



# California Regional Water Quality Control Board

## San Diego Region



Linda S. Adams  
Secretary for  
Environmental Protection

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

Arnold Schwarzenegger  
Governor

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

December 13, 2010

In reply refer to:  
734024: LPardy

Mr. Mark Phelan  
California Department of Transportation  
District 11, MS-242  
4050 Taylor Street  
San Diego, CA 92110-2737

Dear Mr. Phelan:

**Subject: Amendment No. 1 to Clean Water Act section 401 Water Quality Certification No. 09C-015 and Waste Discharge Requirements for Discharge of Dredged and/or Fill Materials**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is amending Additional Condition E 'Compensatory Mitigation for Loss of Waters of the U.S./State' of the 401 Water Quality Certification for the State Route 76 (SR-76) Melrose Drive to South Mission Road Project (File No. 09C-015).

This decision is in response to Caltrans' amendment request to the San Diego Water Board, dated October 26, 2010 to remove an unauthorized levee and re-grade an unauthorized pond to restore a property newly acquired by Caltrans back to its original grade. The San Diego Water Board understands that a tenant living on an adjacent property illegally constructed the levee and pond for a gravity flow water system to his house.

The technical specifications for the levee removal and re-grading are provided in the information submitted with the amendment request, and are as follows:

- Place water diversions to construct drainage system (DS) 30, which includes the installation of a 48-inch reinforced concrete pipe (RCP), construction of headwall and wing walls (see "F" on Drainage Plan sheet, headwall/wing walls on Drainage Details sheet and photos);
- Excavate the levee and fill the pond restoring a natural open channel (see attached cross section, calculations and photos) covering an area of 0.046-acre;
- Install permanent right-of-way fence to prevent further illegal access to Caltrans' newly acquired property;
- No vegetation will be removed other than non-natives surrounding the pond; and
- Storm water prevention measures will be placed as necessary.

This amendment is needed to address proposed changes involving the project's temporary impacts to jurisdictional waters of the U.S. Changes/additions to the

**California Environmental Protection Agency**

**Additional Condition E.3 and E.4** of the 401 certification are shown in bold strikeout/underline as follows:

E.3. Temporary Impacts to jurisdictional waters of the U.S. shall not exceed the following:

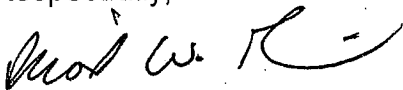
Jurisdictional Area	Acres
OHWM *	0.04
Unvegetated Waters	<del>0.45</del> <b>0.498</b>
Wetlands	3.82
<b>Total</b>	<del>4.31</del> <b>4.358</b>

E.4. Caltrans 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 **and/or natural**<sup>1</sup> contours and **removal of non-native invasive plant species and** revegetation with native species. Restored areas of temporary impacts shall provide similar or better functions as the habitat impacted.

<sup>1</sup> Natural contours means removal of the levee (see 'Levee constructed by tenant' shown on figure 1 dated 10-20-2010 by L. Kemp) across an unnamed stream channel and re-grading of the 0.046-acre unauthorized ponded area to the natural contours shown on 'Drainage Plan D-9' dated 01-27-2010 and 'Drainage Details DD-25' dated 02-25-2010.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Ms. Linda Parady at (858) 627-3932 or by e-mail via LPardy@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON  
Executive Officer

Enclosure 1:

Amendment No. 1 to Clean Water Act, section 401 Water Quality Certification  
No. 09C-015

cc: Refer to Attachment 2 of Amendment No. 1 to Clean Water Act, section 401  
Water Quality Certification No. 09C-015 for Distribution List.

Tech Staff Info & Use	
File No.	09C-015
WDID	9 000001896
Reg. Measure ID	361611
Place ID	734024
Party ID	7222



Linda S. Adams  
Acting Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board San Diego Region

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Arnold  
Schwarzenegger  
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:** State Route 76 – Melrose Drive to South Mission Road Highway  
Improvement Project, Project Number 09C-015,  
WDID Number 9000001896

**APPLICANT:**

Mr. Mark Phelan  
Project Manager  
California Department of Transportation  
District 11, MS-242  
4050 Taylor Street  
San Diego, CA 92110-2737

CIWQS Reg. Mes. ID: 361611 Place ID: 734024 Party ID: 7549
---

**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 proposed project would expand about 5.8 miles of the existing two-lane conventional highway to four-lanes with right-of-way and grading to accommodate an ultimate six-lane facility. The existing San Luis Rey Bridge would remain for westbound only traffic post-construction and a new bridge would be built for eastbound only traffic. The existing Bonsall Creek box culvert would be lengthened to the south to accommodate the widened SR-76. The existing Ostrich Creek box culvert would be demolished and a new bridge would be constructed to accommodate the road widening and a wildlife corridor. The project would result in an additional 28.1 acre of new impervious surface, in addition to the already existing 44.1 acre of impervious surface.

