



California Regional Water Quality Control Board, San Diego Region

July 18, 2014

Certified Mail – Return Receipt Requested Article Number: 7011 0470 0002 8952 6123

Rob Rundle Principal Regional Planner San Diego Association of Governments 401 B Street, Suite 800 San Diego, CA 92101-1905

In reply/refer to: mporter:775780

Subject: Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification No. 11C-118 for the Sorrento Valley Double Track Project

Mr. Rob Rundle:

Enclosed find Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification No. 11C-118 (Certification Amendment) issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) in response to an amendment request submitted by the San Diego Association of Governments (SANDAG) for the Sorrento Valley Double Track Project (Project). The Certification Amendment shows changes in underline/strikeout format to indicate added and removed language. Water Quality Certification No. 11C-118 has also been enclosed for your reference.

Failure to comply with this Certification Amendment may subject SANDAG to enforcement actions by the San Diego Water Board including administrative enforcement orders requiring SANDAG 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.

In the subject line of any response, please include reference number mporter:775780. For questions or comments, please contact Mike Porter by telephone at (619) 521-3967 or by email at mike.porter@waterboards.ca.gov.

Respectfully,

James G. Smith, AEO for DAVID W. GIBSON Executive Officer

HENRY ABARBANEL, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

2375 Northside Drive, Suite 100, San Diego, CA 92108 | (619) 516-1900 | www.waterboards.ca.gov/sandiego



Mr. Rob Rundle Amendment No. 1 Certification No. 11C-118

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 11C-118 for the Sorrento Valley Double Track Project

Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification No. 11C-118 for the Sorrento Valley Double Track Project

DWG:jgs:dtb:kkd:mgp

CC:

U.S. Army Corps of Engineers, Regulatory Branch San Diego Field Office Ms. Meris Bantilan-Smith meris.bantilan-smith@usace.army.mil

California Department of Fish and Game South Coast Region Habitat Conservation Planning – South Ms. Kelly Fisher kfisher@dfw.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

Tech Staff I	nfo & Use
Certification No.	11C-118
Party ID	7222
File No.	None
WDID	9 000002404
NPDES No.	None
Regulatory ID	382843
Place ID	775780
Person ID	524620
Inspection ID	None

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION

2375 Northside Drive, Suite.100, San Diego, CA 92108 Phone (619) 516-1990 • Fax (619) 516-1994 http://www.waterboards.ca.gov/sandiego/

Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification No. 11C-118

PROJECT: Sorrento Valley Double Track Project Certification Number 11C-118 WDID: 900002404

APPLICANT: San Diego Association of Governments 401 B Street Suite 800 San Diego, CA 92101-1905

Reg. Meas. ID: 381869 Place ID: 772336 Party ID: 524619 Person ID: 524620

On January 14, 2013, Clean Water Act Section 401 Water Quality Certification No. 11C-118 (Certification) was issued to the San Diego Association of Governments (Applicant) for the Sorrento Valley Double Track Project (Project). By letter dated June 16, 2014, the Applicant requested the Certification be amended to change the construction of 770 feet of drainage ditches from pervious to impervious bottoms, change the South Parking lot from impervious asphalt to Aqua Brick paving; and change the Bridge 248.7 abutment slope protection from buried articulated concrete block to buried riprap. The amendment request was made in response to the discovery of chlorinated solvent contaminated soil and ground water beneath the Project site. The proposed changes to the Project will allow for the management of contaminated soil, limit infiltration of surface water in the areas of contaminated soil, and reduce the potential spread of contaminated ground water. No additional jurisdictional impacts will occur as a result of the Project design changes.

Based on the Applicant's request and additional analysis, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is amending the Certification to change the proposed construction and post construction best management practices and update an outdated section of the Certification. Except as modified or superseded by the Certification modifications set forth below, all of the findings, provisions, and other requirements of Certification No. 11C-118 remain in full force and effect. The following changes are made to Certification No. 11C-118 and are shown in underline/strikeout format to indicate added and removed language:

Page 5, Section I. STANDARD CONDITIONS is replaced with the following:

Pursuant to section 3860 of title 23 of the California Code of Regulations, the following three standard conditions apply to all water quality certification actions:

A. <u>This Certification action is subject to modification or revocation upon</u> administrative or judicial review, including review and amendment pursuant to section 13330 of the Water Code and chapter 28, article 6 (commencing with title 23, section 3867), of the California Code of Regulations.

- B. <u>This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to California Code of Regulations title 23, section 3855 subdivision (b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.</u>
- C. <u>This Certification action is conditioned upon total payment of any fee required</u> <u>under title 23, chapter 28 (commencing with section 3830) of California Code of</u> <u>Regulations and owed by the applicant.</u>

Page 8, Section III.M ADDITIONAL CONDITIONS: CONSTRUCTION BEST MANAGEMENT PRACTICES is added as follows:

M. <u>Any on-site reuse of contaminated soil or ground water for project construction is</u> prohibited.

Page 9, Section IV.B ADDITIONAL CONDITIONS: POST-CONSTRUCTION BEST MANAGEMENT PRACTICES is modified as follows:

B. The Applicant must implement the post-construction BMPs as described in the Water Quality Technical Report <u>Addendum #1</u>, Sorrento Valley Double Track North & South Parking Lot Improvements, prepared by Project Design Consultants, and dated September 2012 <u>July 1, 2014</u>. Proposed BMPs include Low Impact Design, Source Control, and Treatment Control BMPs.

Project figures and exhibits are modified as follows:

Exhibit A: Post-Construction Bmp Site Plan And Drainage Management Areas dated 3/20/13 is replaced with Exhibit A: Post-Construction Bmp Site Plan And Drainage Management Areas dated 7/01/14.

Sorrento Valley Double Track Bridge 248.7 Replacement General Layout Sheet No. 1 of 36 is replaced with Sorrento Valley Double Track Bridge 248.7 Replacement General Layout Sheet No. 96 of 373.

Project figures and exhibits are added to the Certification as follows:

Figure A - Bridge 248.7 Buried Riprap Slope Protection.

<u>Sorrento Valley Double Track Grading and Drainage – Phase 1 Mt-1 Sta 191+00 to Sta</u> <u>213+00</u> and <u>Sorrento Valley Double Track Grading And Drainage – Phase 2 Mt-1 Sta</u> <u>191+00 To Sta 213+00</u>. Sorrento Valley Double Track Retaining Wall No.1 Plan and Profile Sta 218+75.00 To Sta 226+70.36.

- 3 -

Sorrento Valley Double Track North & South Parking Lot Improvements Title Sheet.

Sorrento Valley Double Track North & South Parking Lot Improvements Notes and Abbreviations.

Sorrento Valley Double Track North & South Parking Lot Improvements Title Sheet.

Sorrento Valley Double Track North & South Parking Lot Improvements Water Notes.

Sorrento Valley Double Track North & South Parking Lot Improvements Parking Lot Sections and Details.

Sorrento Valley Double Track North & South Parking Lot Improvements Title Sheet.

Sorrento Valley Double Track North & South Parking Lot Improvements Plan and Profile (North Parking Lot) Sd Sta 10+00.00 To Sd Sta 16+50.00.

Sorrento Valley Double Track North & South Parking Lot Improvements Plan and Profile (North Parking Lot) Sd Sta 16+50.00 To Sd Sta 20+21.86.

Sorrento Valley Double Track North & South Parking Lot Improvements Grading and Improvement Plan (South Parking Lot) Sta 16+29.45 To Sta 28+93.97.

Sorrento Valley Double Track North & South Parking Lot Improvements Striping, Signage and Horizintal Control Plan (North Parking Lot).

Sorrento Valley Double Trackcross Sections Mt-1 Sta 186+00 To Sta 187+00.

Sorrento Valley Double Track Typical Sections Sheet 1 Of 4 and Sheet 2 Of 4.

<u>Sorrento Valley Double Track Cross Sections Mt-1 Sta 186+00 To Sta 195+00, Mt-1 Sta 196+00 To Sta 204+00, Mt-1 Sta 205+00 To Sta 212+00, Mt-1 Sta 213+00 To Sta 219+00, Mt-1 Sta 220+00 To Sta 225+00, and Mt-1 Sta 226+00 To Sta 231+00.</u>

Notification. Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with the California Code of Regulations, title 23, sections 3867 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Certification Amendment. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

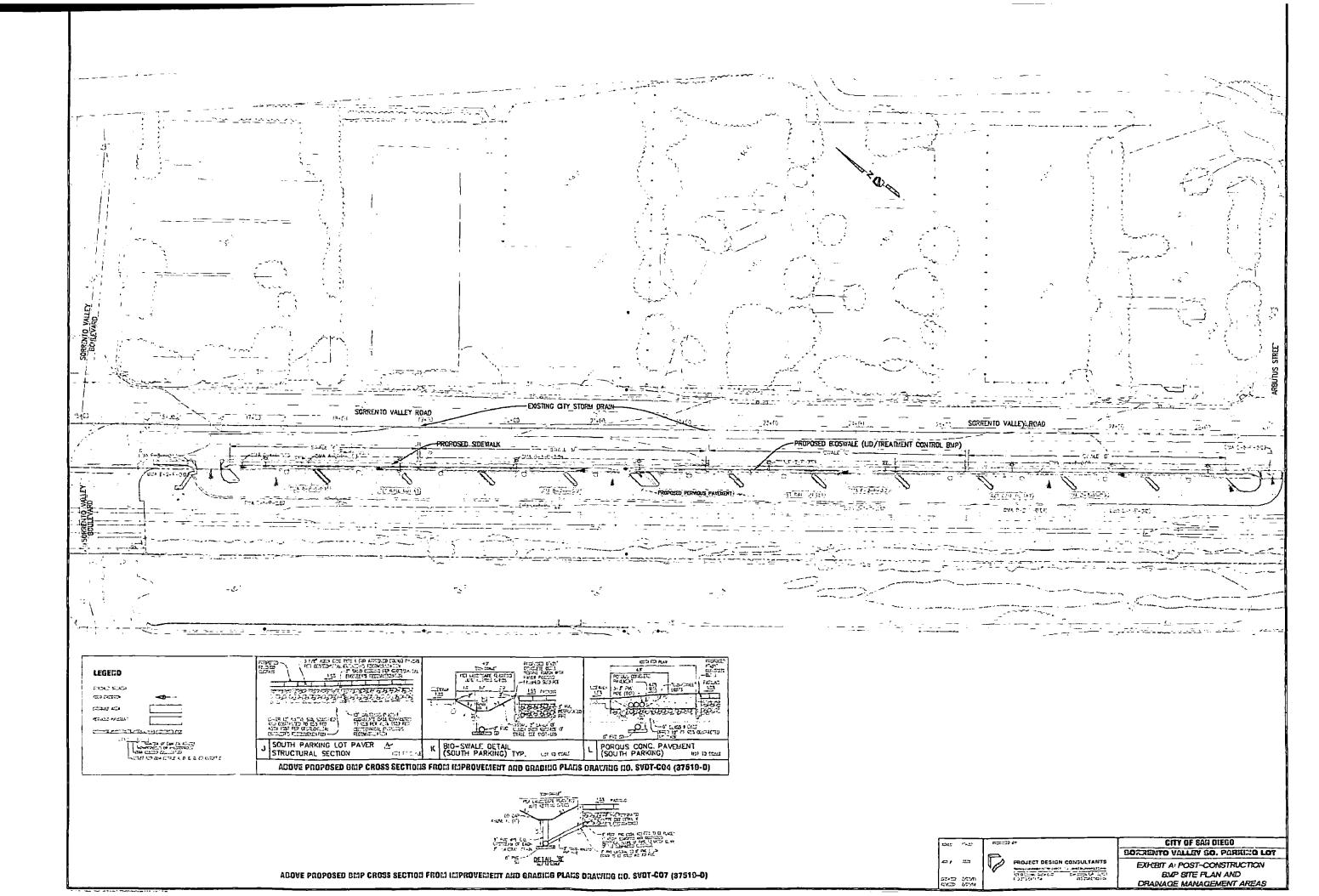
San Diego Association of Governments Sorrento Valley Double Track Project Amendment No 1 to Certification No. 11C-118 November 16, 2012 Amended on July 18, 2014

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Amendment No. 1 to Certification No. 11C-118 issued on July 18, 2014.

