



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

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<http://www.waterboards.ca.gov/sandiego>

December 07, 2009

Certified Mail – Return Receipt Requested
Article Number: 7009-1410-0002-2347-5111

Mili Lim-Stamation
Caltrans, District 12
3337 Michelson Drive
Irvine, CA 92612

In reply refer to:
736859: clofen

Dear Mili Lim-Stamation:

Subject: Action on Request for Clean Water Act Section 401 Water Quality Certification for the **I-5/Camino Capistrano Interchange Improvements Project**
Water Quality Certification No. **09C-034**

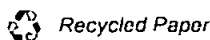
Enclosed find Clean Water Act Section 401 Water Quality Certification for discharge to Waters of the U.S. and acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017 DWQ for the **I-5/Camino Capistrano Interchange Improvements Project** (project). A description of the project and project location can be found in the project information sheet, location map, and site maps, which are included as Attachments 1 through 5.

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

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

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California Environmental Protection Agency





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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: I-5/Camino Capistrano Interchange
Improvements Project,
Certification Number (09C-034),
WDID: 9 000001923

APPLICANT: Mili Lim-Stamation
Caltrans, District 12
3337 Michelson Drive
Irvine, CA 92612

CIWQS Reg. Meas. ID: 364494 Place ID: 736859 Party ID: 7578
--

ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned 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 will construct an auxiliary lane, add a lane to the off-ramp entrance, widen the off-ramp to three lanes, widen the on-ramp shoulder, and widen Camino Capistrano. The interchange improvements require the widening of the Camino Capistrano Bridge over San Juan Creek. The bridge will require the placement of fill for expansion of the 3 existing pier foundations within San Juan Creek.

STANDARD CONDITIONS:

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

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to

California Environmental Protection Agency



- d. Sampling of any discharge or surface water covered by this Order.
4. Caltrans, District 12 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.
5. Caltrans, District 12 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.
6. 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: Caltrans, District 12 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 Caltrans, District 12 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.
 - b. Transfer of Mitigation Responsibility: Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in Section D shall include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the Regional Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the Regional Board within **10 days** of the transfer date.
7. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any

6. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
7. 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.
8. 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.
9. 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. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.
10. All construction activity within waters of the U.S. and/or State must occur during the dry season (May 1 - September 30).
11. 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. Removal of vegetation must occur outside of the avian nesting season (March 15- August 31).

C. POST CONSTRUCTION STORM WATER MANAGEMENT

1. 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.
2. Structural BMPs must be sized to comply with the following numeric sizing criteria:
 - a. Volume
Volume-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:

9. At the time maintenance responsibility for post-construction BMPs is legally transferred, Caltrans, District 12 must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications.
10. The Regional Board may be requested to review planned BMP implementation that clearly demonstrates to meet or exceed the performance standards herein. Such requests must be made 30 days prior to the planned BMP implementation.
11. All post-construction structural BMPs, including, but not limited to, bio-swales, biostrips, and Filterra (or equivalent) units, must be regularly inspected and maintained for the life of the project per manufacturers' specifications.
12. Treatment BMPs must be inspected prior to the commencement of the rainy season (October 1) and after every storm event exceeding 0.5 inches of precipitation.
13. Records must be kept regarding inspections and maintenance in order to assess the performance of the systems and determine whether adaptations are necessary to protect receiving waters.

D. COMPENSATORY MITIGATION FOR LOSS OF WATERS OF THE U.S./STATE

1. Mitigation for permanent discharges to 0.031 acres and temporary discharges to 0.832 acres (including 0.122 acres of permanent shading) of un-vegetated waters of the United States associated with bridge construction must be achieved by the following:
 - a. Through the in-lieu fee purchase of 1.264 acres of restoration credits through the South Orange County Team Arundo Program. **Prior to start of construction**, Caltrans, District 12 must provide the Regional Board with verification that the in-lieu fee for the above acreage has been paid to the South Orange County Team Arundo Program.
2. Caltrans, District 12 must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the United States/State. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species. Caltrans, District 12 must implement all necessary BMPs to control erosion and runoff from areas associated with this project.
3. 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

