.

- B. The San Diego Association of Governments must notify the San Diego Water Board of any change in ownership or transfer of certification responsibilities associated with the project or mitigation areas. Notification of change in ownership or transfer of responsibilities must include, but not be limited to, a statement that the San Diego Association of Governments has provided the purchaser/transferee with a copy of the Section 401 Water Quality Certification and that the purchaser/transferee understands and accepts the certification requirements and acknowledges the obligation to implement them and be subject to liability for failure to do so. The San Diego Association of Governments and the purchaser/transferee must sign and date the notification and provide such notification to the Executive Officer of the San Diego Water Board within 10 days of the transfer. Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the San Diego Association of Governments will be interpreted to refer to the transferee as appropriate. Transfer does not necessarily relieve the San Diego Association of Governments of responsibilities within this Certification in the event that a transferee fails to comply.
- C. Within one year of the start of construction, the San Diego Association of Governments must submit proof of a completed preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation property must be adequate to demonstrate that the site will be maintained in perpetuity 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 United States 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.

### VIII. REPORTING REQUIREMENTS:

A. The San Diego Association of Governments must submit annual progress reports describing status of compliance with all requirements of this Certification to the San Diego Water Board prior to August 1 of each year following the issuance of this Certification until the project has reached completion. San Diego Association of Governments must submit a Final

Project Annual Report to the San Diego Water Board prior to August 1 following completion of the project. The reports must include the following:

- 1. Date of construction initiation.
- 2. Projected date of construction completion.
- 3. Status of BMPs for the project.
- 4. Final Project Report: Photo documentation of implemented postconstruction BMPs. Photo documentation must be conducted in accordance with guidelines posted at <u>http://www.waterboards.ca.gov/sandiego/water issues/programs/401</u> <u>certification/docs/StreamPhotoDocSOP.pdf</u>. In addition photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced.
- B. Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful. Annual monitoring reports must be submitted prior to **December 1** of each year. Monitoring reports must include, but not be limited to, the following:
  - Names, qualifications, and affiliations of the persons contributing to the report;
  - Date of initiation of mitigation installation and date mitigation installation was completed;
  - 3. Mitigation as-builts, including topography maps and planting locations;
  - Tables presenting the raw data collected in the field as well as analyses of the physical and biological data;
  - 5. Topographic complexity characteristics at each mitigation site;
  - Upstream and downstream habitat and hydrologic connectivity;
  - 7. Source of hydrology;
  - 8. Width of native vegetation buffer around the entire mitigation site;
  - Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;

- 10. Stream Photodocumentation, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation areas, including all areas of permanent impact, prior to and after project construction. Photo documentation must be conducted in accordance with guidelines posted at <a href="http://www.waterboards.ca.gov/sandiego/water\_issues/programs/401\_certification/docs/StreamPhotoDocSOP.pdf">http://www.waterboards.ca.gov/sandiego/water\_issues/programs/401\_certification/docs/StreamPhotoDocSOP.pdf</a>. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced; and
- 11. A Survey report documenting boundaries of mitigation area, including Geographic Information System (GIS) shape files (polygons) of the impact and mitigation areas (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.
- C. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the San Diego Water Board for failure to furnish requested information pursuant to CWC section 13268.
- D. All reports and information submitted to the San Diego Water Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.
- E. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:
  - For a corporation, by a responsible corporate officer of at least the level of vice president.
  - 2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  - 3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
  - A duly authorized representative may sign applications, reports, or information if:
    - a. The authorization is made in writing by a person described above.
    - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.

San Ysidro Freight Yard Improvement Project

- c. The written authorization is submitted to the San Diego Water Board Executive Officer.
- F. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

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

G. San Diego Association of Governments must submit reports required under this Certification, or other information required by the San Diego Water Board, to:

> Executive Officer California Regional Water Quality Control Board San Diego Region Attn: 401 Certification No. 11C-074 9174 Sky Park Court, Suite 100 San Diego, California 92123

### IX. CEQA FINDINGS:

- A. The San Diego Association of Governments is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and issued the <u>Mitigated Negative Declaration</u>, <u>San Ysidro Freight Rail Yard Improvement Project</u>, State Clearing House No. 2010071032, on August 12, 2010.
- B. The San Diego Water Board has reviewed the lead agency's Mitigated Negative Declaration and finds that the project as proposed will not have a significant effect on the environment if compensatory mitigation is accomplished as conditioned in this Certification.

### X. PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On September 21, 2010, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

### XI. SAN DIEGO WATER BOARD CONTACT PERSON:

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

### XII. WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the **San Ysidro Freight Yard Improvement Project - Phase I** (Certification No. 11C-074) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)*," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue 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 to and all proposed mitigation being completed in strict compliance with, the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Water Quality Control Plan for the San Diego Basin Region (9) (Basin Plan).

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DAVID W. GIBSON Executive Officer Regional Water Quality Control Board

4-18-2012 Date

Certification No. 11C-074

Attachments:

- 1. Project Information
- 2. Distribution List
- 3. Location Maps
- 4. Site Figures
- 5. Mitigation Figure

#### Project Description:

The proposed project includes the construction of two new track extensions and revisions of track alignment for additional rail car storage, a new truck access road, drainage improvements, sediment detention basins, and bioretention facilities.