- 4 -

for David W. Gibson Executive Officer Regional Water Quality Control Board

18 July 2014 Date



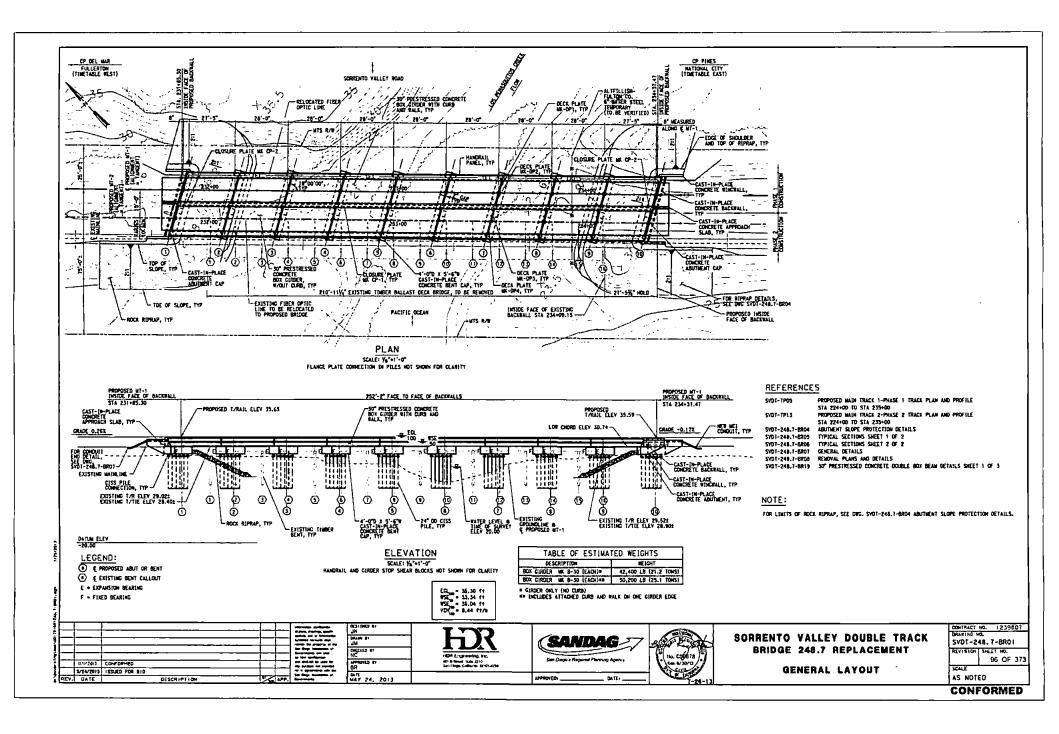
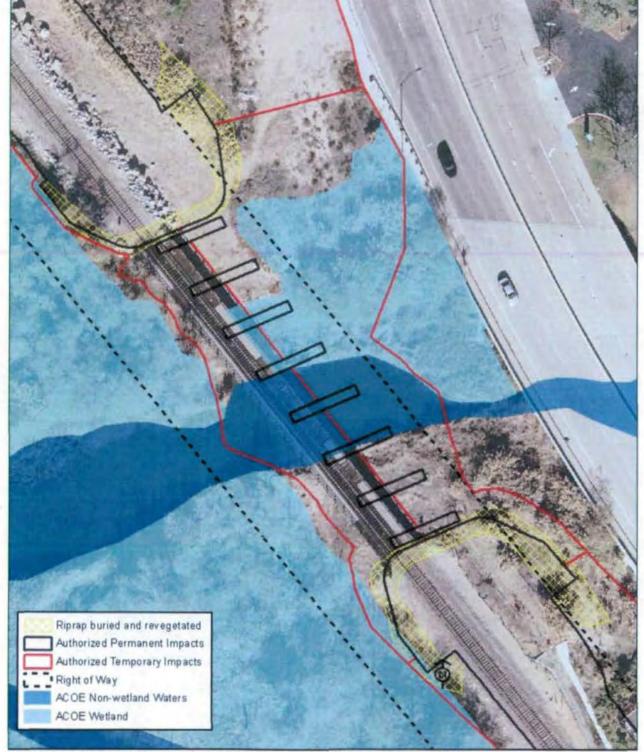
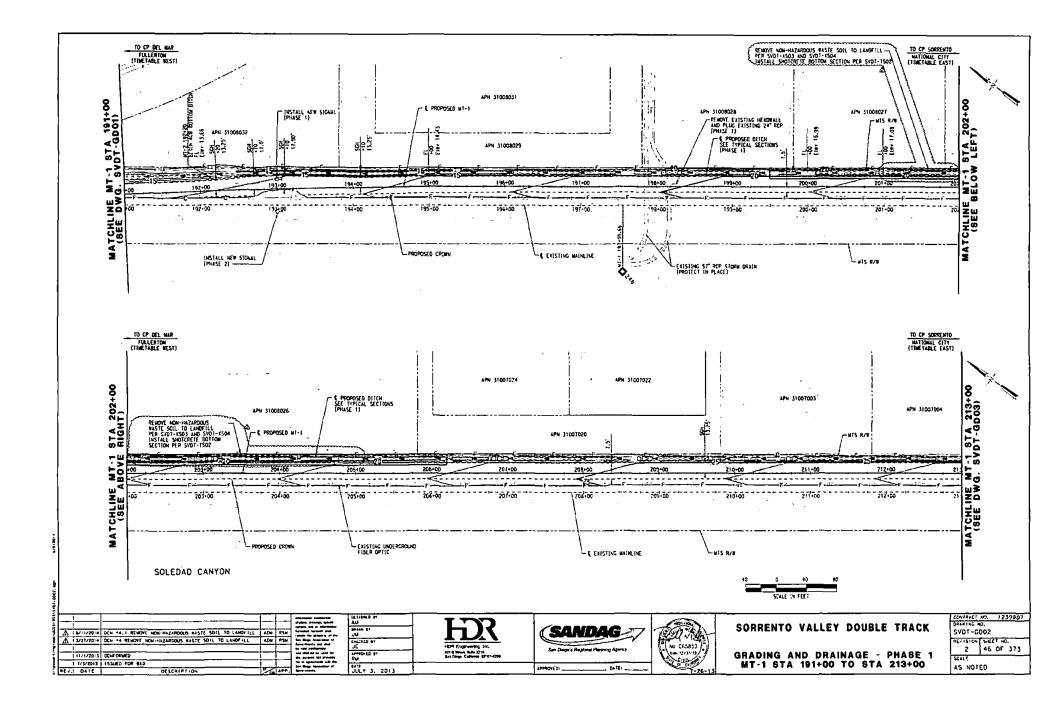
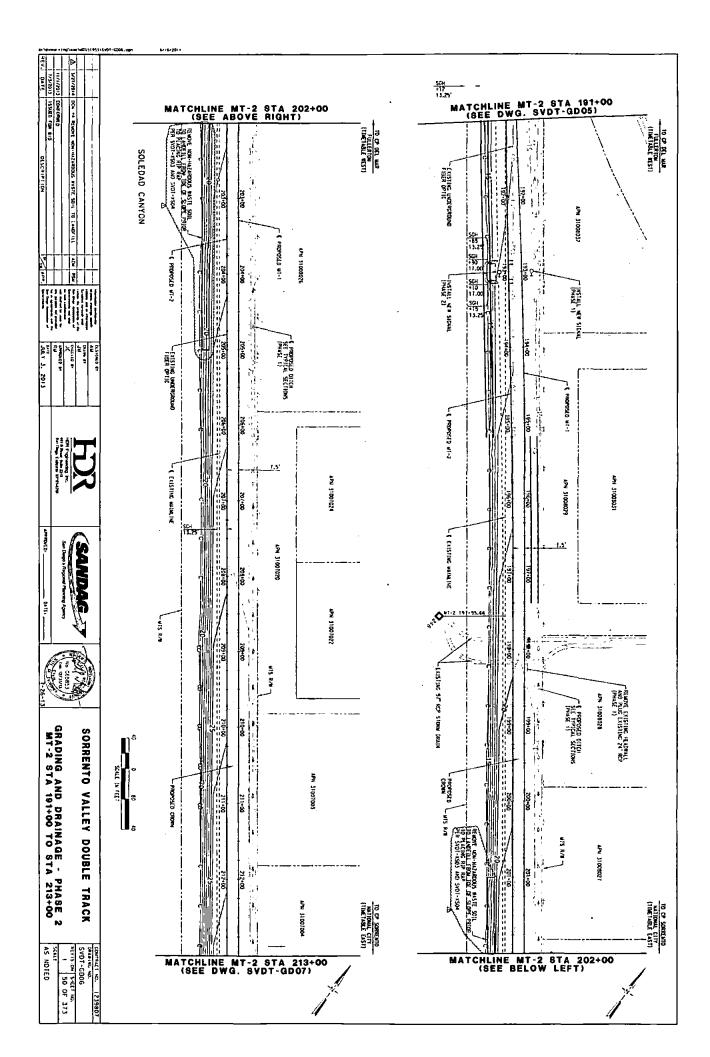


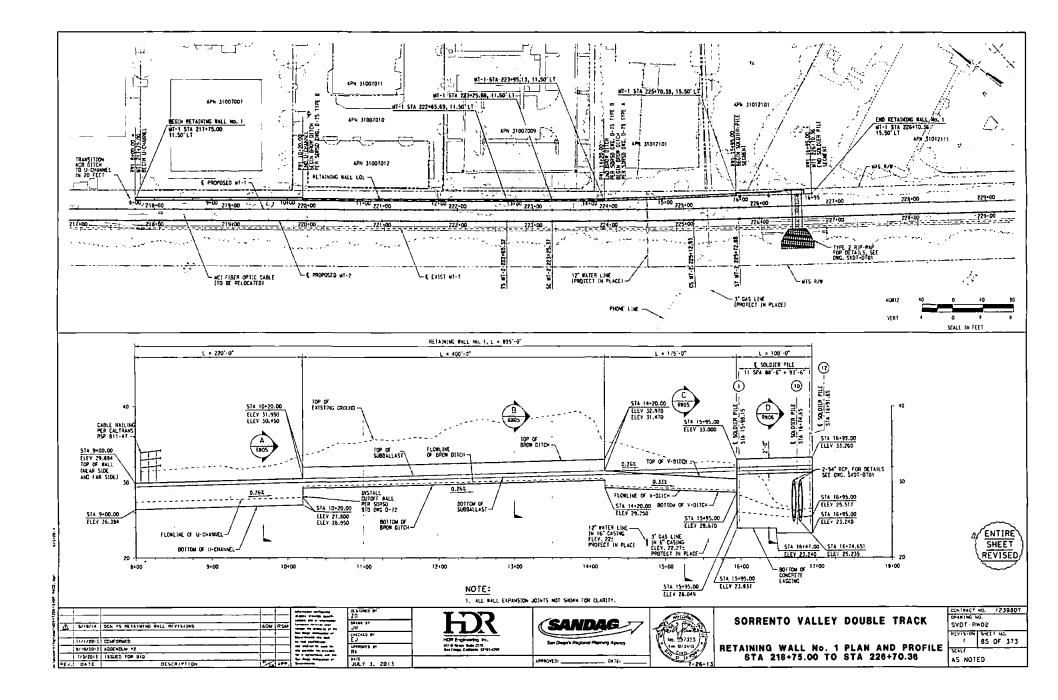
Figure A - Bridge 248.7 Buried Riprap Slope Protection



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& FOR SON FUE STE CITY RECORD S-324430