*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>.*

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Amendment 1 to 09C-015 authorizes the removal of a non-authorized levee and pond, and recontour of the site to an open channel with natural contours, as follows:

1. Place water diversions as originally planned and certified to construct Drainage System (DS) 30, which includes the installation of a 48-inch reinforced concrete pipe (RCP) and construction of headwall and wing walls as described in the Drainage Plan sheet and Drainage Details sheet.
2. Excavate the levee and fill the pond restoring a natural open channel covering an area of 0.046-acre as described in the application for amendment 1.
3. Install permanent right-of-way fence to prevent further illegal access to the State's property.
4. Remove non-native vegetation at the site and implement the full range of storm water pollution prevention Best Management Practices (BMPs), including post-construction controls (treatment) of storm water.

#### **STANDARD CONDITIONS:**

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

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This Certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial Certification action (Actions 1 and 2) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

#### **ADDITIONAL CONDITIONS:**

In addition to the three standard conditions, Caltrans must satisfy the following:

##### **A. GENERAL CONDITIONS:**

1. Caltrans must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional

Water Quality Control Board, San Diego Region (Regional Board), to support this 401 Water Quality Certification (Certification) and all subsequent submittals required as part of this Certification and as described in Attachments 1 and 5. The conditions within this Certification must supersede conflicting provisions within such plans submitted prior to the Certification action. Any modifications thereto, would require notification to the Regional Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.

2. During construction, Caltrans must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.
3. Caltrans must permit the Regional Board or its authorized representative at all times, upon presentation of credentials:
  - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
  - b. Access to copy any records required to be kept under the terms and conditions of this Certification.
  - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
  - d. Sampling of any discharge or surface water covered by this Order.
4. Caltrans 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 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. 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.

7. In response to a suspected violation of any condition of this Certification, the Regional Board may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
8. In response to any violation of the conditions of this Certification, the Regional Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.

**B. PROJECT CONDITIONS:**

1. Prior to the start of the project, and annually thereafter, Caltrans must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
2. Caltrans 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 materials that have received State Water Quality Certification. These General Waste Discharge Requirement are accessible at:  
[http://www.waterboards.ca.gov/cwa401/docs/generalorders/go\\_wdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf).
3. Caltrans must notify the Regional Board in writing at least **10 days** prior to the actual commencement of dredge, fill, and discharge activities.
4. Caltrans must comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-06-DWQ, NPDES No. CAS000003, the NPDES Permit for Statewide Storm Water Permit and Waste Discharge Requirements (WDRs) for the State of California, Department of Transportation (Caltrans), July 1999.
5. The treatment, storage, and disposal of wastewater during the life of the project must be done in accordance with waste discharge requirements established by the Regional Board pursuant to CWC § 13260.
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.

**C. CONSTRUCTION STORM WATER MANAGEMENT:**

1. A qualified biological monitor shall be present at all pre-construction and pre-grading meetings and shall be onsite during all vegetation removal, grading, or filling of any drainage on the project site. Furthermore, the biological monitor shall be present when grading is conducted within 100 feet of any drainage on the property.
2. Construction monitoring reports shall be submitted quarterly during all grading activities associated with the proposed project. Construction monitoring reports shall include, but not be limited to the following:
  - a. Names, qualifications, and affiliations of the persons contributing to the report;
  - b. Summary of construction activities that include general locations of active construction areas, types and location of sediment and erosion control BMPs being implemented, approximate acreage of disturbed areas;
  - c. Quantification of impacts to waters of the U.S. authorized under this Order;
  - d. Summary of any problems, resolution, and discharge notifications that occurred during this monitoring period; and
  - e. Photo-documentation of construction activities, and erosion and sediment control BMP implementation.