E. STREAM PHOTO DOCUMENTATION PROCEDURE

1. Caltrans, District 12, and its successors, must conduct photo documentation of the project site, including all areas of permanent and temporary impact, prior to and after project construction. Photo documentation must be conducted in accordance with the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure, included as Attachment Number (5). In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced. Caltrans, District 12 must submit this information in a photo documentation report to the Regional Board with the **Project Annual Reports**. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

F. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES PHOTO DOCUMENTATION PROCEDURE

1. Caltrans, District 12 must conduct photo documentation of implemented post-construction BMPs. Photo-documentation must be modeled after the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure, included as Attachment 6. In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced. Caltrans, District 12 must submit this information in a photo documentation report to the Regional Board with the **Project Annual Reports**. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

G. GEOGRAPHIC INFORMATION SYSTEM REPORTING

1. Caltrans, District 12 must submit Geographic Information System (GIS) shape files of the impact areas within the **1st Annual Report**. All impact and mitigation areas shapefiles must be polygons. Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points. GIS metadata must also be submitted.

H. 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.

8. 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)
Project Annual Reports	A.10	August 01, Annually
Notification of dredge/fill	B.3	5 days prior
BMP Responsibility	C.5	Prior to Project Construction
Mitigation In-lieu Fee	D.1.a	Prior to Project Construction
Streambed Photo-Documentation	E.1	With Annual Reports
BMP Photo-Documentation	F.1	With Annual Reports
GIS	G.1	1 st Annual Report
As-Built Drawings	H.3	Final Annual Report

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On April 27, 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:

Chad Loflen
 California Regional Water Quality Control Board, San Diego Region
 9174 Sky Park Court, Suite 100
 San Diego, CA 92123
 858-467-2727
cloflen@waterboards.ca.gov

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: CalTrans, District 12
 Attention: Mili Lim-Stamation
 3337 Michelson Drive, Irvine, CA 92612
 Telephone: (949) 724-2167
 Facsimile: (949) 724-2591
 Email: Mili_Lim@dot.ca.gov

Project Name: I-5/Camino Capistrano Interchange Improvements

Project Location: San Juan Capistrano, CA
 Latitude: 33°29'39.41"N, Longitude: 117°39'33.85"W

Type of Project: Road Improvement Project

Need for Project: To address traffic delays at the Camino Capistrano interchange.

Project Description: The project will construct an auxiliary lane, add a lane to the off-ramp entrance, widen the off-ramp to three lanes, widen the on-ramp shoulder, and widen Camino Capistrano. The interchange improvements require the widening of the Camino Capistrano Bridge over San Juan Creek. The bridge requires the placement of fill for expansion of the 3 existing pier foundations within San Juan Creek. Construction is scheduled from May 2010 to May 2012.

Federal Agency/Permit: U.S. Army Corps of Engineers §404, Stephanie Hall

Other Required Regulatory Approvals: California Department of Fish and Game Streambed Alteration Agreement, Randy Rodriguez
 Orange County Flood Control District, Andy Ngo

California Environmental Quality Act (CEQA) Compliance: Mitigated Negative Declaration, March 7, 2006, SCH No. 2004081180, Lead Agency: CalTrans

Receiving Water: San Juan Creek, San Juan Hydrologic Unit

**ATTACHMENT 2
E-MAIL DISTRIBUTION LIST**

Mili Lim-Stamantion, Caltrans District 12
Mili_Lim@dot.ca.gov

Charles Baker, Caltrans, District 12
charles_baker@dot.ca.gov

Lesley Hill, Caltrans District 12
lesley_hill@dot.ca.gov

Stephanie Hall, U.S. Army Corps of Engineers, Regulatory Branch
Stephanie.J.Hall@spl01.usace.army.mil