G. SHIELDS

JULY 3. 2013

ABBREVIATIONS ASPHALT COMPATIONARETE AMERICANS WITH DISABILITIES ACT

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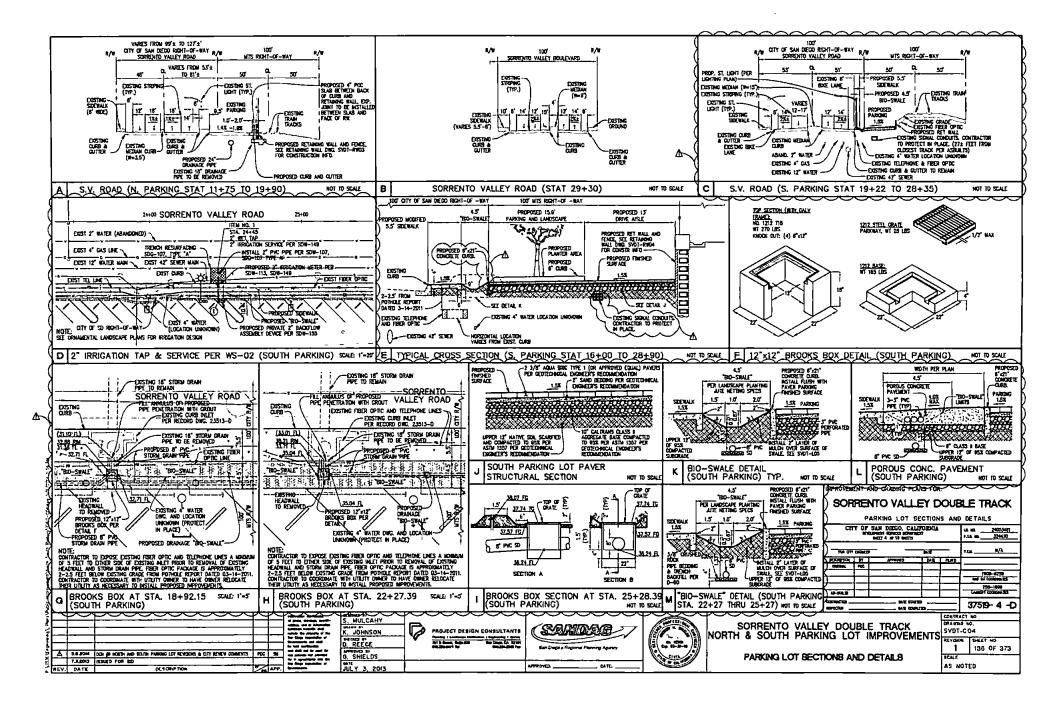
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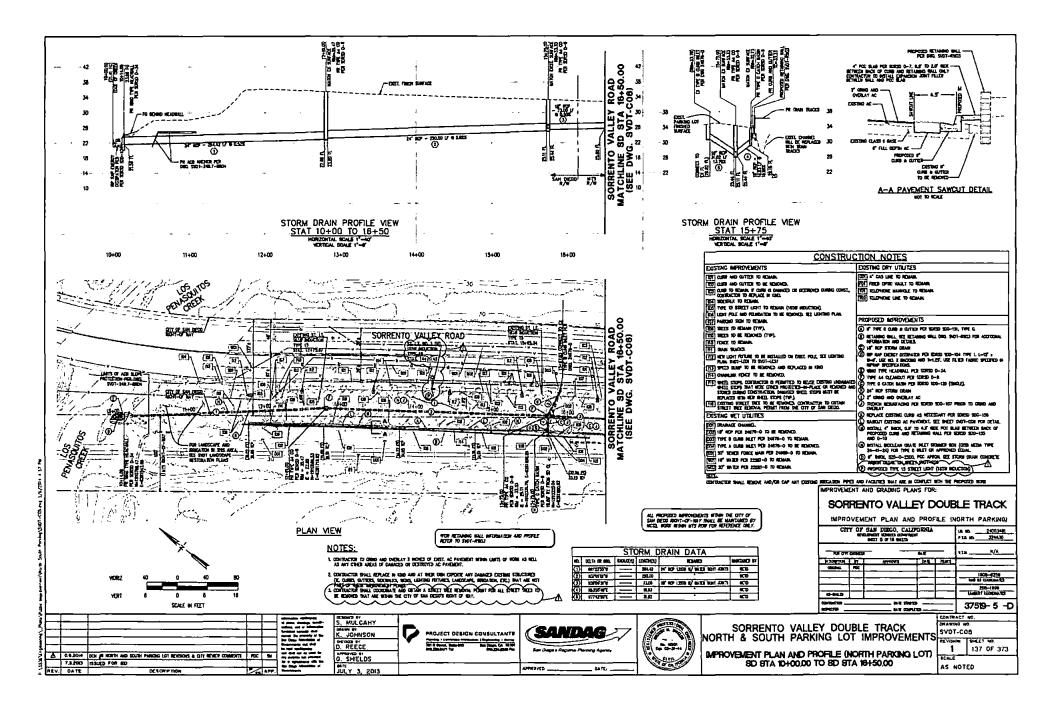
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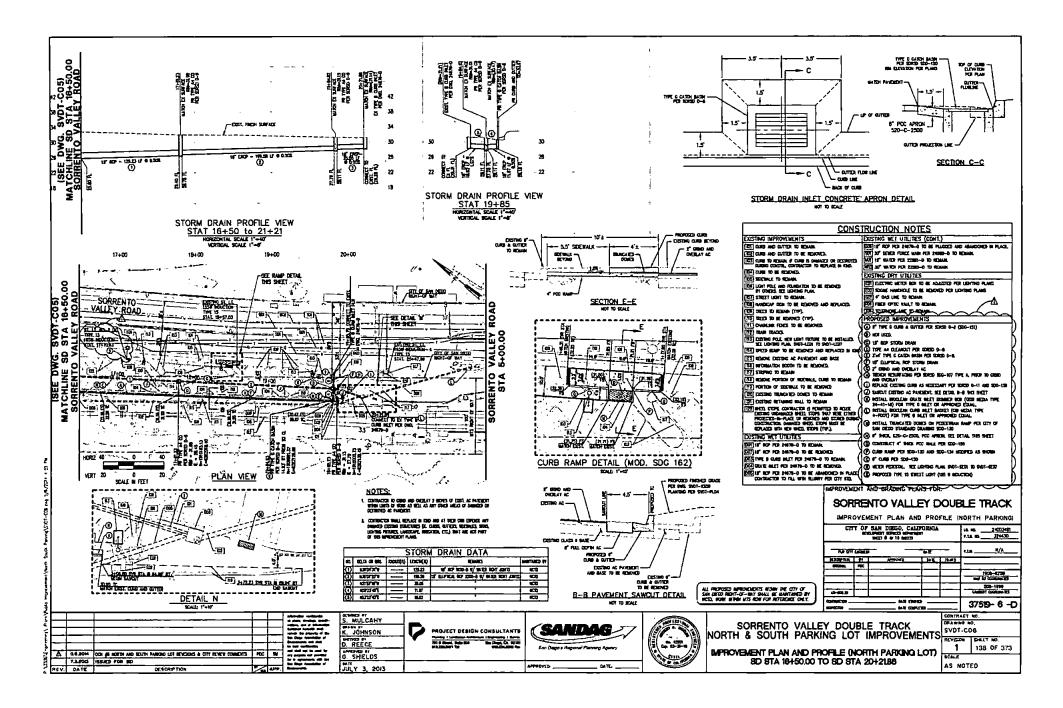
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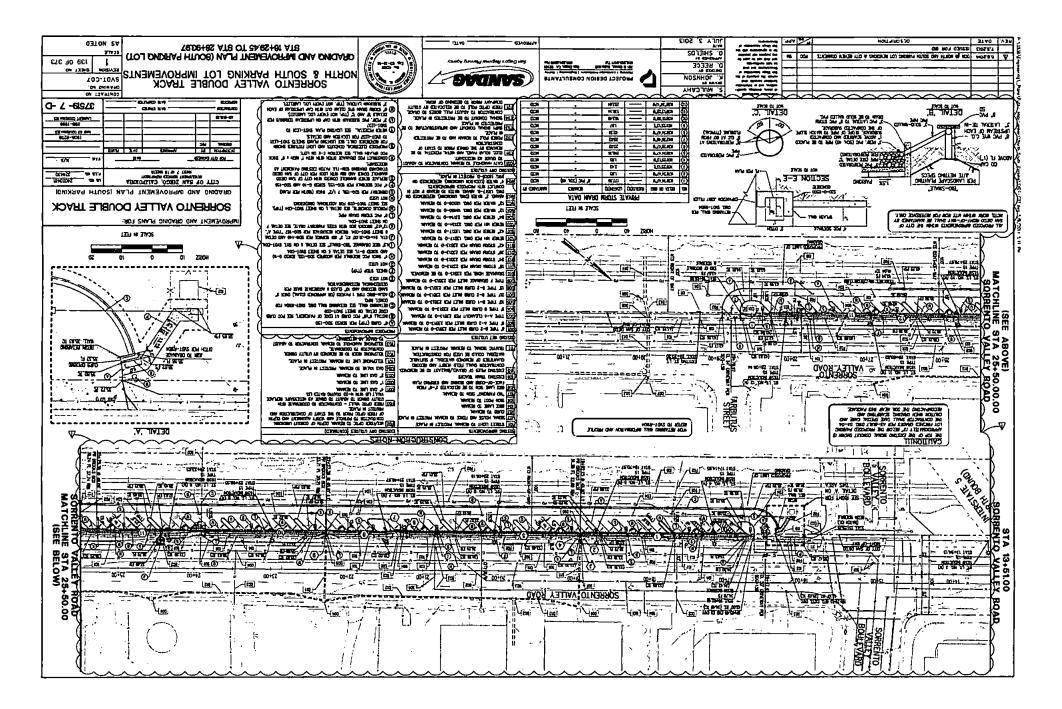
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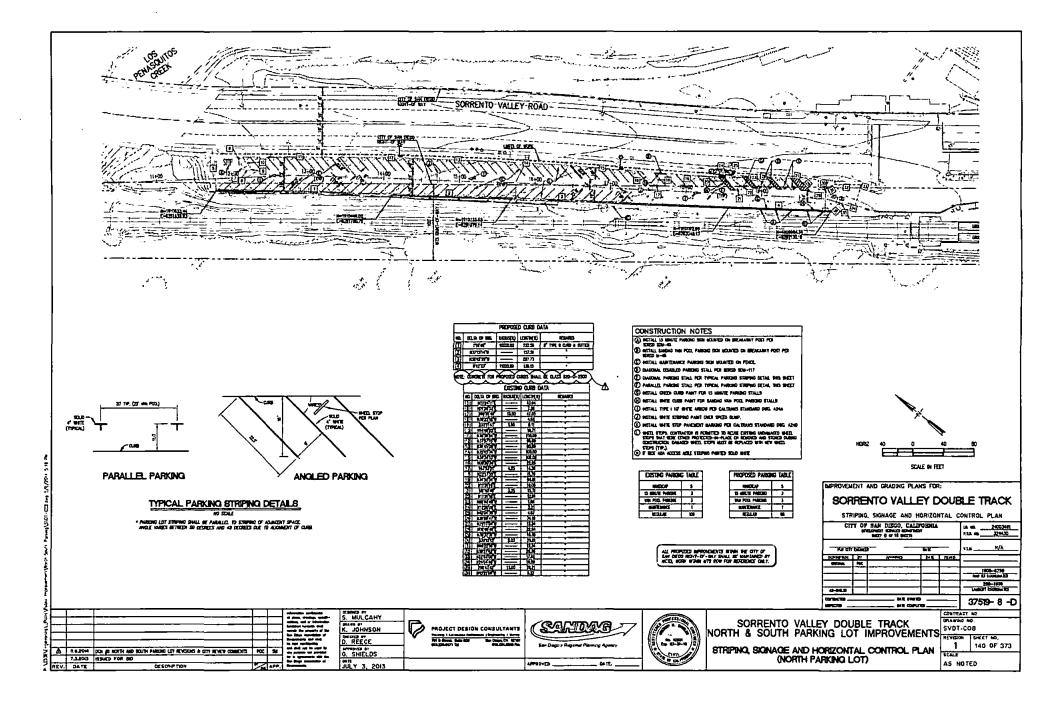
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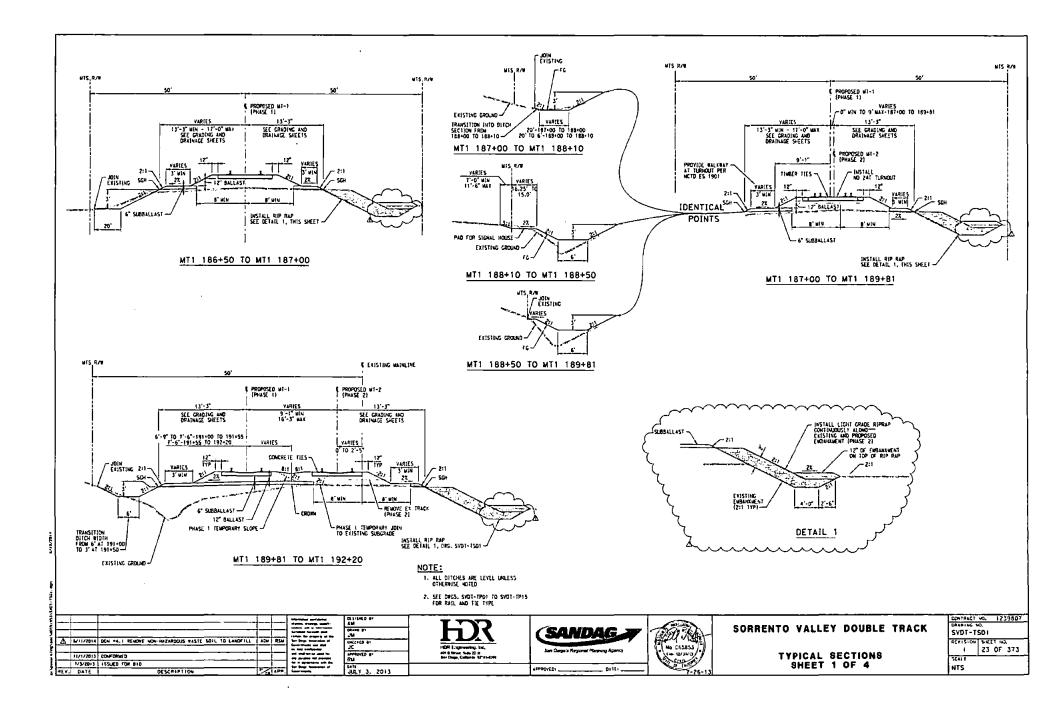