The project would provide two new track extensions to the north to provide additional storage capacity, as well as the ability to switch rail cars outside of the constrained operating windows without interrupting the trolley line. The new storage tracks and other revisions to track alignment would double rail car storage capacity. The improved truck access to the Rail Yard would provide additional opportunities for transloading and would eliminate some regional truck traffic trips on freeways in the region. Truck access to the Rail Yard would be provided from East Beyer Boulevard via a new one-way, entrance-only driveway that would connect to an internal access road parallel to the railroad tracks to the east. Trucks would exit the Rail Yard via the existing driveway off East Beyer Boulevard, north of East San Ysidro Boulevard. Other improvements, such lighting and fencing, would be constructed to improve safety and security.

Additionally, the project would include drainage improvements to alleviate flooding and siltation that occur at the Rail Yard. As a result of the Rail Yard's adjacency to steeper topography of the undeveloped hillsides to the east, the project site is subject to inundation by water and silt during storm events. During these events, the Rail Yard and tracks are not in service, which further exacerbates the operational constraints, and limits the efficient movement of goods in the region. The project would correct the drainage deficiencies by constructing storm drain facilities to accommodate flows during storm events, including detention and desiltation basins, grated catch basins and storm drain pipes.

Federal Agency/Permit:

Other Required

U.S. Army Corps of Engineers §404, Nation Wide Permit 14, Ms. Meris Bantilan-Smith.

California Department of Fish and Game, §1602 Streambed Regulatory Approvals: Alteration Agreement.

San Ysidro Freight Yard Improvement Project

### ATTACHMENT 1 PROJECT INFORMATION

Applicant:

Mr. Rob Rundle, Principal Regional Planner San Diego Association of Governments 401 B Street, Suite 800 San Diego, CA 92101 Telephone: 619-699-6949 Fax: 619-699-4888 Email: rru@sandag.org

#### Applicant Representatives:

Stephen Neudecker, Ph.D. Helix Environmental Planning 7578 El Cajon Boulevard Suite 200 La Mesa, CA 91941 Telephone: 619-462-1515 Fax: 619-462-0552 Email: SteveN@helixepi.com

Project Name:

San Ysidro Freight Yard Improvement Project

Project Location:

The Project site is located southeast of Interstate 805, adjacent to and north of the U.S.-Mexico border, east of East Beyer Boulevard (Figures 1 and 2), located in the City of San Diego's community of San Ysidro, San Diego County. Latitude 33° 32' 54.32" North, Longitude -117° 01' 57.57" East.

Type of Project: Rail road improvements.

Project Need:

The current operational capacity and functionality of the San Ysidro Freight Rail Yard (Rail Yard) have been degraded for several reasons: (1) The capacity of the Rail Yard is reduced by cross border traffic; (2) There is a limited opportunity for main line usage because of trolley traffic; and (3) Storm water flow over tracks results in track closures during and after storm events.

San Ysidro Freight Yard Improvement Project

U.S. Fish and Wildlife Service, Biological Opinion and Incidental Take Statement, Ms. Sally Brown.

California Environmental Quality Act (CEQA) Compliance: San Diego Association of Governments <u>Mitigated Negative</u> <u>Declaration, San Ysidro Freight Rail Yard Improvement</u> <u>Project</u>, State Clearing House No. 2010071032, August 12, 2010.

**Receiving Water:** 

Wetlands and unnamed ephemeral streams tributary to the Tijuana River; Tijuana hydrologic unit, Tijuana Valley hydrologic area, San Ysidro hydrologic subarea (911.11) and Water Tanks hydrologic subarea (911.12).

Impacted Waters of the United States and/or State:

Permanent impacts:

- 0.25-acre (127-linear feet) of wetland waters (Mulefat scrub).
- 0.02-acre (546-linear feet) of non-wetland waters (ephemeral streams).

Temporary impacts: none

Dredge Volume: None proposed.

None disclosed.

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

Compensatory Mitigation: Proposed mitigation consists of:

- Establishment of 0.25-acre (127-linear feet) of Mulefat scrub.
- Restoration of 0.5-acre (127-linear feet) of Mulefat scrub.
- Establishment of 0.02-acre (546-linear feet) of ephemeral stream.

San Ysidro Freight Yard Improvement Project

#### Best Management Practices (BMPs):

Construction BMPs are proposed in the *Stormwater Pollution Prevention Plan for San Ysidro Yard Improvement Project* (Bureau Veritas, August 2011) include:

Erosion Control BMPs -

- Construction and materials scheduling.
- Preservation of existing vegetation.
- Earth dike and drainage swales.
- Fiber rolls.
- Wind erosion control.

#### Sediment control BMPs -

- Silt fencing.
- Gravel bag berms.
- Street sweeping.
- Storm drain inlet protection.
- Stabilized construction inlets and exits.
- Detention/sediment basins (3).

Post-construction BMPs proposed in the *Preliminary Drainage Study for San Ysidro Yard Improvement Project,* (Kimley-Horn, May 24, 2011) and the *Water Quality Technical Report for San Ysidro Yard Improvement Project* (Kimley-Hom August 2011) include:

Minimize impervious footprint. Minimize directly connected impervious areas. Revegetate graded slopes. Energy dissipaters at new drainage outlets. Inlet stenciling and signage. Employee training. Regular street sweeping. Fuel operations containment. Detention/sediment basins (3). Bioretention facilities (5).