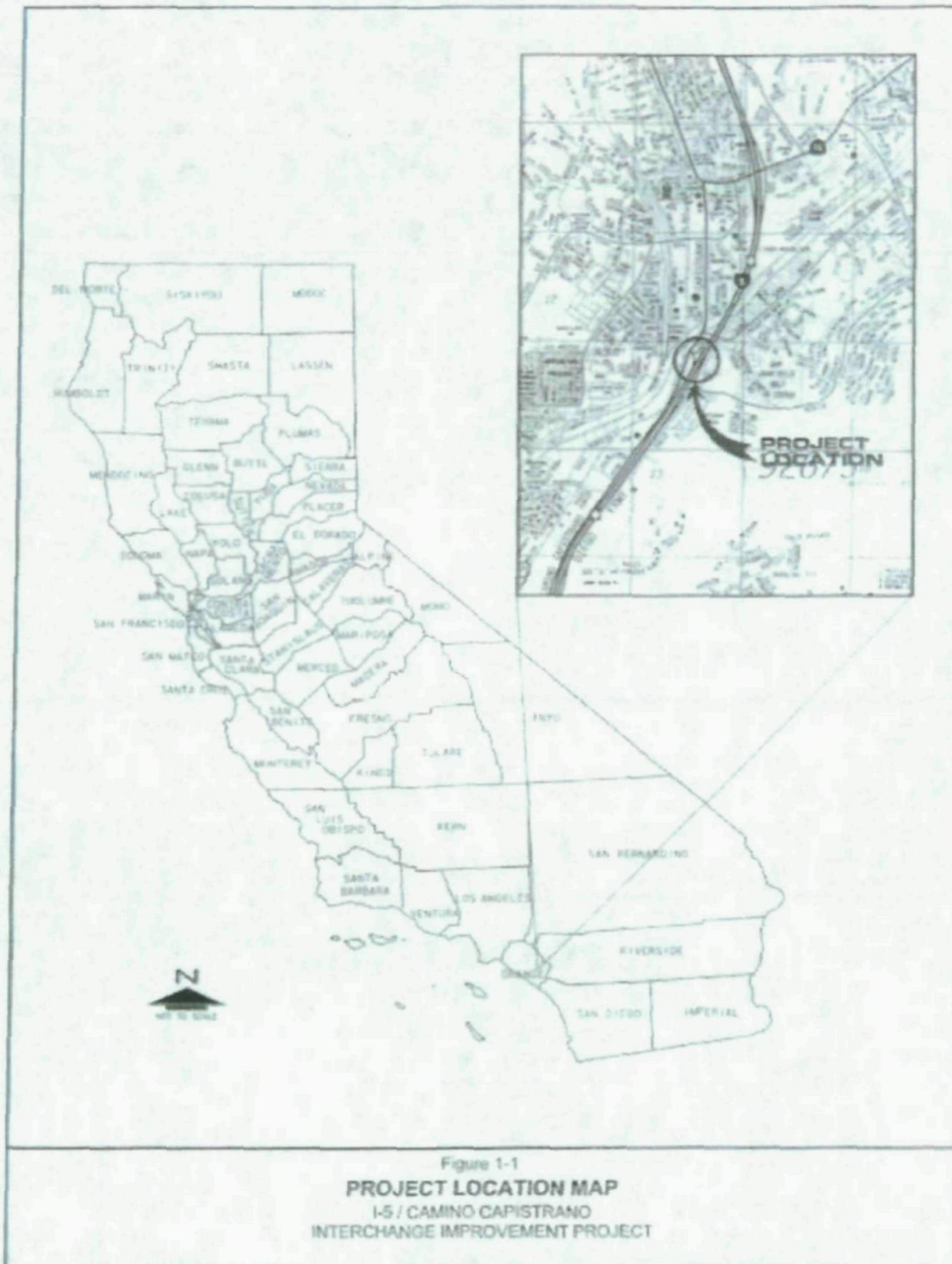
Sophia Huynh, U.S. Army Corps of Engineers
sophia.c.huynh@usace.army.mil