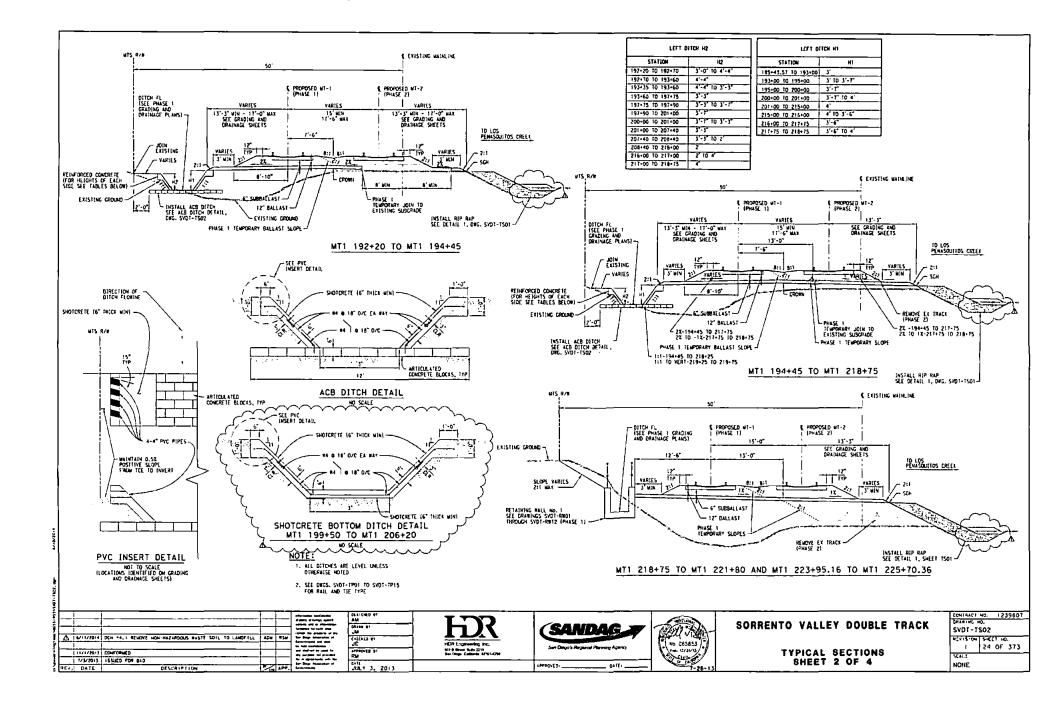


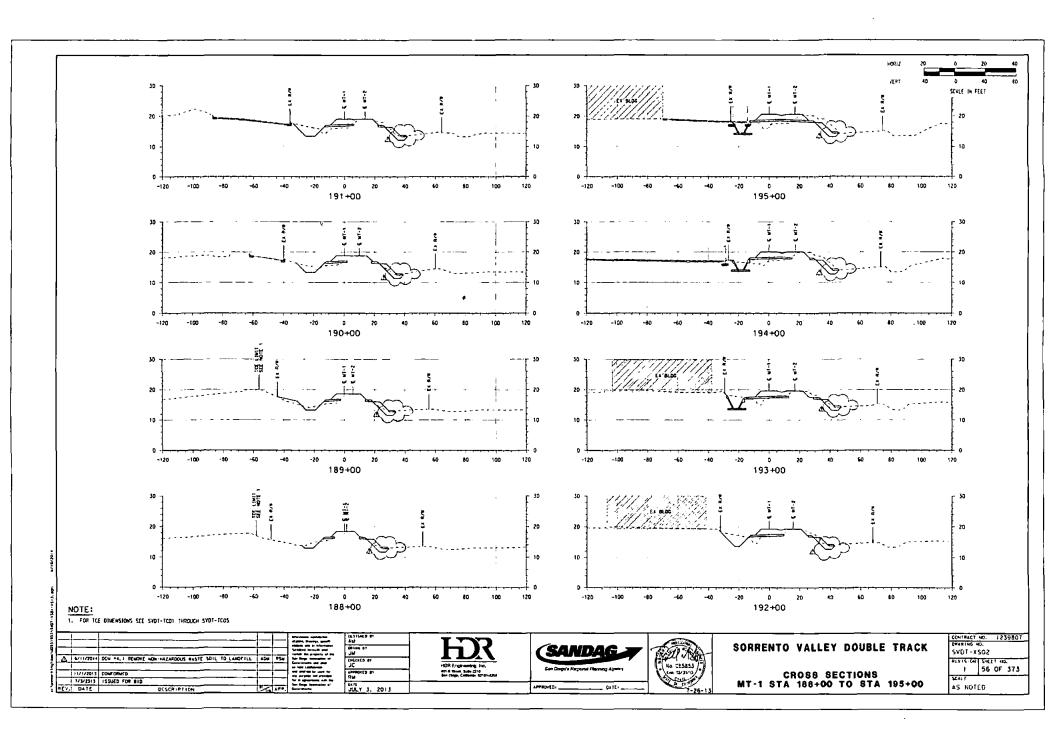


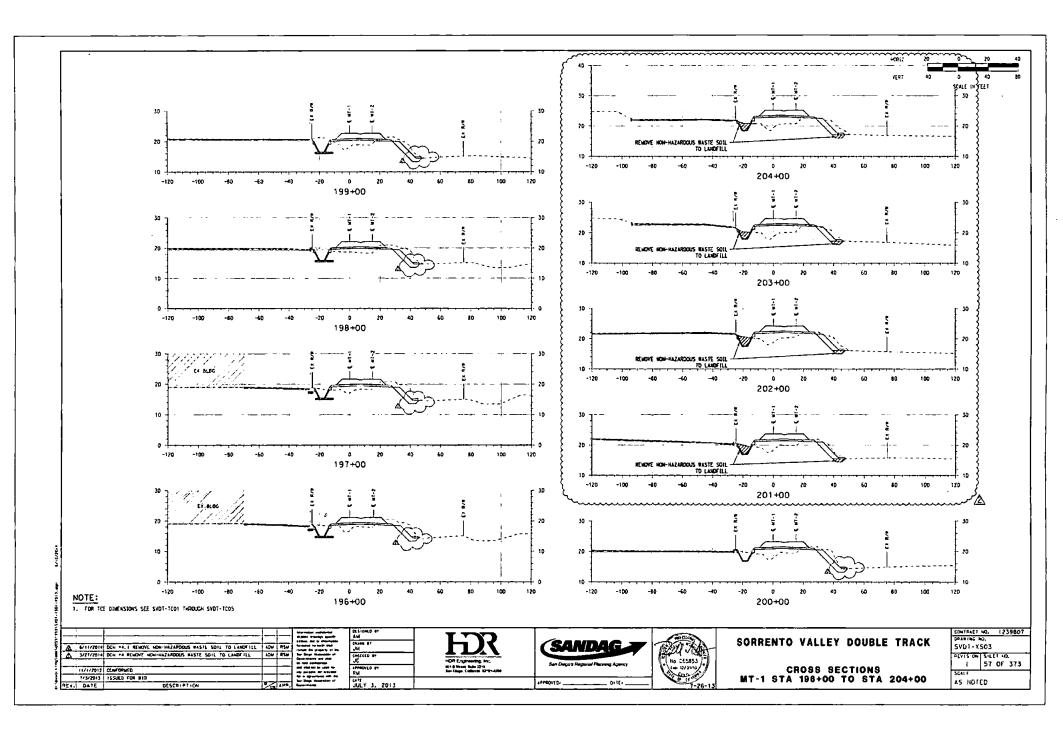


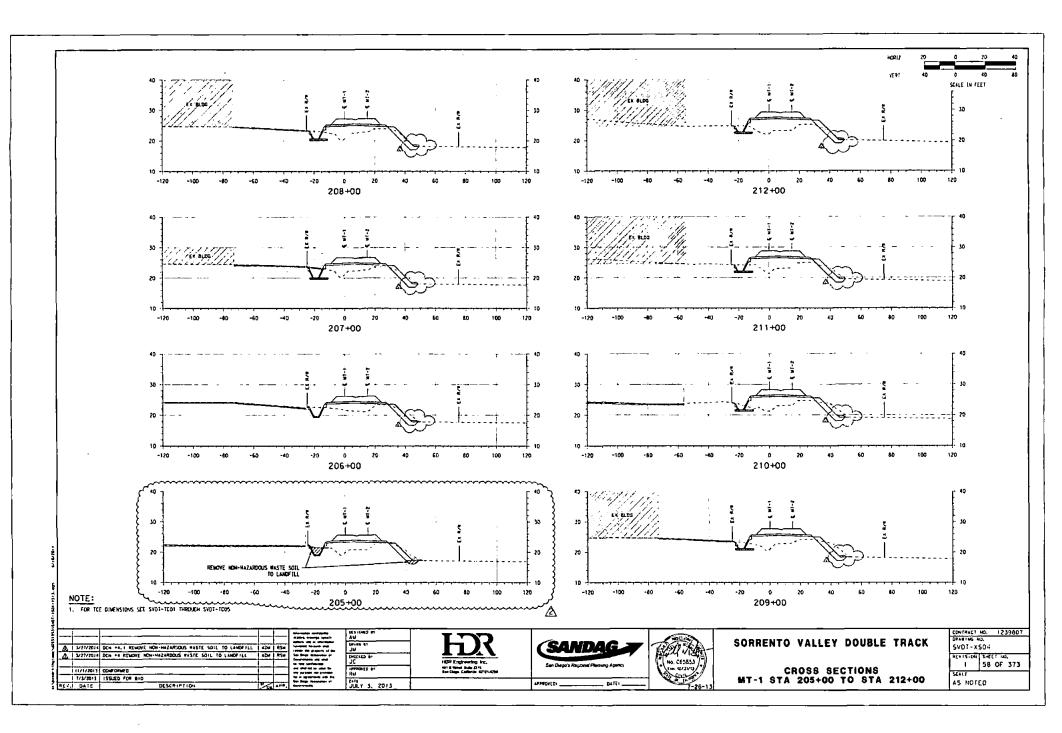
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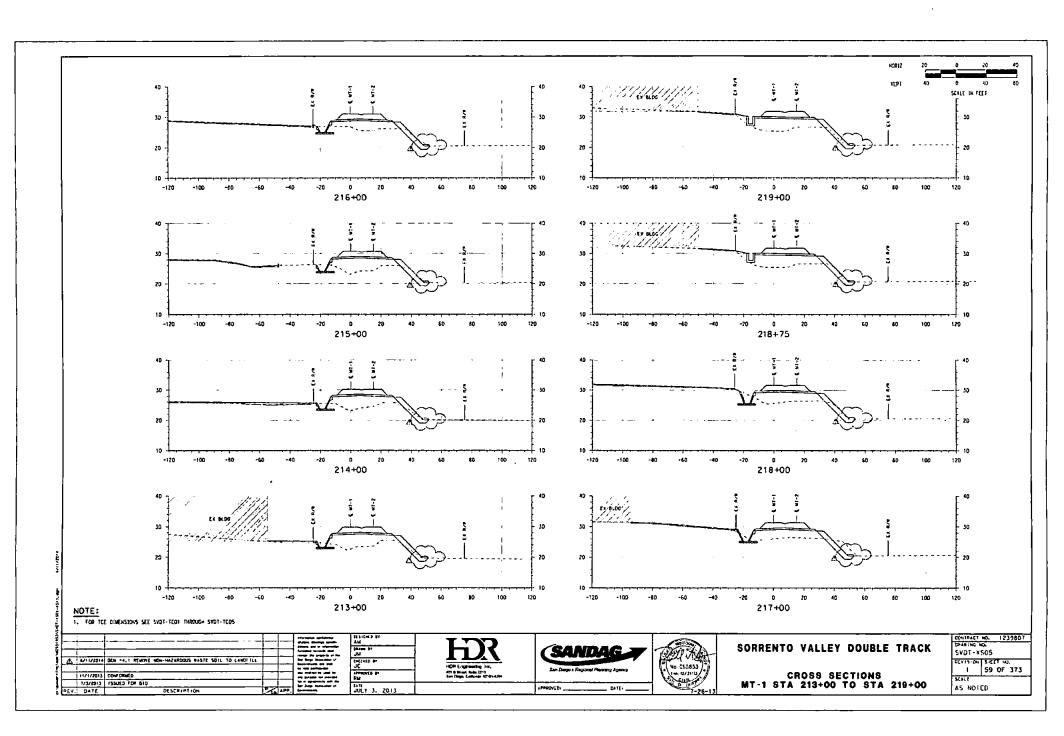