**D. 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. The post-construction structural treatment BMPs that will be implemented to treat and control storm water runoff from the project shall include a treatment train of vegetated Biofiltration strips and vegetated Biofiltration swales, as proposed in the April 2009 *Storm Water Data Report for State Route 76 Melrose Dr to South Mission Rd Highway Improvement Project*. Structural treatment BMPs will treat no less than 63 percent of the total proposed roadway upon completion.
3. Structural treatment BMPs shall be sized in accordance with the design specifications contained in the May 2007 *Caltrans Project Planning and Design Guide*.
4. Structural treatment BMPs shall be constructed as soon as is feasible during project construction. Biofiltration Swales and Biofiltration Strips must be vegetated with appropriate sod immediately upon finished construction of the BMPs.
5. Preventive and corrective maintenance procedures for Biofiltration Strips and Swales will be performed as outlined in Appendix C, Section C.23.1 of the May 2003, *Caltrans Stormwater Quality Handbook: Maintenance Staff Guide* (Caltrans Document CTSW-RT-02-057).
6. 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.
7. If, during the course of design and construction of the project, additional right-of-way is acquired which would allow for the incorporation of additional Caltrans stormwater treatment BMPs into the project, Caltrans shall design and implement additional treatment BMPs, and provide notification to the Regional Board of any additional BMP location and design.

**E. COMPENSATORY MITIGATION FOR LOSS OF WATERS OF THE U.S./STATE:**

1. Permanent Impacts to jurisdictional waters of the U.S. subject to this certification shall not exceed the following:

Jurisdictional Area	Acres
OHWM *	0.06
Unvegetated Waters	0.42
Wetlands	1.35
<b>Total</b>	<b>1.83</b>



\*Ordinary high water mark areas include drainages that fall within riparian and wetland habitats, but do not meet the criteria of the other wetlands.

2. Mitigation for permanent impacts to 1.83 acres of Waters of the U.S. have been mitigated in advance at a 1:1 ratio by the deduction 1.83 acres of excess riparian mitigation credits at the Pilgrim Creek Mitigation Bank in accordance with Option B, contained in the October 2008 *Wetland Mitigation Plan for the State Route 76 Highway Improvement Project*.
3. Temporary Impacts to jurisdictional waters of the U.S. shall not exceed the following:

Jurisdictional Area	Acres
OHWL *	0.04
Unvegetated Waters	0.498 0.45
Wetlands	3.82
<b>Total</b>	<b>4.358 4.31</b>

4. Caltrans 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 and/or natural<sup>1</sup> contours and removal of non-native invasive plant species and revegetation with native species. Restored areas of temporary impacts shall provide similar or better functions as the habitat impacted.
5. Caltrans will provide a revegetation plan for temporary impacts for review by the Regional Board prior to initiation of construction activities.
6. 23.25 acres of permanent and 18.63 acres of temporary impacts to Waters of the State, under the jurisdiction of the California Department of Fish and Game will be mitigated by Caltrans in accordance with the mitigation ratios included under Option B, contained in the October 2008 *Wetland Mitigation Plan for the State Route 76 Highway Improvement Project*, and as documented in Attachment 5 of this certification.
7. Caltrans must notify the Regional Board in writing at least **10 days** prior to the actual commencement of mitigation installation, and completion of mitigation installation.

<sup>1</sup> Natural contours means removal of the levee (see 'Levee constructed by tenant' shown on figure 1 dated 10-20-2010 by L. Kemp) across an unnamed stream channel and re-grading of the 0.046-acre ponded area to the natural contours shown on 'Drainage Plan D-9' dated 01-27-2010 and 'Drainage Details DD-25' dated 02-25-2010.

8. Throughout the mitigation monitoring program mitigation areas must be maintained 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 onsite or offsite mitigation areas.
9. If at any time during the implementation and establishment of the mitigation area(s), and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation area, Caltrans is responsible for repair and replanting of the damaged area(s).
10. Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful. Annual monitoring reports must be submitted prior to **January 1** of each year. Monitoring reports must include, but not be limited to, the following:
  - a. Names, qualifications, and affiliations of the persons contributing to the report;
  - b. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data, including at a minimum;
  - c. Topographic complexity characteristics at each mitigation site;
  - d. Upstream and downstream habitat and hydrologic connectivity;
  - e. Source of hydrology;
  - f. Width of native vegetation buffer around the entire mitigation site;
  - g. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
  - h. Photodocumentation from established reference points;
  - i. A Survey report documenting boundaries of mitigation area; and
  - j. Other items specified in the final October 2008 *Wetland Mitigation and Monitoring Plan for the State Route 76 Melrose to Mission Highway Improvement Project*
11. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the U.S./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 as the return of natural/historic functions to a site where vegetated or unvegetated waters of the U.S./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 U.S./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 U.S./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 U.S./State (e.g., conservation easement).