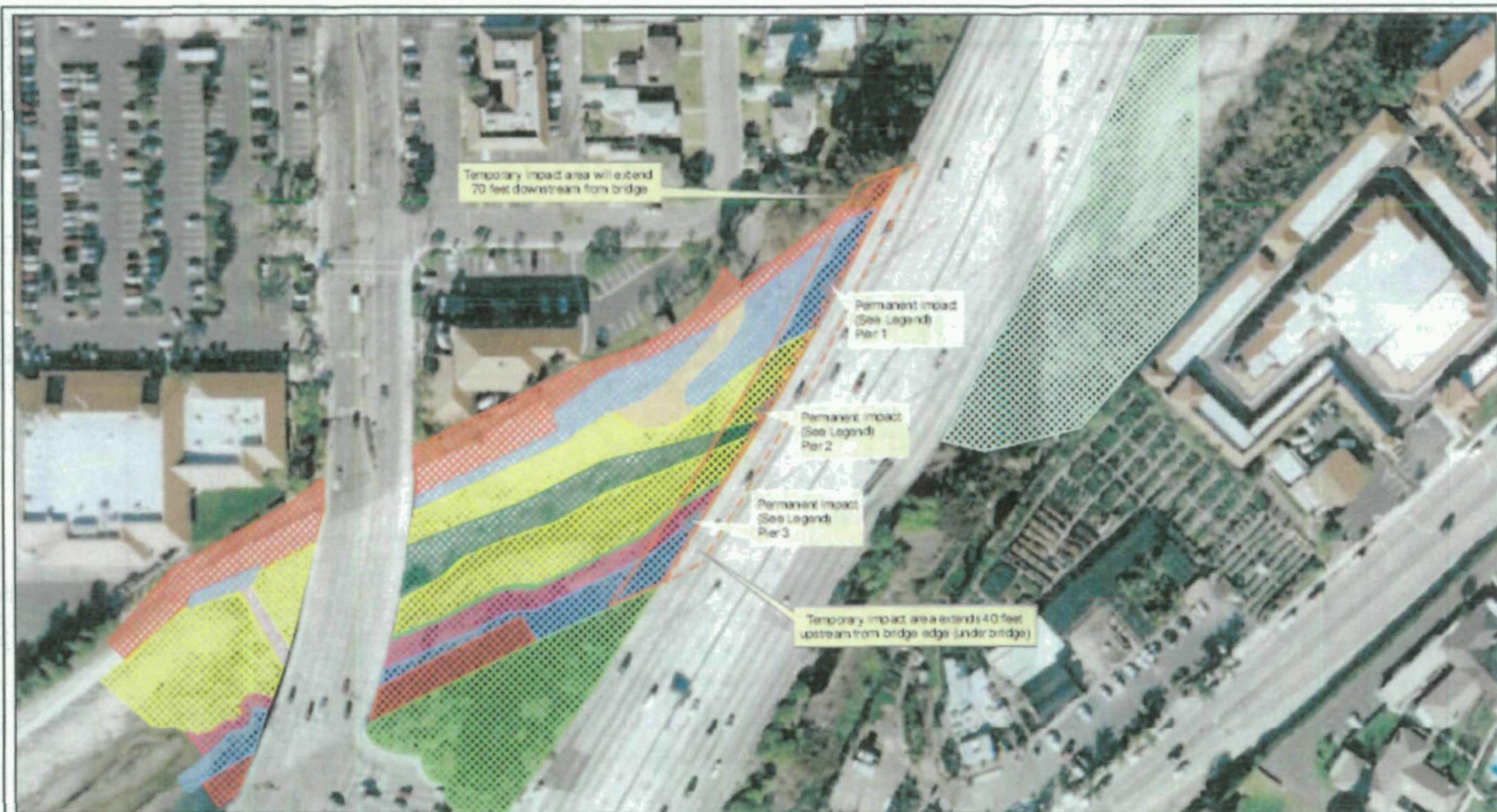
Pam Beare, California Department of Fish and Game
pbeare@dfg.ca.gov