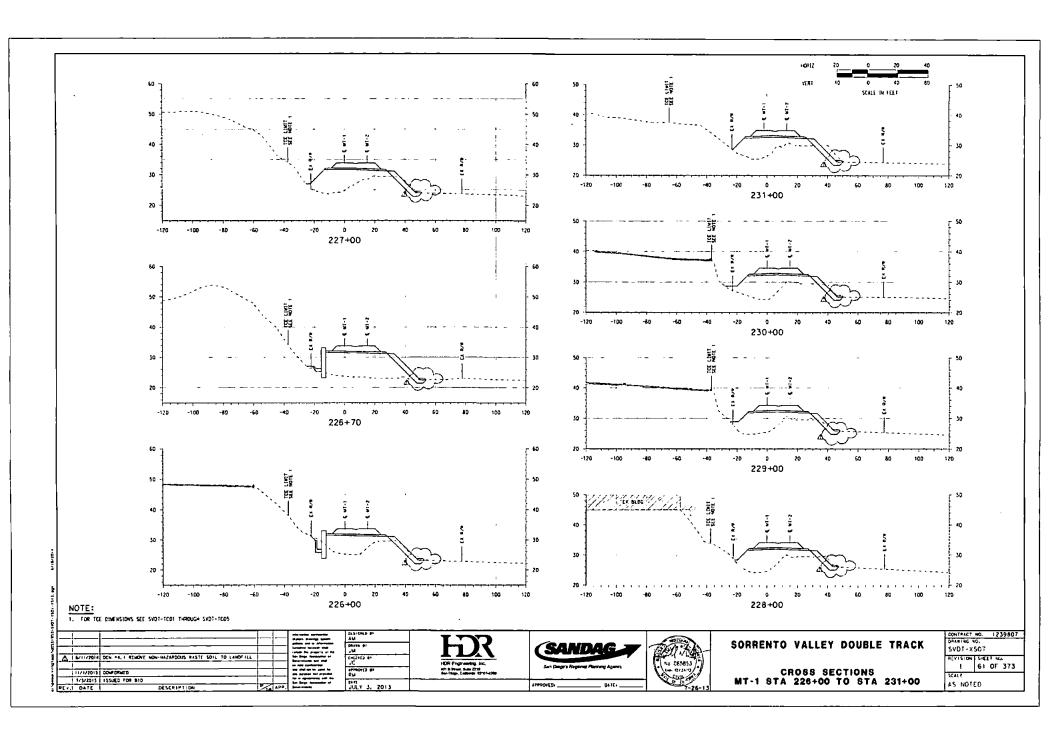


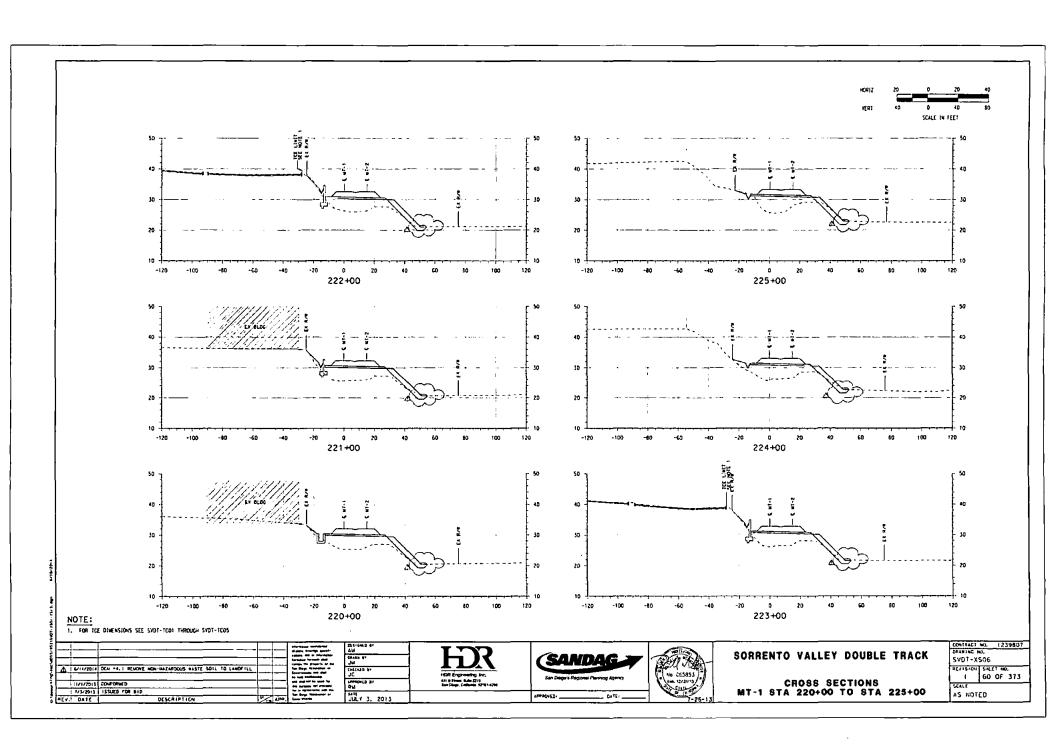
















California Regional Water Quality Control Board, San Diego Region

Action on Request for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Discharge of Dredged and/or Fill Materials

i

PROJECT: Sorrento Valley Double Track Project Water Quality Certification No. 11C-118 WDID: 9 000002404

APPLICANT: San Diego Association of Governments 401 B Street Suite 800 San Diego, CA 92101

Reg. Meas.	382843
Place	775780
Party	39834
Person	524620

I.

ACTION:

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

PROJECT DESCRIPTION:

The San Diego Association of Governments (SANDAG) proposes the Sorrento Valley Double Track Project (Project) to construct a second railroad track parallel to an existing track to reduce train traffic. The Project is located in Sorrento Valley, between Sorrento Valley Road and Soledad Canyon Creek, southeast of Los Penasquitos Lagoon, within the City of San Diego. The Project will consist of:

> GARY STRAWN, ACTING CHAIR | DAVID GIBSON, EXECUTIVE OFFICER 9174 Sky Park Court, Suite 100, San Diego, CA 92101 | (858) 467-2952 | www.waterboards.ca.gov/sandiego

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1) *Track Embankment:* A raised second track will be added 25 feet east of the existing track from Mile Post (MP) 247.8 to the Sorrento Valley Train Station (MP 248.9). The Project will modify the toe of the western embankment to expand the existing wetlands along Soledad Creek within the railroad Right-of-Way (ROW).

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2) Retaining Walls: Three retaining walls will be constructed. One retaining wall is required along the second track, between Bridge 247.7 and Bridge 248.5, due to its close proximity to the private property located east of the railroad ROW. The proposed retaining wall will incorporate a channel for local drainage. The second retaining wall supports the existing station parking lot. The third retaining wall supports the track at the southerly parking lot.

3) *Drainage:* A drainage ditch east of the proposed track will be constructed to provide for conveyance of local storm water to Bridge 247.7.

4) Bridge 247.7: Bridge 247.7 will be demolished and replaced in-line (same location) with the existing track and will be slightly shortened.

5) *Bridge 248.5:* Bridge 248.5 will be demolished and replaced with a track placed on top of two 54 inch diameter reinforced concrete pipes (RCP) that will be buried under compacted fill. These pipes will be buried one foot under proposed grade, creating a "soft bottom" culvert. The drainage beneath the existing bridge serves only as an overflow mechanism for Los Peñasquitos Creek during substantial rain events.

6) *Bridge 248.7*: Bridge 248.7 will be demolished and replaced with a double track bridge above the current 5 to 10 year floodwater surface elevation east of the existing bridge. Bridge 248.7 will be built as a 252 foot-long bridge consisting of nine pre-stressed/pre-cast concrete double cell box girder spans spaced at 28 foot intervals.

7) *Parking:* Existing parking (66 spaces) will be relocated to the proposed new paved lot located south of Sorrento Valley Boulevard to accommodate passenger parking during construction. The new southern lot will include four (4) handicapped spaces and 79 regular spaces for a total of 83 parking spaces in the southern lot. One retaining wall will be constructed to retain the track embankment and allow enough space for parking. Upon completion of Project construction, the existing parking area will be repaired and the parking restriped.

8) Sorrento Valley Station Platforms: The current station platform length can only accommodate five car trains with one locomotive engine. The future demand forecasts the use of up to a ten car train that would require two locomotive engines. The proposed extension of the platform is a 200-foot extension to the north and approximately 500-feet to the south. This would increase the length of the existing 500 foot platform to 1200 feet.

9) *Rail Protection and Soil Import:* Rip-rap will be installed on the entire western slope of the existing and proposed track embankment to provide protection from regional storm water flows that have historically eroded this embankment. Buried rip-rap will also be installed on the

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easterly side under the track ditch. All exposed riprap will be covered with soil and planted with native riparian or upland plants.

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10) *Signal House*: The signal equipment required to operate the new turnout at 247.8 (Control Point TORREY) will be placed inside a new steel signal house across the designed ditch.

(More thorough project descriptions are located in Attachment 1.)

Project impacts and mitigation are summarized in the following table:

Impacts and Mitigation:	Acreage of impacts:	Linear feet of impacts:
Permanent Impacts to non-wetland waters of the U.S. and State	0.15 acre	220 linear feet
Temporary Impacts to non-wetland waters of the U.S. and State	0.18 acre	290 linear feet
Permanent Impacts to wetland waters of the U.S. and State	0.10 acre	720 linear feet
Temporary Impacts to wetland waters of the U.S. and State	1.58 acre	3,720 linear feet
Mitigation: offsite establishment of wetlands	1.01 acre	950 linear feet
Mitigation: onsite revegetation of temporarily impacted areas	1.76 acre	4,010 linear feet
Mitigation: onsite enhancement of riparian habitat	0.27 acre	690 linear feet

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I. STANDARD CONDITIONS

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

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- 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 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-118 (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, then this Certification shall expire 5 years from the date of issuance.
- B. The Applicant 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 (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 prior to the Certification action. Any modifications thereto, would require notification to the San Diego Water Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.
- C. During construction, the Applicant must maintain a copy of this Certification at the project site. This Certification must be available at all times to site personnel and agencies.