Public Notice:

On September 8, 2011, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

Certification No. 11C-074

Fees:

Total Due: \$4,822.00 Total Paid: \$640.00 (Check No. 00832843) Total Paid: \$4182.00 (Check No. 00833959)

CIWQS:

Reg. Measure:	381277
Place:	770839
Party:	524619
Person:	524620

San Ysidro Freight Yard Improvement Project

#### ATTACHMENT 2 DISTRIBUTION LIST

Ms. Meris Bantilan-Smith U.S. Army Corps of Engineers San Diego Field Office Meris.Bantilan-Smith@usace.army.mil

Mr. Eric Raffini Wetlands Regulatory Office U.S. Environmental Protection Agency, Region 9 R9-WTR8-Mailbox@epa.gov

State Water Resources Control Board Division of Water Quality 401 Water Quality Certification and Wetlands Unit Stateboard401@waterboards.ca.gov

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

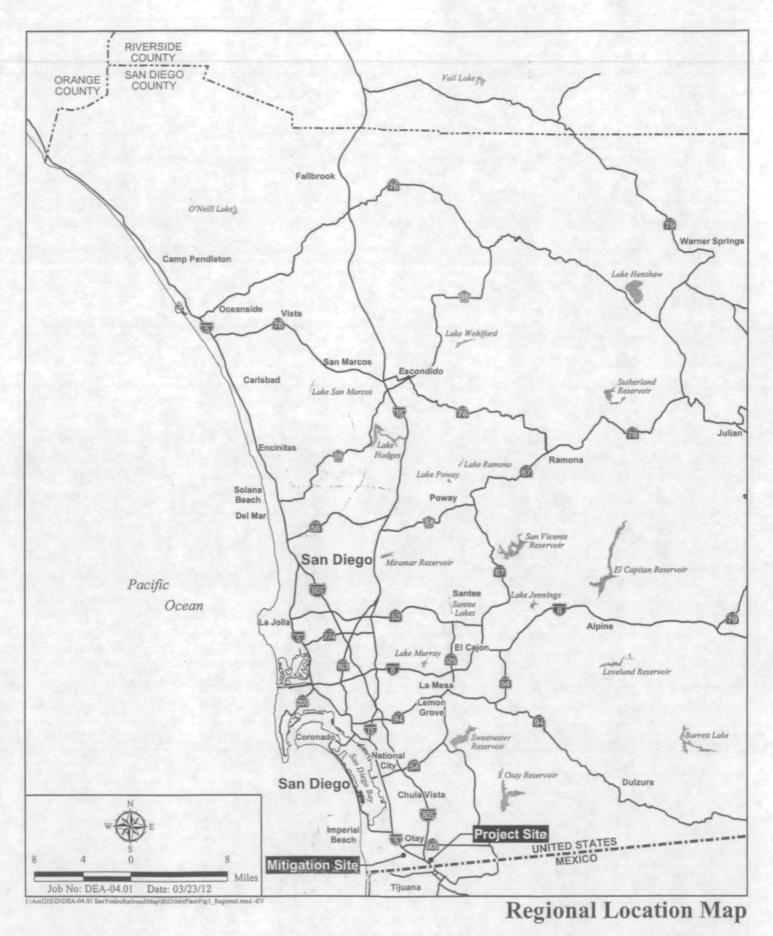
Mr. Stephen Neudecker Helix Environmental Planning SteveN@helixepi.com

Mr. Rob Rundle San Diego Association of Governments rru@sandag.org

Dr. Stephen Neudecker Resource Balance, Inc. Steve@ResourceBalance.com

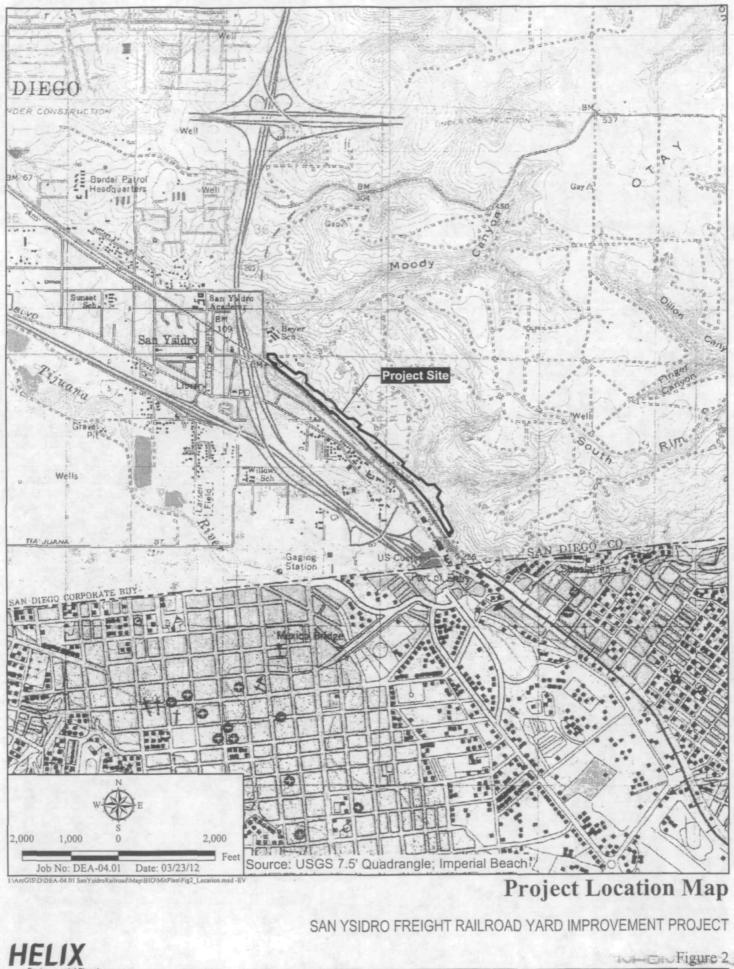
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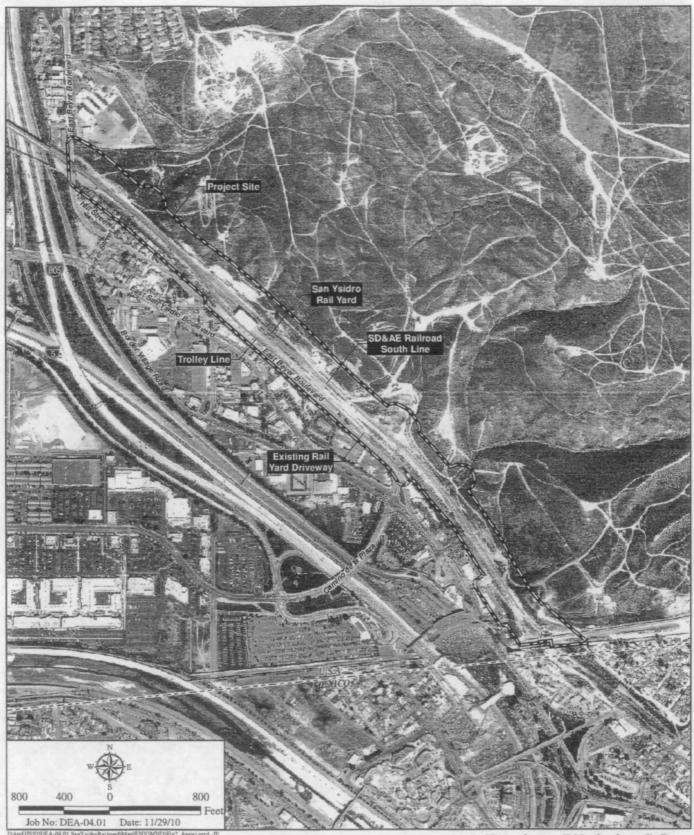
LOCATION MAPS