**F. STREAM PHOTO DOCUMENTATION PROCEDURE:**

1. Caltrans must conduct photo documentation of the project site, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation areas, including all areas of permanent and temporary impact, prior to and after project construction. Monthly aerial photo documentation of the project will be conducted in accordance with Caltrans approved protocols. Site specific 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 6. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced. Caltrans shall submit this information in a photo documentation report to the Regional Board with the Mitigation Maintenance and Monitoring 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 must submit Geographic Information System (GIS) shape files of the impact areas within 90 days of project impacts and of the mitigation area within 90 days of mitigation installation. 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.

3. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:
  - a. For a corporation, by a responsible corporate officer of at least the level of vice president.
  - b. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  - c. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
4. A duly authorized representative of a person designated in Items 3.a. through 3.c. above may sign documents if:
  - a. The authorization is made in writing by a person described in Items 3.a. through 3.c. above.
  - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
  - c. The written authorization is submitted to the Regional Board Executive Officer.
5. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:

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

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

Executive Officer  
California Regional Water Quality Control Board  
San Diego Region  
Attn: 401 Certification; Project No. 09-015  
9174 Sky Park Court, Suite 100  
San Diego, California 92123

6. Required Reports: The following list summarizes the reports, excluding spill notifications and emergency situations, required per the conditions of this Certification to be submitted to the Regional Board.

Report Topic	Certification Condition	Due Date(s)
Commencement of Discharge Notification	B.3	10 days prior to initiation of discharge
Construction Monitoring Report	C.2	Quarterly until project completion
Mitigation Initiation notification	E.7	10 days prior to initiation of Mitigation Construction
Annual Mitigation Monitoring Report	E.10	December 1, Annually
Stream Photodocumentation	F.1	December 1, Annually with Mitigation Monitoring Report
GIS Reporting	G.1	Within 90 days of impacts, and within 90 days of mitigation installation

**PUBLIC NOTIFICATION OF PROJECT APPLICATION:**

On February 25, 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:**

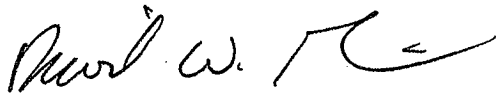
Linda Pardy, Central Watershed Unit  
 California Regional Water Quality Control Board, San Diego Region  
 9174 Sky Park Court, Suite 100  
 San Diego, CA 92123  
 858-627-3932  
 LPardy@waterboards.ca.gov

**WATER QUALITY CERTIFICATION:**

I hereby certify that the proposed discharge from the State Route 76 – Melrose Drive to South Mission Road Highway Improvement Project (Project No. 09C-015) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality

Certification (General WDRs)," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017 DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the Regional Board may issue waste discharge requirements at that time.

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



DAVID W. GIBSON  
Executive Officer  
Regional Water Quality Control Board

12/14/10  
Date

- Attachments:
1. Project Information
  2. Distribution List
  3. Location Map
  4. Site Diagrams
  5. Mitigation & Impacts table
  6. Stream Photodocumentation Procedure

**ATTACHMENT 1  
PROJECT INFORMATION**

Applicant: California Department of Transportation  
Attention: Mr. Mark Phelan, Project Manager  
District 11, MS-122  
4050 Taylor Street  
San Diego, CA 92110-2737  
  
Email: [Mark\\_Phelan@dot.ca.gov](mailto:Mark_Phelan@dot.ca.gov)  
Phone: (619) 688-6803

Applicant Representatives: California Department of Transportation  
Attention: Mr. Bruce April, Chief Environmental Stewardship  
District 11, MS-122  
4050 Taylor Street  
San Diego, CA 92110-2737  
  
Email: [Bruce\\_April@dot.ca.gov](mailto:Bruce_April@dot.ca.gov)  
Phone: (619) 688-6998

Project Name: State Route 76 – Melrose Drive To South Mission Road

Project Location: The project area is located on State Route 76 starting in the City of Oceanside at post mile 7.6 and ending in the community of Bonsall at post mile 13.1.

Type of Project: Highway widening project

Need for Project: The project will improve mobility, and reduce current congestion along the SR-76 Corridor consistent with the goals of the SANDAG 2030 Regional Transportation Plan.