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- D. Upon presentation of credentials, the Applicant must permit the San Diego Water Board or its authorized representative(s) to:
 - 1. Enter onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - 2. Access and/or copy any records required to be kept under the terms and conditions of this Certification.
 - 3. Inspect and photograph any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
 - 4. Sample or monitor any discharge or surface water covered by this Certification.
- 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, pursuant to Water Code sections 13267 and 13383, require the holder of any permit or license subject to this Certification to investigate, monitor, and report information on the violation; provided that the burden, including costs of preparing the reports, bears a reasonable relationship to the need for and the benefits to be obtained from the reports.
- G. In response to any violation of the conditions of this Certification, or if the results of the project have unintended impacts to water quality, the San Diego Water Board may modify the conditions of this Certification as appropriate to ensure compliance.

III. ADDITIONAL CONDITIONS: CONSTRUCTION BEST MANAGEMENT PRACTICES

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- A. Construction Best Management Practices (BMPs) must be implemented as described in the March 28, 2012 Draft Stormwater Pollution Prevention Plan for Sorrento Valley Double Track (MP 247.7/249.0), prepared by HDR Engineering. Construction BMPs must include, but not be limited to:
 - 1. Sediment Control;
 - 2. Erosion Control;
 - 3. Material Delivery and Storage;
 - 4. Material Use;
 - 5. Stockpile Management;
 - 6. Spill Prevention and Control;
 - 7. Solid Waste Management;
 - 8. Hazardous Waste Management;
 - 9. Sanitary/Septic Waste Management;
 - 10. Storm Drain Inlet Protection;
 - 11. Water Conservation Practices;
 - 12. Dewatering Operations;
 - 13. Vehicle and Equipment Cleaning;
 - 14. Vehicle and Equipment Fueling;
 - 15. Vehicle and Equipment Maintenance;
 - 16. Concrete Waste and Curing Management; and
 - 17. Stabilized Construction Ingress/Egress.
- B. The Applicant 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 and Land Disturbance Activity.
- C. Prior to the start of the project, and annually thereafter, the Applicant must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
- D. The Applicant 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.
- E. 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 Water Code section 13260.

F. Discharges of flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.

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- G. 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.
- H. 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.
- I. All areas that will be left in a rough graded state must be stabilized no later than two weeks after completion of grading. The Applicant, land owners, and/or land managers are responsible for implementing and maintaining BMPs to prevent erosion of the rough graded areas. After completion of grading, all areas must be revegetated. 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-ipc.org/ip/inventory/weedlist.php</u>.
- J. Except as authorized by this Certification, 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.
- K. 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, Statewide General National Pollution Discharge Elimination System Permit for the Discharge of Aquatic Pesticides for Aquatic Weed Control in Waters of the United States, and any subsequent reissuance as applicable.
- L. If groundwater dewatering with discharge to surface water is necessary for project construction, the Applicant must comply with 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: http://www.swrcb.ca.gov/rwqcb9/board_decisions/adopted_orders/2008/2008_0002.pdf

IV. ADDITIONAL CONDITIONS: POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

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- A. 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.
- B. The Applicant must implement the post-construction BMPs as described in the Water Quality Technical Report, Sorrento Valley Double Track North & South Parking Lot Improvements, prepared by Project Design Consultants, and dated September 2012. Proposed BMPs include Low Impact Design, Source Control, and Treatment Control BMPs.
 - 1. Low Impact Design BMPs must include: Minimization of impervious areas, minimization of directly connected impervious areas, pervious paving pockets surrounding landscape trees, and landscape topsoil improvements.
 - 2. Source Control BMPs must include: ^{*}Efficient irrigation and landscape design, Integrated Pest Management, and storm drain inlet stenciling and signage.
 - 3. Treatment Control BMPs must include: Four vegetated swales capturing runoff from the new South Parking Lot, and three storm drain inlet inserts with forced, flow-through media filtration in the existing North Parking Lot.
- C. Post- construction BMPs must treat 100 percent of the added impervious surface 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 85th percentile storm event, as determined from the local historical rainfall record; 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 85th percentile 24-hour runoff event; or

2. <u>Flow</u>

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 85th 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 local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.

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D. Post-construction BMPs must be installed and functional prior to occupancy and/or planned use of development areas.

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- E. The Applicant or their designated party must inspect and maintain structural BMPs per the manufacturer's and industry specifications.
- F. The post-construction 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.
- G. Records must be kept regarding inspections and maintenance of the post-construction BMPs.
- H. The Applicant assumes responsibility for the inspection and maintenance of all postconstruction structural BMPs until such responsibility is legally transferred to another entity.

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V. ADDITIONAL CONDITIONS: IMPACTS AND COMPENSATORY MITIGATION

- A. Impacts to waters of the United State and/or State associated with the Project are:
 - 1. Permanent impacts to wetland waters of the U.S. and State of no more than 0.10 acre and 720 linear feet.
 - 2. Temporary impacts to wetland waters of the U.S. and State of no more than 1.58 acre and 3,720 linear feet.
 - 3. Permanent impacts to non-wetland waters of the U.S. and State of no more than 0.15 acre and 220-linear feet.
 - 4. Temporary impacts to non-wetland waters of the U.S. and State of no more than 0.18 acre and 290 linear feet.
- B. Mitigation for permanent and temporary project impacts to non-wetland and wetland waters of the U.S. and State must be implemented as described in the Sorrento Valley Double Track Draft Off-site Wetland Mitigation and Monitoring Plan, San Diego County, California, prepared by HDR Engineering, Inc., and dated August 2012, and the Conceptual Revegetation Plan for the Sorrento Valley Double Track, San Diego County, California, prepared by HDR Engineering, Inc., and dated August 2012.
- C. Compensatory mitigation must include the following:
 - Onsite revegetation of alkali meadow marsh, coastal and valley freshwater marsh, southern arroyo willow riparian forest, and southern willow scrub totaling 1.76 acre, 4,010 linear feet, for temporary impacts to the same vegetation communities.
 - 2. Offsite establishment of 1.01 acres, 950 linear feet, of wetlands as alkali meadow, coastal sage scrub, and southern willow scrub in the adjacent Torrey Pines State Park planned mitigation area.
 - 3. Onsite enhancement of 0.27 acre, 690 linear feet, of riparia in the form of Arundo donax (giant reed) removal.
- D. 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.
- E. The Applicant 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 U.S. and State. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species.

F. Mitigation areas must be maintained free of perennial exotic plant species, in perpetuity, 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 mitigation areas.

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- G. San Diego Water Board acceptance of the final mitigation plan applies only to the Project described in this Certification and must not be construed as approval for other current or future projects that are planning to use additional acreage at the site for mitigation.
- H. Any maintenance activities that do not contribute to the success of the mitigation sites 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.
- 1. 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 Applicant is responsible for repair and replanting of the damaged areas.
- J. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the U.S. and/or 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. and/or 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. and/or 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. and/or 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. and/or State (e.g., conservation easement).
- K. Mitigation site monitoring must continue until the mitigation site has met the success criteria stated in the Sorrento Valley Double Track Draft Off-site Wetland Mitigation and Monitoring Plan, San Diego County, California, prepared by HDR Engineering, Inc., and dated August 2012, and the Conceptual Revegetation Plan for the Sorrento Valley Double Track, San Diego County, California, prepared by HDR Engineering, Inc., and dated August 2012, and until the San Diego Water Board agrees to cessation of mitigation site monitoring. The mitigation site must be maintained, in perpetuity, free of non-native and invasive plant species and in accordance with specified success criteria described in the mitigation plans.

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VI. MONITORING REQUIREMENTS

A. Prior to construction initiation, the Applicant shall develop a monitoring plan that contains the following elements:

1. Benthic Macroinvertebrate Community Analysis

Bioassessment monitoring must be performed using the professional level non-point source protocol of the California Stream Bioassessment procedure¹ to assess effects of the Project impacts on the biological integrity of receiving water. At a minimum, bioassessment monitoring must be performed at three sites (assessment stations) in Los Peñasquitos Creek (as flow permits) prior to project initiation, and then on years three and five, during the established "index period" for the Los Peñasquitos Creek watershed. The first assessment station is the reference station, which must be located upstream of bridge 248.7 in a reference area; the second assessment station must be located at the furthest upstream location within the bridge 248.7 construction site; the third assessment station must be located immediately downstream of the bridge 248.7 construction site. The reference station upstream of the project discharge must be located and sampled concurrently with the second and third assessment stations. The results of the Benthic Macroinvertebrate Community Analysis must be submitted with the respective Annual Reports described in Section VIII of this Certification.

2. California Rapid Assessment Method

The Applicant must conduct a quantitative function-based assessment of the health of wetland and riparian habitats to establish baseline conditions, set success criteria, and assess mitigation site progress at the Torrey Pines State Park off-site mitigation area and the on-site enhancement areas. The California Rapid Assessment Method (CRAM)² must be used at the three assessment stations described in section VI.A.1 of this Certification, prior to the start of construction and then three and five years following construction completion and continuing until success criteria have been met. The results of the CRAM assessment must be submitted with the respective Annual Mitigation Monitoring Reports described in Section VIII of this Certification.

The San Diego Water Board may make revisions to the monitoring program at any time during the five year monitoring term, and may include a reduction or increase in

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¹ Copies of the California Stream Bioassessment Procedure can be obtained at <u>http://www.dfg.ca.gov/cabw/cabwhome.html</u>. Additional Information on Stream bioassessment may be obtained at <u>http://www.waterboards.ca.gov/rwqcb9/water_issues/programs/bioassessment/index.shtml</u>

² Information on CRAM is available at the California Rapid Assessment Method homepage at http://www.cramwetlands.org/

the number of parameters to be monitored, locations monitored, the frequency of monitoring, or the number and size of samples collected.

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Where procedures are not otherwise specified for the monitoring, sampling, and analysis, the quality assurance/quality control procedures must be conducted in accordance with the Surface Water Ambient Monitoring Program (SWAMP) Quality Assurance Program Plan (QAPP)³ for the State of California's Surface Water Ambient Monitoring Program, adopted by the State Water Resources Control Board.

VII. NOTIFICATION REQUIREMENTS

- A. The Applicant must report to the San Diego Water Board any noncompliance that may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a 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. This Certification is not transferable in its entirety or in part to any person except after notice to the Executive Officer of the San Diego Water Board in accordance with the following terms.
 - 1. **Transfer of Property Ownership**: The Applicant must notify the San Diego Water 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 the Applicant 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 San Diego Water Board within 10 days of the transfer of ownership.

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³ The Quality Assurance Program Plan is available on the State Water Board's SWAMP website at http://www.waterboards.ca.gov/water_issues/programs/swamp/docs/qapp/qaprp082209.pdf

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- 2. Transfer of Mitigation Responsibility: Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must 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 San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board within 10 days of the transfer date.
- 3. Transfer of Post-Construction BMP Maintenance Responsibility: The Applicant assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred, the Applicant must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board within 10 days of the transfer date.

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the Applicant will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Applicant of this Certification in the event that a transferee fails to comply.

C. Prior to the start of construction, the Applicant must provide the San Diego Water Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. Within one year of the start of construction, the Applicant 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 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.

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D. The Applicant must notify the San Diego Water Board in writing at least 5 days prior to the commencement of dredge, fill, and discharge activities.

VIII. REPORTING REQUIREMENTS

- A. Annual Project Completion Progress Reports. The Applicant must submit annual Project Completion progress reports describing the status of Project construction and compliance with all requirements of this Certification to the San Diego Water Board on December 1 of each year following the issuance of this Certification until the project has reached completion. The Applicant must also submit a Final Project Completion Report to the San Diego Water Board within 30 days of Project completion. The reports must include, but not be limited to, the following information:
 - 1. Date of construction initiation.
 - 2. Projected or actual date of construction completion.
 - 3. Status of post-construction BMPs installation and implementation.
 - 4. A description of all incidents of non-compliance 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.
 - Final Project Completion Report: As-built drawings no larger than 11"X17", photo documentation of implemented post-construction BMPs. Photo documentation must be conducted in accordance with guidelines posted at <u>http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/Stre</u> <u>amPhotoDocSOP.pdf</u>. In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced.
- B. Annual Mitigation Monitoring Reports. Mitigation monitoring reports must be submitted annually until mitigation has met success criteria established in the Sorrento Valley Double Track Off-Site Wetland Mitigation and Monitoring Plan, San Diego County, California (HDR Engineering, August 2012) and been deemed successful by the San Diego Water Board. Annual monitoring reports must be submitted prior to December 1 of each year. Monitoring reports must include, but not be limited to, the following:
 - 1. Names, qualifications, and affiliations of the persons contributing to the report.
 - 2. Date of initiation of mitigation installation and date mitigation installation was completed.
 - 3. Mitigation as-builts, including topography maps and planting locations.
 - 4. 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.
 - 6. Upstream and downstream habitat and hydrologic connectivity.
 - 7. Source of hydrology.
 - 8. Width of native vegetation buffer around the entire mitigation site.