SAN YSIDRO FREIGHT RAILROAD YARD IMPROVEMENT PROJECT

HELIX





**Project Vicinity Map** 

SAN YSIDRO FREIGHT RAIL YARD IMPROVEMENT PROJECT

HELIX Environmental Planning San Ysidro Freight Rail Yard Improvement Project Initial Study

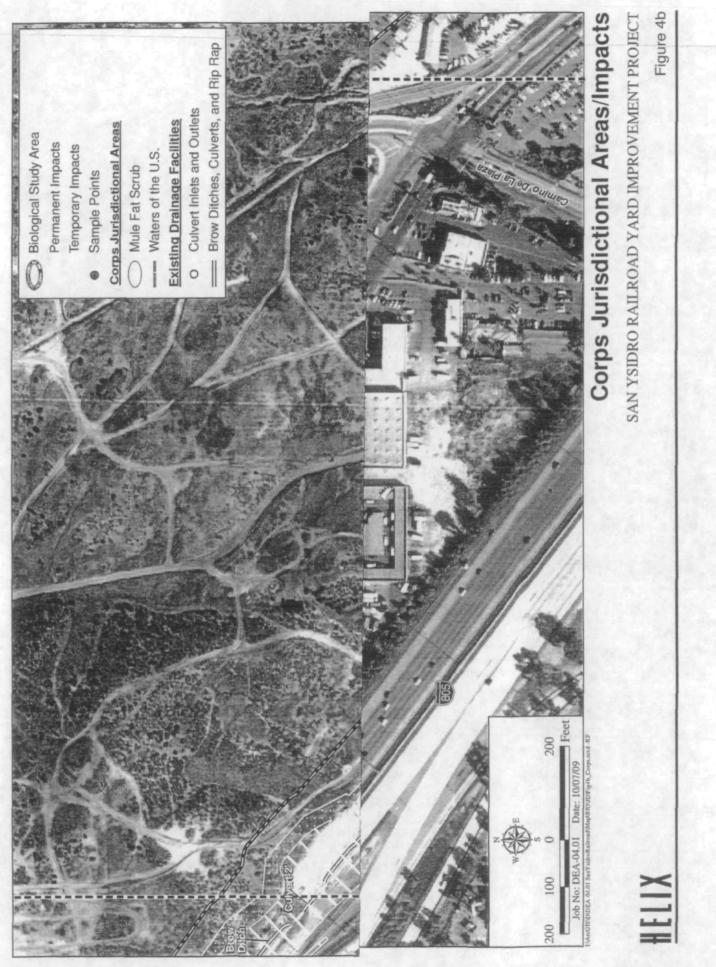
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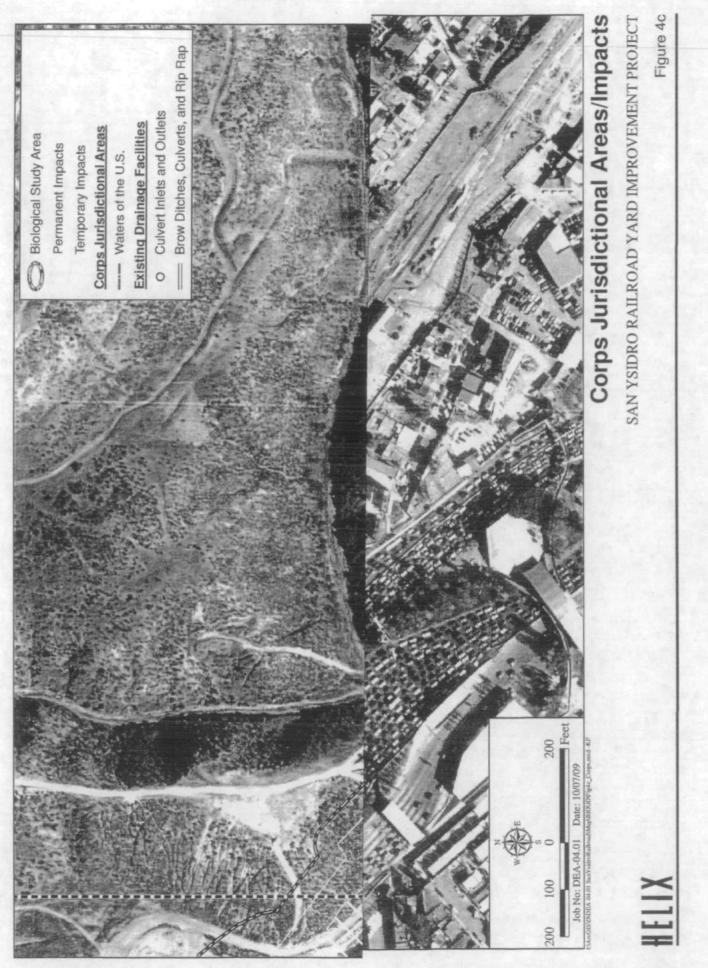
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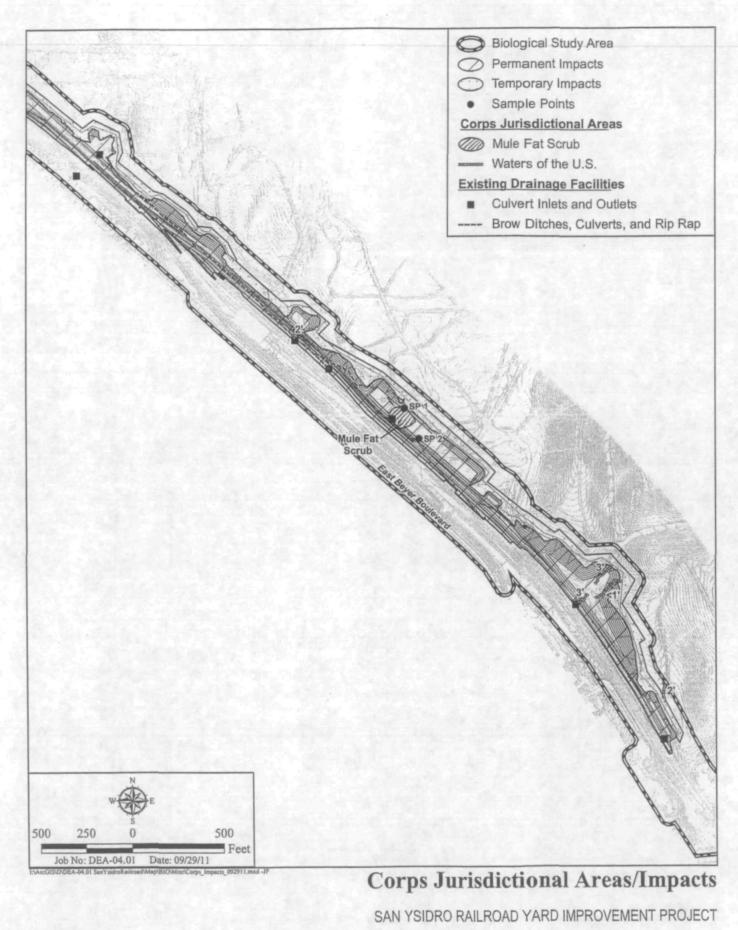
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SITE FIGURES