Project Description: The proposed project would expand about 5.8 miles of the existing two-lane conventional highway to four-lanes with right-of-way and grading to accommodate an ultimate six-lane facility. The existing San Luis Rey Bridge would remain for westbound only traffic post-construction and a new bridge would be built for eastbound only traffic. The existing Bonsall Creek box culvert would be lengthened to the south to accommodate the widened SR-76. The existing Ostrich Creek box culvert would be demolished and a new bridge would be constructed to accommodate the road widening and a wildlife corridor. The project would result in an additional 28.1 acre of new impervious surface, in addition to the already existing 44.1 acre of impervious surface.

Federal Agency/Permit: U.S. Army Corps of Engineers §404 (Individual), File No. SPL-2005-2063, Phoung H. Trinh

Other Required Regulatory Approvals: California Department of Fish and Game Section 1602 Streambed Alteration Agreement, Pam Beare

California Environmental Quality Act (CEQA) Compliance: SR-76 Melrose to South Mission Final Environmental Impact Report, November 2008, SCH# 2005101140, Lead Agency – Caltrans

Receiving Water: San Luis Rey River  
Vista Creek  
Bonsall Creek  
Ostrich Farm Creek  
Un-named tributaries to San Luis Rey

Affected Waters of the United States:

Temporary:	
Wetland:	3.82
Riparian:	0
Streambed:	0.04
Lake	0.450 <u>0.498</u>
Permanent:	
Wetland:	1.35
Riparian	0
Streambed:	0.06
Lake	0.42

Affected Waters of the State:

Temporary:	
Wetland:	0
Riparian:	11.4
Streambed:	0
Lake	0
Permanent:	
Wetland	0
Riparian:	20.83
Streambed	0
Lake	0

Dredge Volume: n/a

Related Projects Implemented/to be Implemented by the Applicant(s): Caltrans and SANDAG are in the environmental review process for the next phase of the SR-76 widening project which will widen State Route 76 from Mission Road to Interstate 15.

Compensatory Mitigation: Compensatory mitigation for permanent impacts to waters of the US have been mitigated with existing credits from the Pilgrim Creek Mitigation Bank. Mitigation for impacts to Waters of the State not under Federal Jurisdiction will be in accordance with the ratios set forth in attachment 5 of this certification.



Best Management Practices (BMPs):

Construction based best management practices will be employed during construction in accordance with Caltrans Statewide Stormwater permit requirements.

Post construction structural treatment BMPs will be implemented in accordance with the April 2009 *Stormwater Data Report for State Route 76 Melrose Dr. to South Mission Road Highway Improvement Project*. Storm water will be treated by a treatment train of BMPs consisting of vegetated Biostrips receiving sheet flow from the roadway and Bioswales. These treatment BMPs will treat 63% of the projects total impervious surface.

Public Notice:

On February 25, 2009, receipt of the project application was posted on the SDRWQCB web site to serve as appropriate notification to the public.

Fees:

Total Due: \$34,451.00  
Total Paid: \$34,451.00 (Check No. 082-294133, 082-308952 )

CIWQS:

Regulatory Measure ID: 361611  
Place ID: 734024  
Party ID: 7549

**ATTACHMENT 2  
DISTRIBUTION LIST**

**Electronic Distribution via e-mail:**

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[R9-WTR8-Mailbox@epa.gov](mailto:R9-WTR8-Mailbox@epa.gov)