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9. Qualitative and quantitative comparisons of current mitigation conditions with preconstruction conditions and previous mitigation monitoring results.

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10. Stream photo documentation, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation areas, prior to and after implementation. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water issues/programs/401 certification/d

ocs/StreamPhotoDocSOP.pdf. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced.

- 11.A Survey report documenting boundaries of mitigation area(s), 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 Water Code section 13267. Civil liability may be administratively imposed by the San Diego Water Board for failure to furnish requested information pursuant to Water Code section 13268.
- D. The Applicant shall submit both one complete electronic copy (on CD or other appropriate media) and one complete paper copy of all reports required under this Certification including notifications, technical reports, and monitoring reports. All correspondence and documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: 775780:mporter Certification No. 11C-118. The preferred electronic format for each report submission is PDF format that is 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:
 - 1. 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.
 - 4. 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.
 - c. The written authorization is submitted to the San Diego Water Board Executive Officer.

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F. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

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"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. The Applicant 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-118; 775780:mporter 9174 Sky Park Court, Suite 100 San Diego, California 92101

IX. CEQA FINDINGS

The federal Surface Transportation Board has jurisdiction over rail projects related to interstate commerce and has concluded that, under title 49 United States Code §10501(b), state and local agencies are preempted from requiring permits or other approvals for interstate railroads' maintenance, use or upgrading of facilities, including construction of a passing track, where such railroads are subject to the jurisdiction of the Surface Transportation Board (See, Surface Transportation Board Docket No. 34111, North San Diego County Transit Development Board—Petition for Declaratory Order, Aug. 19, 2002). The San Diego Water Board concurs that it is preempted from requiring environmental permits, including compliance with the California Environmental Quality Act (Pub. Res. Code section 21100 et seq.) and finds that this project is not subject to the California Environmental Quality Act. In addition, this project would also be statutorily exempt from CEQA were it applicable, pursuant to CEQA Guideline section 15275(a), which exempts from CEQA projects for "institution or increase of passenger or commuter service on rail lines"

X. PUBLIC NOTIFICATION OF PROJECT APPLICATION

On January 12, 2012, 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.

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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 92101 Telephone: 858-467-2726 Email: mporter@waterboards.ca.gov

XIII. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **Sorrento Valley Double Track Project** (Certification No. 11C-118) 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.

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).

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. 11C-118 issued on January 14, 2013.

DAVID W. GIBSON Executive Officer Regional Water Quality Control Board

1/11/13 Date

Attachments:

- 1. Project Information
- 2. Distribution List
- 3. Location Map(s)
- 4. Site and Mitigation Figures(s)

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ATTACHMENT 1 PROJECT INFORMATION

Applicant: Mr. Rob Rundle **Principal Regional Planner** San Diego Association of Governments Department of Public Works **Environmental Services Unit** 401 B Street Suite 800 San Diego, CA 92101 Telephone: 619-699-6949 Fax: 619-699-4888 Email: rru@sandag.org Applicant's Mr. Erich Lathers **Representative:** President BRG Consulting, Inc. 304 Ivy Street San Diego, CA 92101 Telephone: 619-298-7127 Fax: 619-298-0146 Email: erich@brginc.net Project Name: Sorrento Valley Double Track Project The proposed project is located in Sorrento Valley, between **Project Location:** Sorrento Valley Road and Soledad Canyon Creek, southeast of Los Penasquitos Lagoon, within the City of San Diego, midcoastal San Diego County, California. The center of the project is located approximately at latitude 32°54' north and longitude -117° 13' east. Type of Project: Railway improvements.

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Project Need and Description:

The San Diego Association of Governments (SANDAG) has proposed to construct a 6336 feet long second railroad track parallel to an existing track to reduce train traffic.

The proposed project will consist of:

1) *Track Embankment:* A raised second track will be added 25 feet east of the existing track from Mile Post (MP) 247.8 to the Sorrento Valley Train Station (MP 248.9). The project will modify the toe of the western embankment to expand the existing wetlands along Soledad Creek within the railroad Right-of-Way (ROW).

2) Retaining Walls: One retaining wall is required along the second track, between Bridge 247.7 and Bridge 248.5, due to its close proximity to the private property located east of the railroad ROW. The proposed retaining wall will incorporate a channel for local drainage. The second retaining wall supports the existing station parking lot. The third retaining wall supports the track at the southerly parking lot.

3) Drainage: A drainage ditch east of the proposed track will provide for conveyance of local storm water to Bridge 247.7. This ditch will consist of two sections that offer the minimum armoring necessary to accommodate predicted storm water velocities. One section will have 1:1 concrete side slopes with an articulated concrete block (ACB) bottom. The second section will have 2:1 earthen side slopes with an earthen bottom. There is one cross culvert proposed to alleviate the water flow in the ditch during greater storm events.

4) Bridge 247.7: The bridge was built in the early 1940s and was converted from its original open deck design to its current 154 foot-long wooden ballast deck pile trestle design. The bridge spans flows from two storm drain outfalls, not a creek. The bridge will be replaced in-line (same location) with the existing track and will be slightly shortened. The proposed design shortens the bridge by 28 feet on the south abutment end because of two major waterlines that cross under the first two spans.

5) Bridge 248.5: The bridge was built in the early 1940s and was also converted from an open deck design to an 84 foot-long wooden ballast deck pile trestle. The existing bridge is significantly oversized for the flows that it receives today. The bridge was sized for large flows from Los Penasquitos Creek that

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no longer exist due to upper watershed development and the rerouting of runoff to other areas. The bridge will be demolished and replaced with track placed on top of two 54 inch diameter reinforced concrete pipes (RCP) that will be buried under compacted fill. These pipes will be buried one foot under proposed grade, creating a "soft bottom" culvert. The existing drainage beneath the bridge serves only as an overflow mechanism for Los Peñasquitos Creek during substantial rain events. The second track will raise the track above the 50 year floodwater surface elevation through a portion of the project area.

6) *Bridge 248.7:* This bridge was built in the early 1940s, is a 210 foot-long wooden open deck pile trestle that spans Los Penasquitos Creek, and will be replaced with a double track bridge above the current 5 to 10 year floodwater surface elevation east of the existing bridge. Due to the 5 foot raise in track alignment, Bridge 248.7 must be built off-line (to the east) to maintain rail operations on the existing track during construction. Bridge 248.7 will be built as a 252 foot-long bridge consisting of nine pre-stressed/pre-cast concrete double cell box girder spans that are spaced at 28 foot intervals.

7) *Parking*: Relocation of existing parking (66 spaces) to a proposed new paved lot located south of Sorrento Valley Boulevard to accommodate passenger parking during construction. The new southern lot will include four (4) handicapped spaces and 79 regular spaces for a total of 83 parking spaces in the southern lot. One retaining wall is required to retain the track embankment and allow enough space for parking. Upon completion of project construction, the existing parking area will be repaired and the parking restriped, for a total of 183 parking spaces (95 regular and 5 handicapped spaces at Sorrento Valley Station and 79 regular and 4 handicapped spaces at the parking lot south of Sorrento Valley Boulevard). The parking lot will also include new lighting (directed away from native habitat to the greatest extent possible), landscaping and electric vehicle charging stations.

8) Sorrento Valley Station Platforms: The current station platform length can only accommodate five car trains with one locomotive engine. The future demand forecasts the use of up to a ten car train that would require two locomotive engines. The proposed extension of the platform is a 200-foot extension to the north and approximately 500-feet to the south. This would increase the length of the existing 500 foot platform to 1200 feet. California Public Utilities Commission (CPUC) has requested pedestrian

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	gates to be installed at both pedestrian crossings. The addition of the pedestrian gates requires expansion of the sidewalks directly adjacent to the crossings. In addition to the platform extension, traffic striping of the intersection of Sorrento Valley Boulevard and Sorrento Valley Road will be refreshed to accommodate pedestrian traffic due to the new parking lots and platform extensions.
	9) <i>Rail Protection and Soil Import:</i> Installation of rip-rap on the entire western slope of the existing and proposed track embankment to provide protection of regional storm water flows that have historically eroded this embankment. Soil will be imported to raise the existing track and to add another track. To accomplish this, 32,612 cubic yards of soil will be required to construct the new embankment and an additional 5,992 tons of rip rap will be used to protect the embankment. Buried rip-rap will also be installed on the easterly side under the track ditch. All exposed riprap will be covered with soil and planted with native riparian or upland plants.
	10) <i>Signal House:</i> The signal equipment required to operate the new turnout at 247.8 (Control Point TORREY) will be placed inside a new steel signal house across the designed ditch.
Federal Agency/Permit:	U.S. Army Corps of Engineers §404, Nationwide Permits 14, Ms. Meris Bantilan-Smith, San Diego Field Office.
	U.S. Fish and Wildlife Service, Endangered Species Act Consultation, Ms. Janet Struckrath.
Other Required Regulatory Approvals:	California Department Coastal Commission, Federal Coastal Consistency Certification, Mr. Larry Simon.
	State Historic Preservation Office, National Historic Preservation Act § 106, Mr. John Killeen.

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California Environmental Quality Act (CEQA) Compliance:	The federal Surface Transportation Board has jurisdiction over rail projects related to interstate commerce and has concluded that, under title 49 United States Code §10501(b), state and local agencies are preempted from requiring permits or other approvals for interstate railroads' maintenance, use or upgrading of facilities, including construction of a passing track, where such railroads are subject to the jurisdiction of the Surface Transportation Board. (See, Surface Transportation Board Docket No. 34111, North San Diego County Transit Development Board—Petition for Declaratory Order, Aug. 19, 2002.) The San Diego Water Board concurs that it is preempted from requiring environmental permits, including compliance with the California Environmental Quality Act (Pub. Res. Code section 21100 et seq.) and finds that this project is not subject to the California Environmental Quality Act. In addition, this project would also be statutorily exempt from CEQA were it applicable, pursuant to CEQA Guideline section 15275(a), which exempts from CEQA projects for "institution or increase of passenger or commuter service on rail lines"
Receiving Waters:	Los Peñasquitos and Soledad Canyon Creeks; Peñasquitos hydrologic unit, Miramar Reservoir hydrologic area (906.10).
Impacted Wetlands and Waters of the United States and State:	Permanent impacts: Non-wetland waters – 0.15 acre, 220 linear feet. Wetland waters – 0.10 acre, 720 linear feet. Temporary: Non-wetland waters – 0.18 acre, 290 linear feet. Wetland waters – 1.58 acre, 3,720 linear feet.
Impacted Waters for CDFG jurisdiction only:	The project is not subject to CDFG jurisdiction.
Dredge Volume:	None.
Related Projects Implemented/to be Implemented by the Applicant(s):	Certification No. 10C-088 - Sorrento to Miramar Double Track Project - Phase I.