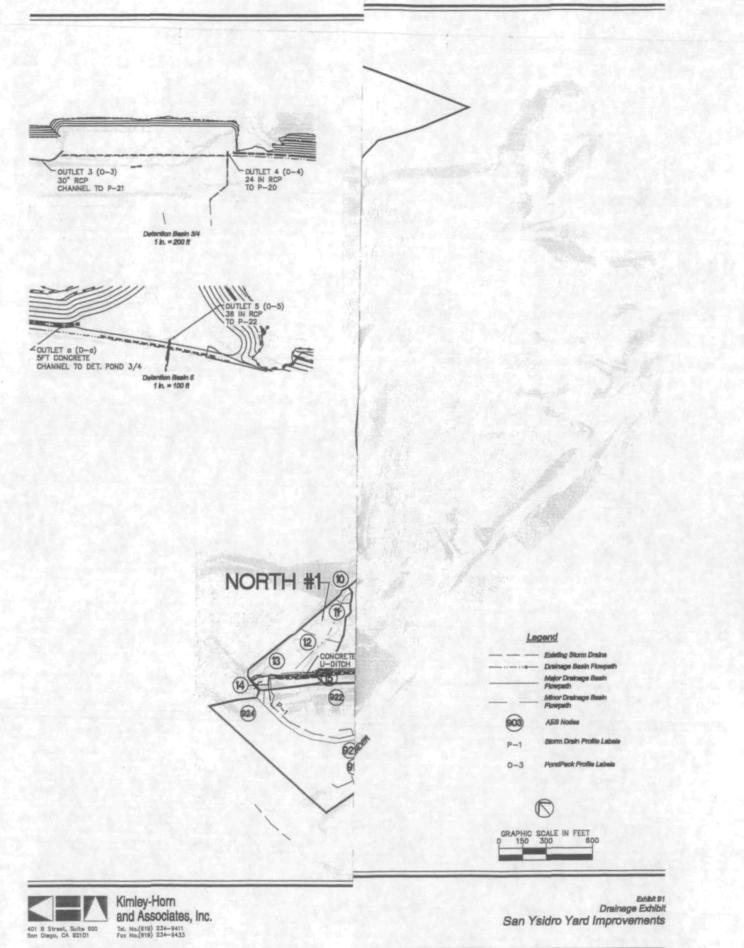








HELIX Environmental Plan



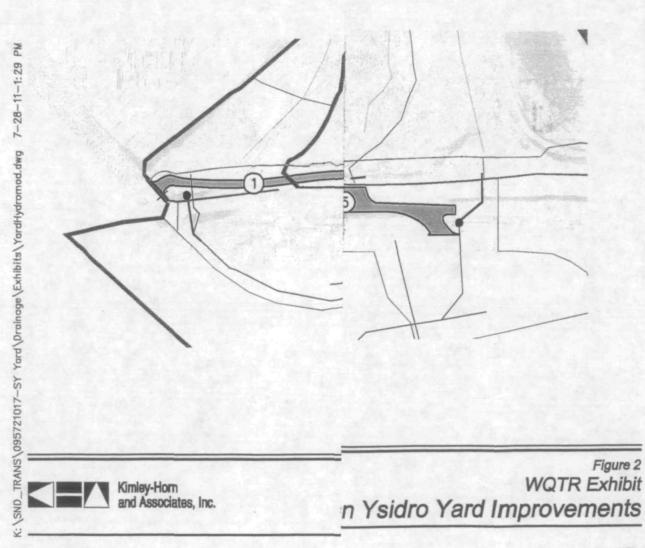
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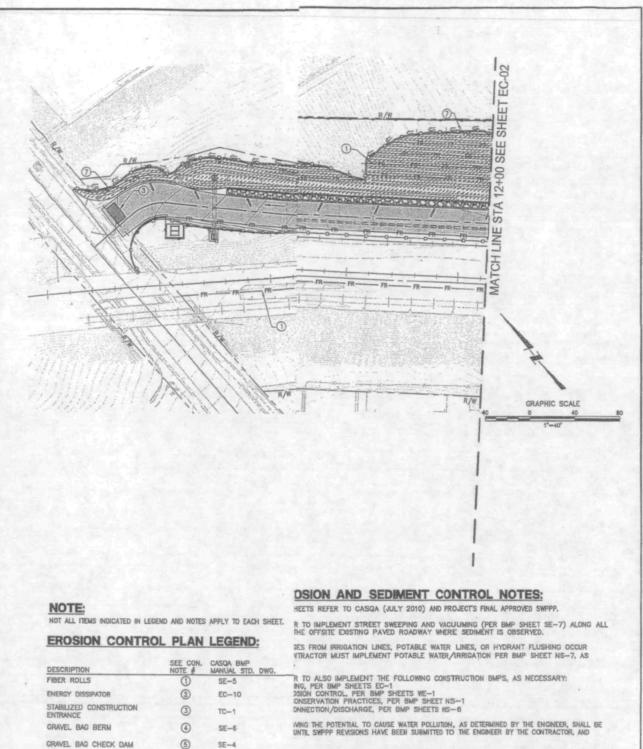
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Required	<b>Bioretention</b>	Sizes
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DMA	New	A Sizing Factor	Legend
	Impervious		Drainage Management Area     Discharge Location
	[sf]		
1	11813	0.04	Existing Storm Drains
2	44046	0.04	Drainage Basin Flowpath
3	16861	0.04	Major Drainage Basin Flowpath
4	96210	0.04	Minor Drainage Basin
5	37879	0.04	Flowpath





