



**California Regional Water Quality Control Board
San Diego Region**



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

Over 50 Years Serving San Diego, Orange, and Riverside Counties
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<http://www.waterboards.ca.gov/sandiego>

**APPLICATION FOR CLEAN WATER ACT §401 WATER QUALITY
CERTIFICATION**

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

APPLICANT/AGENT INFORMATION

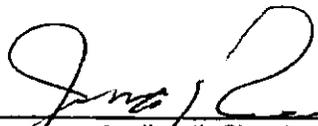
<p>APPLICANT'S NAME Gregory Canyon, Ltd. LLC Attn.: Jerry Riessen</p>	<p>AUTHORIZED AGENT'S NAME AND TITLE URS Corporation: Contact is Bill Magdych</p>
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<p>APPLICANT'S ADDRESS 1550-G Tiburon Blvd., Suite 614 Tiburon, CA 94920</p>	<p>AGENT'S ADDRESS URS Corporation 1615 Murray Canyon Road, Suite 1000 San Diego, CA 92108</p>
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<p>APPLICANT'S PHONE, FAX, EMAIL Business: 415-391-2833 Fax: 415-788-2030 Email: j.riessen@comcast.net</p>	<p>AGENT'S PHONE, FAX EMAIL Business: 619-294-9400 Fax: 619-293-7920 Email: Bill_magdych@urscorp.com</p>
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STATEMENT OF AUTHORIZATION

I hereby authorize URS Corporation (contact is Bill Magdych) to act in my behalf as my agent in the processing of this application, and to furnish, supplemental information in support of this permit application.



Applicant's Signature

September 17, 2009

Date

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

OWNERSHIP

Does the applicant own the project site? Yes X No _____

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

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

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

PROJECT/ACTIVITY INFORMATION

PROJECT NAME OR TITLE

Gregory Canyon Bridge

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

San Luis Rey River

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

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

Street address 9708 Pala Road

Latitude 33° 20' 45" Longitude 116° 6' 55"

Assessor Parcel Number(s) 110-150-25

County San Diego City Pala (unincorporated County)

DIRECTION TO PROJECT SITE

Take SR76 east from the intersection with I-15 for approximately 3.5 miles (past and east of Couser Canyon Rd. and Wild Rd). Project site is located on the south side of the road, at the San Luis Rey River.

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

To allow County-approved access from SR76 across the San Luis Rey River to the Gregory Canyon Landfill for vehicles and equipment associated with construction and operation of the Landfill.

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

Construct a bridge crossing of the San Luis Rey River to handle ingress to and egress from the Gregory Canyon Landfill. See attached reports and engineering drawings. This bridge crossing will replace an existing low-flow crossing that is located downstream, but which would not be able to support the required equipment. The existing crossing will be abandoned.

Pending issuance of required permits, construction of the bridge is currently anticipated to occur starting November 2009 with completion in December 2010.

This 401 certification relates solely to the construction of the landfill access road bridge in waters of the U.S. Impacts to waters of the state from the larger Gregory Canyon Landfill development will be addressed in Waste Discharge Requirements.

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

The bridge is designed to span the river and safely require minimal (3) support piers within Waters of the U.S. with 0.004 acre of permanent impacts. The area required for temporary construction and construction access has been minimized to an area of up to 0.368 additional acres within and upstream of the bridge footprint, and this area will be revegetated after construction is completed. Also, because the excavation of the disturbed/developed upland area adjacent to the San Luis Rey River will create 2.3 acres of riparian habitat as part of the bridge project, the riparian and wetland habitats will be increased onsite and impacts will be self-mitigated.

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

Best Management Practices will be employed to the fullest extent as described in the Gregory Canyon Landfill EIR, the Joint Technical Document that has been submitted to and deemed complete by the RWOCB staff, and again in the BA for the Gregory Canyon Bridge project (attached). A construction storm water pollution prevention plan will be subsequently developed at the appropriate time that will be subject to agency review and approval.

Project construction will also be subject to applicable requirements of the San Diego County Watershed Protection, Stormwater Management and Discharge Control Ordinance and Stormwater Standards Manual. Applicable requirements will be imposed in connection with receiving County permits, including a bridge permit.