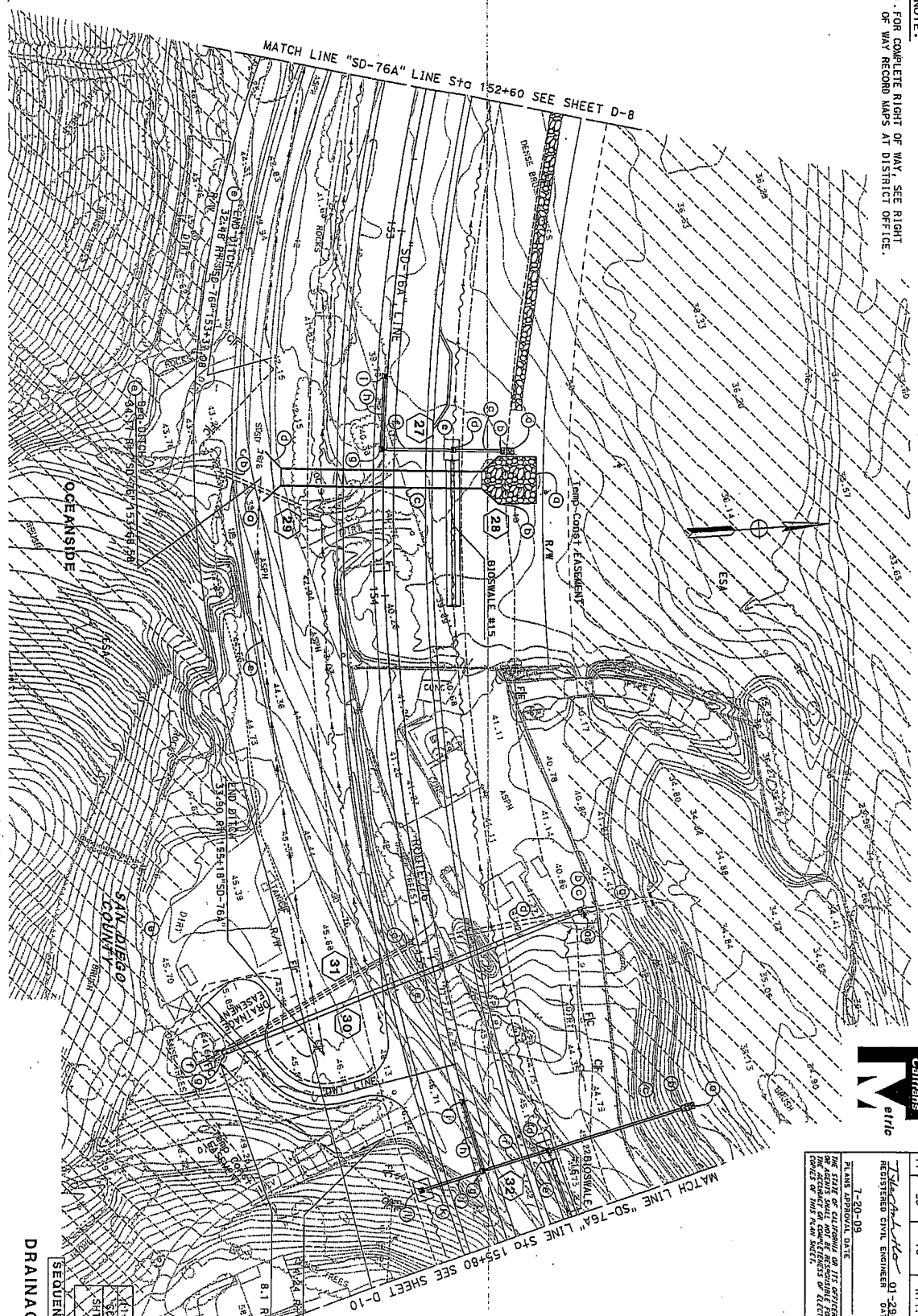


BORDER LAST REVISED 3/1/2007

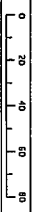
STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION <b>Caltrans</b> PROJECT DEVELOPMENT	FUNCTIONAL SUPERVISOR CARL SAVAGE	CALCULATED-DESIGNED BY NICK ROBERTS	REVISOR DATE REVISED
		CHECKED BY SAMUEL MCHORTER	

NOTE:  
1. FOR COMPLETE RIGHT OF WAY, SEE RIGHT OF WAY RECORD MAPS AT DISTRICT OFFICE.

THIS PLAN ACCURATE FOR DRAINAGE WORK ONLY.



RELATIVE HORIZONTAL SCALE  
1" = 100 METERS



VERTICAL SCALE  
1" = 10 METERS

CU 11227

ALL DIMENSIONS ARE IN METERS  
UNLESS OTHERWISE SHOWN.

SCALE 1:500

**DRAINAGE PLAN**  
D-9  
SEQUENCE 2 PLAN

K1-080104	DATE PLOTTED => 26-OCT-2010
SHIT	TIME PLOTTED => 09:05
NOB	



Sheet	COUNTY	ROUTE	ESTIMATED COST	SHEET TOTAL
11	50	76	R11.7/21.1	282 1204

REGISTERED CIVIL ENGINEER DATE

7-20-09

PLANS APPROVAL DATE

THE STATE OF CALIFORNIA OR ITS OFFICERS  
DO NOT WARRANT, GUARANTEE, OR  
ACCEPT ANY LIABILITY FOR THE USE OR  
RESULTS OF THIS PLAN SHEET.

REGISTERED CIVIL ENGINEER  
TYLER A. MO  
No. C567371  
Exp. 8-30-10  
CIVIL