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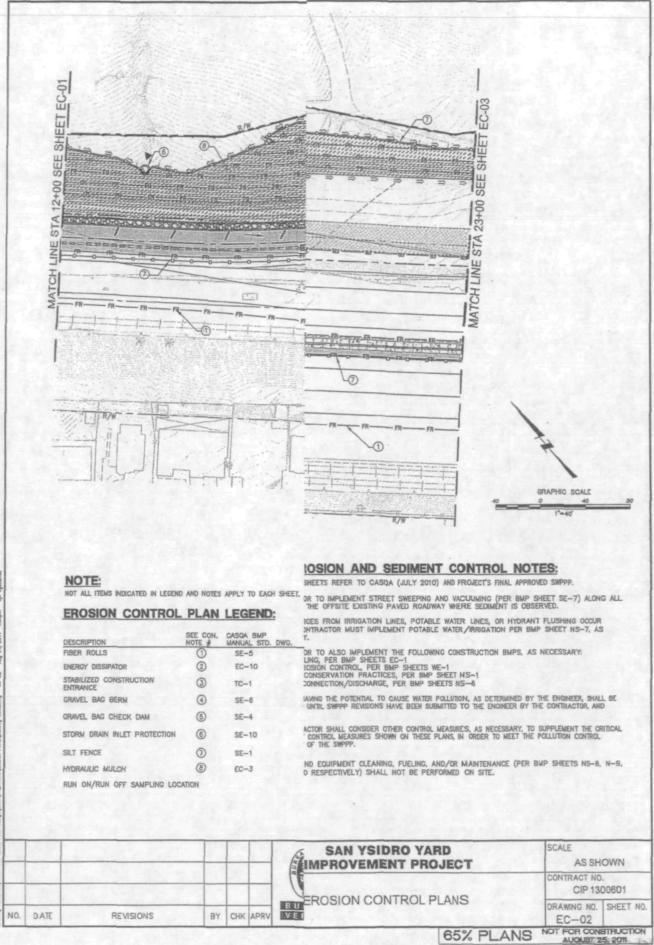
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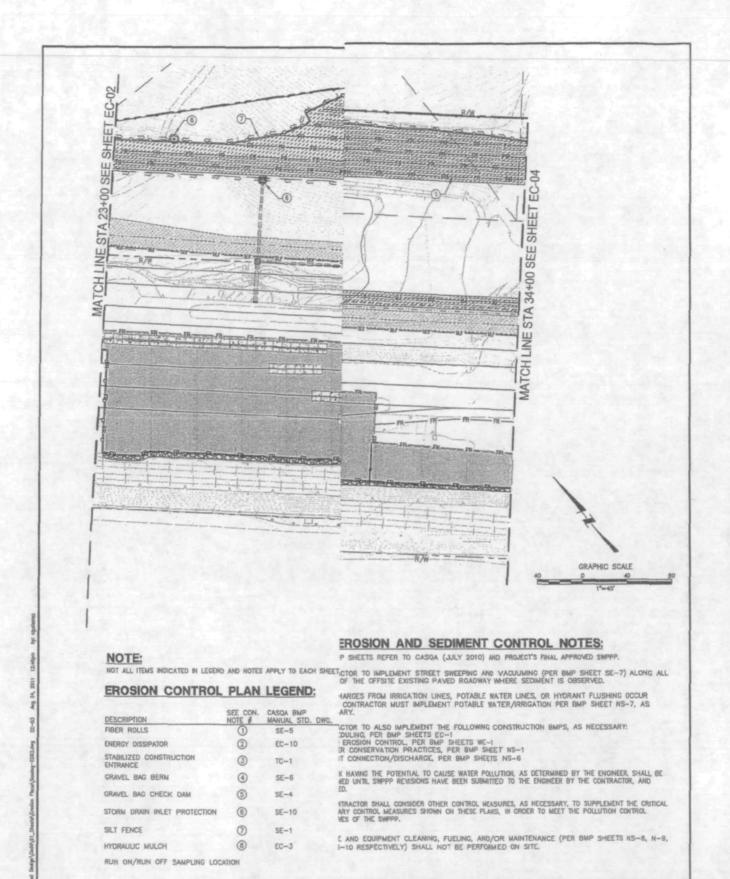
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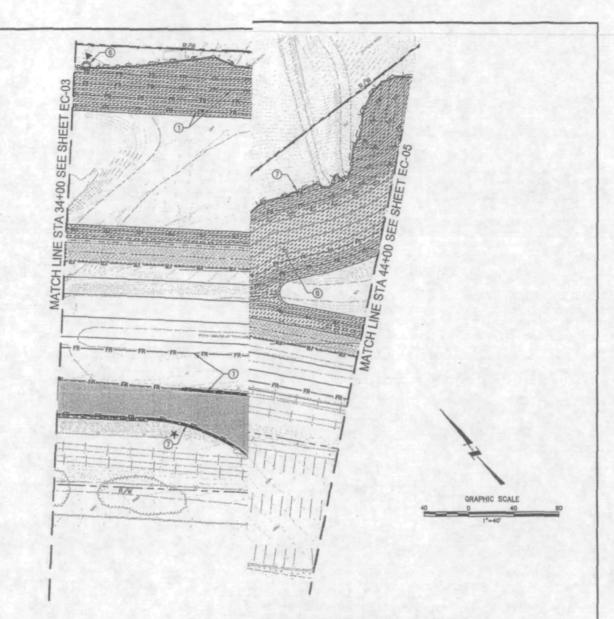


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#### EROSION CONTROL PLAN LEGEND:

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ENERGY DISSIPATOR	2	EC-10	I CON
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GRAVEL BAG CHECK DAM	5	SE-4	SHAL
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RUN ON/RUN OFF SAMPLING LOC	CATION		
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FROM IRRIGATION LINES, POTABLE WATER LINES, OR HYDRANT FLUSHING OCCUR CTOR MUST IMPLEMENT POTABLE WATER/IRRIGATION PER BMP SHEET NS-7, AS