Anticipated BMP's might include temporary storage of any material dredged for construction of the bridge pillars either outside of waters of the U.S. (and surrounded by a gravel bag barrier) or on a geotextile material for facilitate removal if within waters of the U.S.

The bridge project will not adversely affect Water Quality Objectives or Beneficial Uses in the San Luis Rey River. Beneficial Uses listed for the Upper San Luis Rey River Hydrologic Unit 903.21 include agricultural supply, cold freshwater habitat, industrial service supply, municipal and domestic supply, water contact recreation, non-contact water recreation, warm freshwater habitat, and wildlife habitat. Cold freshwater habitat is not present at or near the project site or downstream of the project site. The bridge project will have a minor effect on riparian vegetation habitat during construction; however, this effect will be beneficial because temporarily disturbed sites will be restored and 2.3 acres of additional riparian habitat will be created. Other effects on listed species and their habitat will be mitigated pursuant to the requirements of the Final EIR and Section 7 Consultation with the U.S. Fish and Wildlife Service. No other effects on other Beneficial Uses are expected. Therefore, the bridge project will not result in degradation of Beneficial Uses or Water Quality Objectives for the San Luis Rey River.

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

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

Best Management Practices will be employed to the fullest extent as described in the Gregory Canyon Landfill EIR, the Joint Technical Document that has been submitted to and deemed complete by the RWOCB staff, and again in the BA for the Gregory Canyon Bridge project (attached). A construction storm water pollution prevention plan will be subsequently developed at the appropriate time that will be subject to agency review and approval.

Post-construction BMP's, if any, related to the bridge pillars will be provided pursuant to applicable San Diego County Urban Storm Water Mitigation Plan requirements in connection with receiving County permits, including a bridge permit. At this time, no post-construction BMP's related to the bridge pillars are anticipated.

The bridge project will not adversely affect Water Quality Objectives or Beneficial Uses in the San Luis Rey River. Beneficial Uses listed for the Upper San Luis Rey River Hydrologic Unit 903.21 include agricultural supply, cold freshwater habitat, industrial service supply, municipal and domestic supply, water contact recreation, non-contact water recreation, warm freshwater habitat, and wildlife habitat. Cold freshwater habitat is not present at or near the project site or downstream of the project site. The bridge project will have a minor effect on riparian vegetation habitat during construction; however, this effect will be beneficial because temporarily disturbed sites will be restored and 2.3 acres of additional riparian habitat will be created. Other effects on listed species and their habitat will be mitigated pursuant to the requirements of the Final EIR and Section 7 Consultation with the U.S. Fish and Wildlife Service. No other effects on other Beneficial Uses are expected. Therefore, the bridge project will not result in degradation of Beneficial Uses or Water Quality Objectives for the San Luis Rey River.

PROTECTION OF WATER QUALITY – IMPAIRED WATER BODY(IES)

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

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

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

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

The lower San Luis Rey River is on the 2002 Clean Water Act 303(d) list for: chloride from urban runoff/storm sewers, unknown nonpoint source, unknown point source; and total dissolved solids from industrial point sources, agricultural-storm runoff, urban runoff/storm sewers, surface mining, flow regulation/modification, natural sources, golf course activities and unknown nonpoint and point sources. The project site is located in the upper San Luis Rey River (Hydrologic Unit 903.21), which is not listed as impaired on the Section 303(d) list. The proposed bridge project will not alter conditions associated with chlorides and total dissolved solids in the upper or lower San Luis Rey River. The greater landfill project is considered under a separate permit application for waste discharge requirements that will also ensure that the upper and lower San Luis Rey River is not impaired by the overall project.

FILL INFORMATION (indicate in ACRES and LINEAR FEET the proposed waters to be impacted, and identify the impact(s) as permanent and/or temporary for each water body type listed below.) For purposes of this application, fill is defined as "rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and any materials used to create any structure or infrastructure in waters of the U.S."