U.S. EPA, OWOW, 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

ATTACHMENT 3 PROJECT AND SITE MAPS





Temporary impact area will extend 70 feet downstream from bridge

Permanent Impact (See Legend) Pier 1

Permanent Impact (See Legend) Pier 2

Permanent Impact (See Legend) Pier 3

Temporary impact area extends 40 feet upstream from bridge edge (under bridge)

Vegetation Existing Conditions

- Ornamental/Ruderal
- Rudra
- Southern Willow Scrub
- Wetland
- Creek
- Sandy Cobble Substrate
- Gravel Access Road
- Rock Slope Protection Concrete
- Rock Slope Protection
- Concrete

10 feet downstream including addition of Riprap on abutment side of pier 3

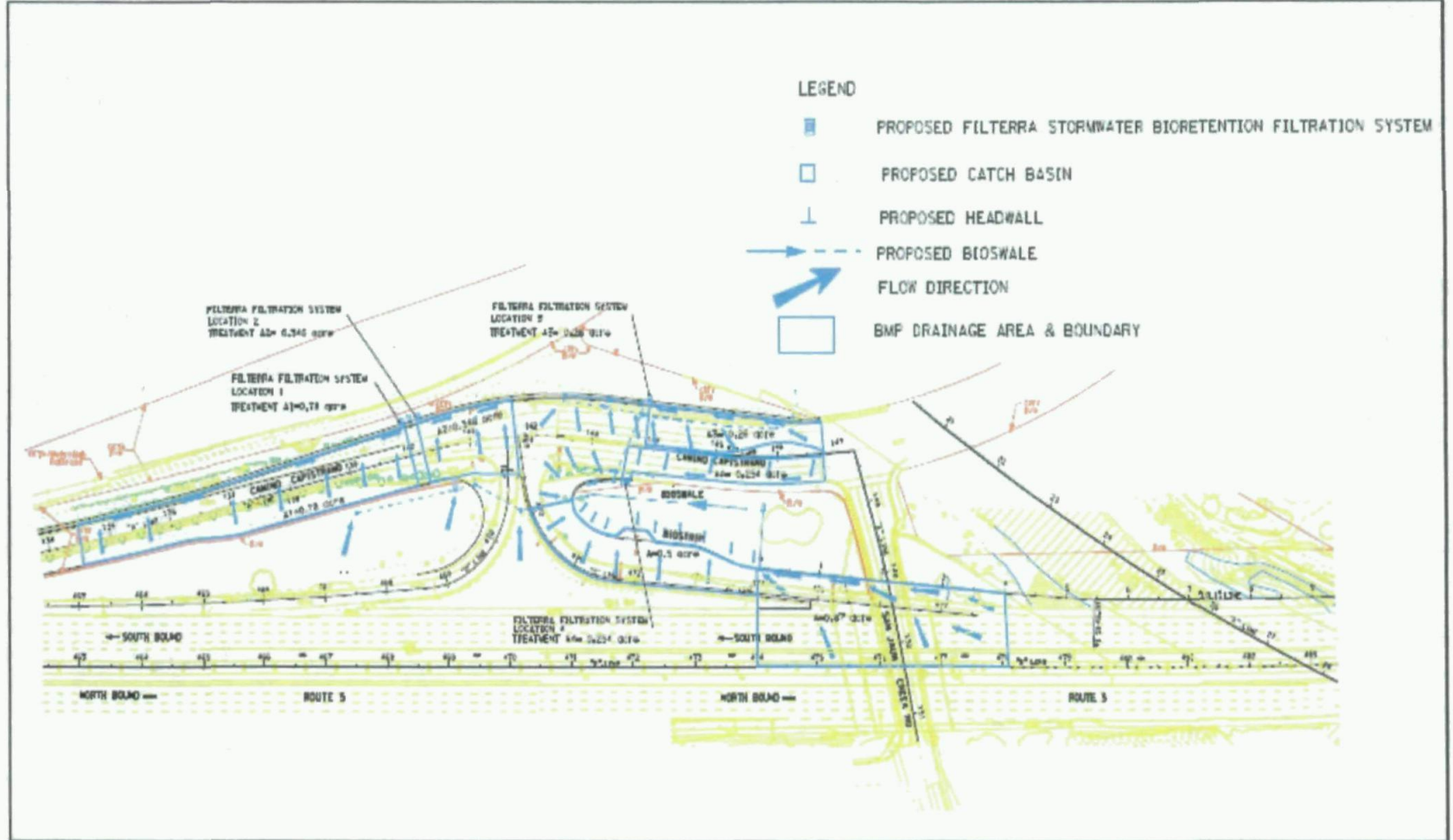


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-5 Camino Capistrano Interchange
 Improvement Project
 Biological Resources
 12-CRA-5 (PM 8 589 35)
 SA 05/700



ATTACHMENT 4
SITE POST-CONSTRUCTION BMP MAP



ATTACHMENT 5 STREAM PHOTO DOCUMENTATION PROCEDURES

Standard Operating Procedure (SOP)

Stream Photo Documentation Procedure

(CARCD 2001, Written by TAC Visual Assessments work group)

Introduction:

Photographs provide a qualitative, and potentially semi-quantitative, record of conditions in a watershed or on a water body. Photographs can be used to document general conditions on a reach of a stream during a stream walk, pollution events or other impacts, assess resource conditions over time, or can be used to document temporal progress for restoration efforts or other projects designed to benefit water quality. Photographic technology is available to anyone and it does not require a large degree of training or expensive equipment. Photos can be used in reports, presentations, or uploaded onto a computer website or GIS program. This approach is useful in providing a visual portrait of water resources to those who may never have the opportunity to actually visit a monitoring site.

Equipment:

Use the same camera to the extent possible for each photo throughout the duration of the project. Either 35 mm color or digital color cameras are recommended, accompanied by a telephoto lens. If you must change cameras during the program, replace the original camera with a similar one comparable in terms of media (digital vs. 35 mm) and other characteristics. A complete equipment list is suggested as follows:

Required:

- Camera and backup camera
- Folder with copies of previous photos (do not carry original photos in the field)
- Topographic and/or road map
- Aerial photos if available
- Compass
- Timepiece
- Extra film or digital disk capacity (whichever is applicable)
- Extra batteries for camera (if applicable)
- Photo-log data sheets or, alternatively, a bound notebook dedicated to the project
- Yellow photo sign form and black marker, or, alternatively, a small black board and chalk

Optional:

area(s) you are surveying either are accessible to the public or that you have obtained permission from the landowner prior to the survey.

Some safety concerns that may be encountered during the survey include, but are not limited to:

- Inclement weather
- Flood conditions, fast flowing water, or very cold water
- Poisonous plants (e.g.: poison oak)
- Dangerous insects and animals (e.g.: bees, rattlesnakes, range animals such as cattle, etc.)
- Harmful or hazardous trash (e.g.: broken glass, hypodermic needles, human feces)

We recommend that the volunteer coordinator or leader discuss the potential hazards with all volunteers prior to any fieldwork.

General Instructions:

From the inception of any photo documentation project until it is completed, always take each photo from the same position (photo point), and at the same bearing and vertical angle at that photo point. Photo point positions should be thoroughly documented, including photographs taken of the photo point. Refer to copies of previous photos when arriving at the photo point. Try to maintain a level (horizontal) camera view unless the terrain is sloped. (If the photo can not be horizontal due to the slope, then record the angle for that photo.) When photo points are first being selected, consider the type of project (meadow or stream restoration, vegetation management for fire control, ambient or event monitoring as part of a stream walk, etc.) and refer to the guidance listed on *Suggestions for Photo Points by Type of Project*.