SO IMPLEMENT THE FOLLOWING CONSTRUCTION BMPS, AS NECESSARY: BMP SHEETS EC-1 NTROL, PER BMP SHEETS WE-1 TICM PRACTICES, PER BMP SHEET NS-1 N/DISCHARGE, PER BMP SHEETS NS-6

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LL CONSIDER OTHER CONTROL MEASURES, AS NECESSARY, TO SUPPLEMENT THE CRITICAL MEASURES SHOWN ON THESE PLANS, IN ORDER TO MEET THE POLLUTION CONTROL IPPP.

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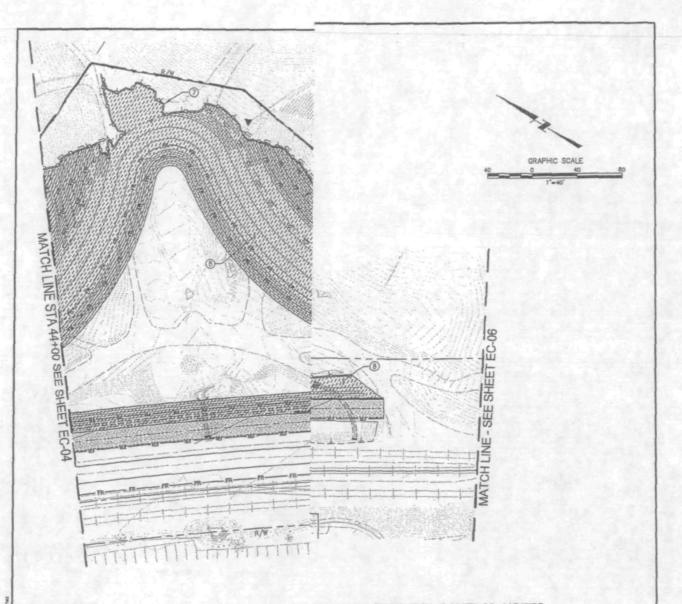
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ENERGY DISSIPATOR	2	EC~10
STABILIZED CONSTRUCTION ENTRANCE	3	TC~1
GRAVEL BAG BERM	(4)	SE~6
GRAVEL BAG CHECK DAM	3	SE~4
STORM DRAIN INLET PROTECTION	6	SE~10
SILT FENCE	0	SE~1
HYDRAULIC MULCH	(8)	EC-3
RUN ON/RUN OFF SAMPLING LOC	ATION	