Water Body Type*	Permanent Impact		Temporary Impact	
	Acres	Linear Feet	Acres	Linear Feet
ACOE vegetated waters	0.002	NA	Up to 0.368	NA
ACOE unvegetated waters				
Lake/Reservoir				
Ocean/Estuary/Bay				
Isolated Water (per SWANCC)				
CDFG jurisdiction only				

*Provide a detailed description of the vegetated and unvegetated water body(ies) in an attachment. Include a plant community, type of water body (e.g., ephemeral, intermittent, perennial), designated beneficial uses, and a discussion of functions. Attach a copy of the completed wetland delineation to this application.

DREDGING Provide a description of the dredging activity and specific location, cubic yards of material to be dredged disposal location and necessary approvals, dewatering methods, stockpile location, best management practices, and reason for dredging.

NA

OTHER LICENSES/PERMITS/AGREEMENTS

OTHER APPROVALS List all applicable federal, state, and local permits, licenses, and agreements that will be required for any construction, operations, maintenance, or other actions associated with the project. Include permits from CDFG, ACOE (include permit number), RWQCB, California Coastal Commission, flood control agency, local planning agencies, etc. include date of application and status (e.g., pending, approved) of each. Attach copies of all draft or final documents and copies of CDFG and ACOE applications.

Agency	Contact (include phone number, email)	License/Permit/Agreement	Date Applied	Status
California Department of Fish and Game	858-636-3160	Streambed Alteration and 2081 Agreements	Week of September 26-30, 2005	Pending
U.S. Army Corps of Engineers	Robert Smith 858-674-6784	Section 404 Permit	Week of September 26-30, 2005	Pending
U.S. Fish and Wildlife Service	760-431-9440	Section 7 Consultation with the Corps	Week of September 26-30, 2005	Pending
County Public Works	858-694-2212	Bridge Permit	Not yet applied for	Not yet applied for

COMPENSATORY MITIGATION

Is compensatory mitigation proposed? Yes X No _____

For all mitigation areas, provide a draft mitigation plan that includes, but is not limited to, the information contained in Attachment 1.

Indicate in ACRES and LINEAR FEET (where appropriate) the total quantity of **waters of the United States** proposed to be Created, Restored, Enhanced, or Preserved for purposes of providing Compensatory Mitigation.

Water Body Type/Plant Community Type	Created	Restored	Enhanced	Preserved
Riparian/Wetland	2.3 acres	Up to 0.368		

Note: Creation is defined as creating waters of the U.S. where none have previously existed; restoration is restoring waters of the U.S. where they have previously existed but have since been eliminated; enhancement is improving

existing waters of the U.S. (e.g. removing exotic species and replanting with natives); and preservation is protecting an area in perpetuity by a conservation easement, deed restriction, or other legal instrument.

Is the mitigation site owned by the applicant? Yes No

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

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

Mitigation Bank/In-Lieu Fee Name: _____

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

Office Address of Operator/Phone Number: _____

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

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

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

APPLICATION FEE

FILING FEE A fee deposit of \$500.00 is required to be submitted with this application. Additional fees, based on the extent of impacts, may be due. A fee schedule and calculator can be found at: <http://www.swrcb.ca.gov/rwgcb9/programs/401cert.html>

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

Check No. 2177 Amount \$500.00 (previously paid in 2005)

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Document Type/Title Gregory Canyon Landfill Final EIR

Lead Agency and Contact Information (name, address, phone number) County of San Diego Department of Environmental Health – LEA Office, 9325 Hazard Way, San Diego, CA 92123; 858-694-2629

State Clearing House Number 1995061007

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

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

Include a copy of the draft or final CEQA document with this application. Copy of Final EIR available online at http://www.co.san-diego.ca.us/deh/chd/gc_feir.html

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

ADDITIONAL INFORMATION

Has any portion of the work been initiated? Yes _____ No X

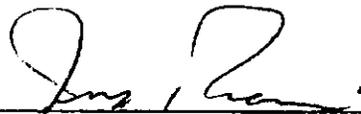
If yes, described the initiated work and explain why it was initiated prior to obtaining a permit; indicate whether any enforcement action has been taken against the project.

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

There are no applicable projects in this area that would result in effects on the river that would be related to the bridge. Cumulative effects of the greater landfill project were addressed in the CEQA document.

SIGNATURE

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



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

September 17, 2009
Date

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

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