When taking photographs, try to include landscape features that are unlikely to change over several years (buildings, other structures, and landscape features such as peaks, rock outcrops, large trees, etc.) so that repeat photos will be easy to position. Lighting is, of course, a key ingredient so give consideration to the angle of light, cloud cover, background, shadows, and contrasts. Close view photographs taken from the north (i.e., facing south) will minimize shadows. Medium and long view photos are best shot with the sun at the photographer's back. Some artistic expression is encouraged as some photos may be used on websites and in slide shows (early morning and late evening shots may be useful for this purpose). Seasonal changes can be used to advantage as foliage, stream flow, cloud cover, and site access fluctuate. It is often important to include a ruler, stadia rod, person, farm animal, or automobile in photos to convey the scale of the image. Of particular concern is the angle from which the photo is taken. Oftentimes an overhead or elevated shot from a bridge, cliff, peak, tree, etc. will be instrumental in conveying the full dimensions of the

Archive all photos, along with the associated photo-log information, in a protected environment.

The Photo Point: Establishing Position of Photographer:

1. Have available a variety of methods for establishing position: maps, aerial photos, GPS, permanent markers and landmarks, etc. If the primary method fails (e.g., a GPS or lost marker post) then have an alternate method (map, aerial photo, copy of an original photograph of the photo-point, etc).
2. Select an existing structure or landmark (mailbox, telephone pole, benchmark, large rock, etc.), identify its latitude and longitude, and choose (and record for future use) the permanent position of the photographer relative to that landmark. Alternatively, choose the procedure described in *Monitoring California's Annual Rangeland Vegetation* (UC/DANR Leaflet 21486, Dec. 1990). This procedure involves placing a permanently marked steel fence post to establish the position of the photographer.
3. For restoration, fuel reduction, and BMP projects, photograph the photo-points and carry copies of those photographs on subsequent field visits.

Determining the Compass Bearing:

1. Select and record the permanent magnetic bearing of the photo center view. You can also record the true compass bearing (corrected for declination) but do not substitute this for the magnetic bearing. Include a prominent landmark in a set position within the view. If possible, have an assistant stand at a fixed distance from both the photographer and the center of the view, holding a stadia rod if available, within the view of the camera; preferably position the stadia rod on one established, consistent side of the view for each photo (right or left side).
2. Alternatively, use the procedure described in *Monitoring California's Annual Rangeland Vegetation* (UC/DANR Leaflet 21486, Dec. 1990). This procedure involves placing a permanently marked steel fence post to establish the position of the focal point (photo center).
3. When performing ambient or event photo monitoring, and when a compass is not available, then refer to a map and record the approximate bearing as north, south, east or west.

5. Long view and medium view of streambed changes (straightened back to meandering, sediment back to gravel, etc.)
6. Medium and close views of structures, plantings, etc. intended to induce these changes

Stream Restoration/stabilization:

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long-view showing all or representative sections of the project (bluff, bridge, etc.)
3. Long view up or down the stream (from stream level) showing changes in the stream bank, vegetation, etc.
4. Long view and medium view of streambed changes (thalweg, gravel, meanders, etc.)
5. Medium and close views of structures, plantings, etc. intended to induce these changes.
6. Optional: Use a tape set perpendicular across the stream channel at fixed points and include this tape in your photos described in 3 and 4 above. For specific procedures refer to Harrelson, Cheryl C., C.L. Rawlins, and John P. Potyondy, *Stream Channel Reference Sites: An Illustrated Guide to Field Techniques*, United States Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station, General Technical Report RM-245.

Vegetation Management for Fire Prevention (“fuel reduction”):

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long view showing all or representative sections of the project (bluff, bridge, etc.)
3. Long view (wide angle if possible) showing the project area or areas. Preferably these long views should be from an elevated vantage point.
4. Medium view photos showing examples of vegetation changes, and plantings if included in the project. It is recommended that a person (preferably holding a stadia rod) be included in the view for scale

PHOTO- LOG FORM

Project:

Location:

Date:

Photographer:

Team members:

Photo #	Time	Photo Point ID	Photo Pt. Description & Location	Bearing to Subject	Subject Description

General Notes or Comments (weather, cloud cover, time of sunrise and sunset, other pertinent information):