#### SION AND SEDIMENT CONTROL NOTES:

TS REFER TO CASQA (JULY 2010) AND PROJECT'S FINAL APPROVED SWPPP.

O IMPLEMENT STREET SWEEPING AND VACUUMING (PER BMP SHEET SE-7) ALONG ALL OFFSITE EXISTING PAVED ROADWAY WHERE SEDIMENT IS OBSERVED.

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HO ALSO MAPLEMENT THE FOLLOWING CONSTRUCTION BMPS, AS NECESSARY: ; PER BMP SHEETS EC-1 IN CONTROL, PER BMP SHEETS WE-1 SERVATION PRACTICES, PER BMP SHEET NS-1 HECTION/DISCHARGE, PER BMP SHEETS NS-6

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R SHALL CONSIDER OTHER CONTROL MEASURES, AS NECESSARY, TO SUPPLEMENT THE CRITICAL ITROL MEASURES SHOWN ON THESE PLANS, IN ORDER TO MEET THE POLLUTION CONTROL THE SWPPP.

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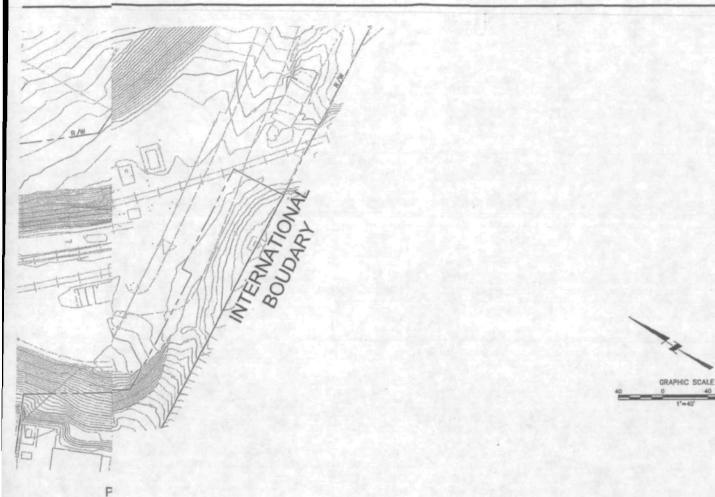
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#### EROSION AND SEDIMENT CONTROL NOTES:

- 1. FOR BMP SHEETS REFER TO CASOA (JULY 2010) AND PROJECT'S FINAL APPROVED SWPPP.
- CONTRACTOR TO IMPLEMENT STREET SWEEPING AND VACUUMING (PER BMP SHEET SE-7) ALONG ALL AREAS OF THE OFFSITE EXISTING PAVED ROADWAY WHERE SEDIMENT IS OBSERVED.
- IF DISCHARGES FROM IRRIGATION LINES, POTABLE WATER LINES, OR HYDRANT FLUSHING OCCUR ONSITE, CONTRACTOR MUST IMPLEMENT POTABLE WATER/IRRIGATION PER BMP SHEET NS-7, AS NECESSARY.
- CONTRACTOR TO ALSO IMPLEMENT THE FOLLOWING CONSTRUCTION BMPS, AS NECESSARY:

   SCHEDULING, PER BMP SHEETS EC-1
   WIND EROSION CONTROL, PER BMP SHEETS WE-1
   WATER CONSERVATION PRACTICES, PER BMP SHEET NS-1

  - ILLICIT CONNECTION/DISCHARGE, PER BMP SHEETS NS-6
- NO WORK HAVING THE POTENTIAL TO CAUSE WATER POLLUTION, AS DETERMINED BY THE ENGINEER, SHALL BE PERFORMED UNTIL SWPPP REVISIONS HAVE BEEN SUBMITTED TO THE ENGINEER BY THE CONTRACTOR, AND APPROVED.
- THE CONTRACTOR SHALL CONSIDER OTHER CONTROL MEASURES, AS NECESSARY, TO SUPPLEMENT THE ORITICAL TEMPORARY CONTROL MEASURES SHOWN ON THESE PLANS, IN ORDER TO MEET THE POLLUTION CONTROL OBJECTIVES OF THE SWPPP. 8.
- VEHICLE AND EQUIPMENT CLEANING, FUELING, AND/OR MAINTENANCE (PER BMP SHEETS NS-8, N-9, AND NS-10 RESPECTIVELY) SHALL NOT BE PERFORMED ON SITE.

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	COMPLETE THIS SECTION ON DE	ELIVERY	
<ul> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse</li> </ul>	A. Signature	Agent     Addressee	
<ul> <li>so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	B. Received by (Printed Name)	C. Date of Delivery	
1. Article Addressed to: Rab Rundle SANDAG 401 B Street	D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: No		
Soite 800 San Diego, CA 9210/	3. Service Type Certified Mail Express M Registered Return Re Insured Mail C.O.D.	Mail acclpt for Merchandise	
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