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Compensatory Mitigation:	Compensatory mitigation will include the following:		
	Onsite revegetation of Alkali meadow marsh, Coastal and Valley freshwater marsh, Southern arroyo willow riparian forest, and Southern willow scrub totaling 1.76 acre, 4,010 linear feet, for temporary impacts to the same vegetation communities.		
	Offsite establishment of 1.01 acres, 950 linear feet, of wetlands as Alkali meadow, Coastal Sage Scrub, and Southern willow scrub in the adjacent Torrey Pines State Park planned mitigation area.		
	Onsite enhancement of 0.27 acre, 690 linear feet, of riparia in the form of Arundo donax (Giant reed) removal.		
Best Management Practices (BMPs):	Construction BMPs are described in the Draft Pollution Prevention Plan for Sorrento Valley Double Track (MP 247.7/249.0), prepared by HDR Engineering, Inc., and dated March 28, 2012. Proposed BMPs include:		
	 Sediment Control Erosion Control Material Delivery and Storage Material Use Stockpile Management Spill Prevention and Control Solid Waste Management Hazardous Waste Management Sanitary/Septic Waste Management Storm Drain Inlet Protection Water Conservation Practices Dewatering Operations Vehicle and Equipment Fueling Vehicle and Equipment Maintenance Stabilized Construction Ingress/Egress Wind Erosion Control Post-construction BMPs are described in the Water Quality Technical Report, Sorrento Valley Double Track North & South Parking Lot Improvements, prepared by Project Design Consultants, and dated September 2012. Proposed BMPs		
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	include Low Impact Design, Source Control, and Treatment Control BMPs.		
	Low Impact Design BMPs will include:		
	 Minimization of impervious areas. Minimization of directly connected impervious areas Pervious paving pockets surrounding landscape trees. Landscape topsoil improvements. 		
	Source Control BMPs will include:		
	 Integrated Pest Ma 	and landscape design. anagement. tenciling and signage.	
	 Treatment Control BMPs will include: Four vegetated swales capturing runoff from the new South Parking Lot. 		
		Inlet Inserts with forced, flow-through he existing North Parking Lot.	
Public Notice:	On January 12, 2012, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No comments were received.		
Fees:	Total Due: \$32,161.00 Total Paid: \$940.00 (Total Paid: \$31,221.00 ((Check No. 00834363) (Check No. 00835936)	
CIWQS:	Party ID:	382843 775780 39834 524620 9 000002404	

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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

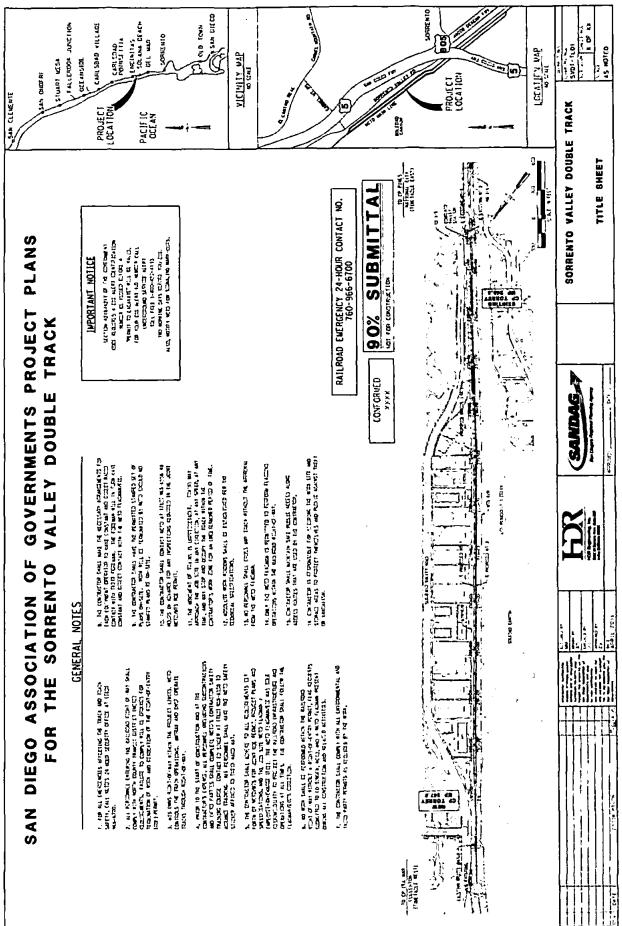
Mr. Erich Lathers President BRG Consulting, Inc. erich@brginc.net

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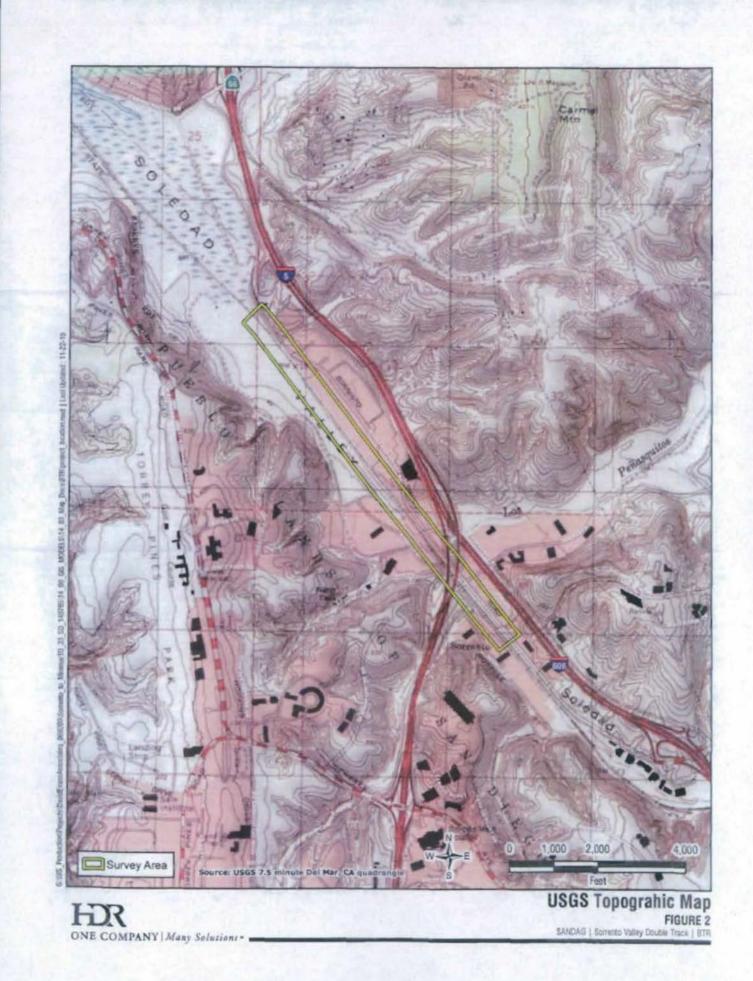
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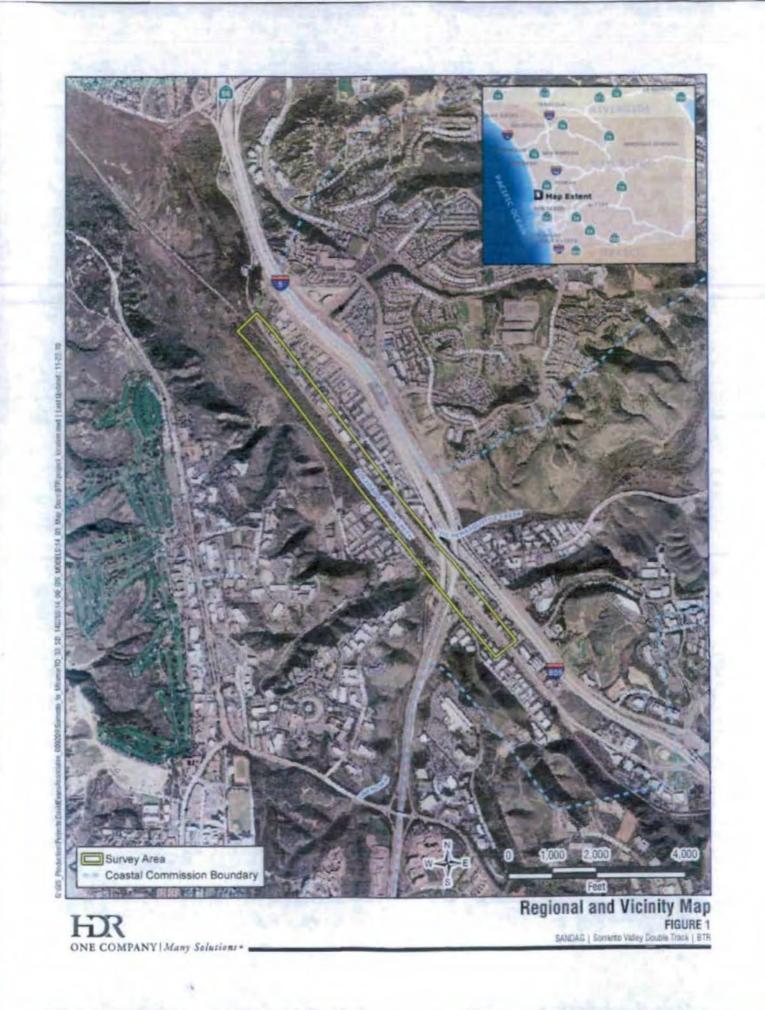
ATTACHMENT 3

LOCATION MAPS



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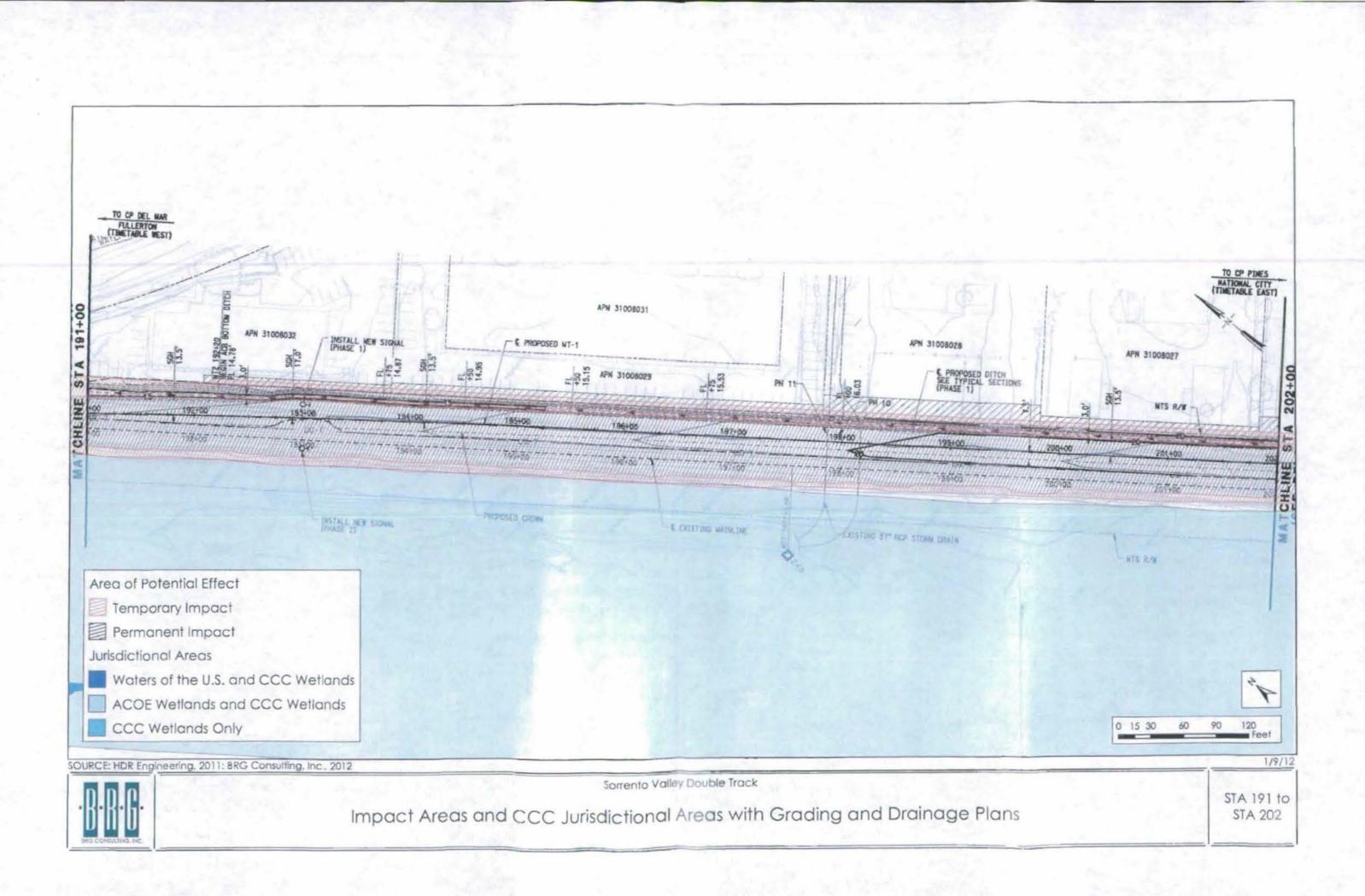


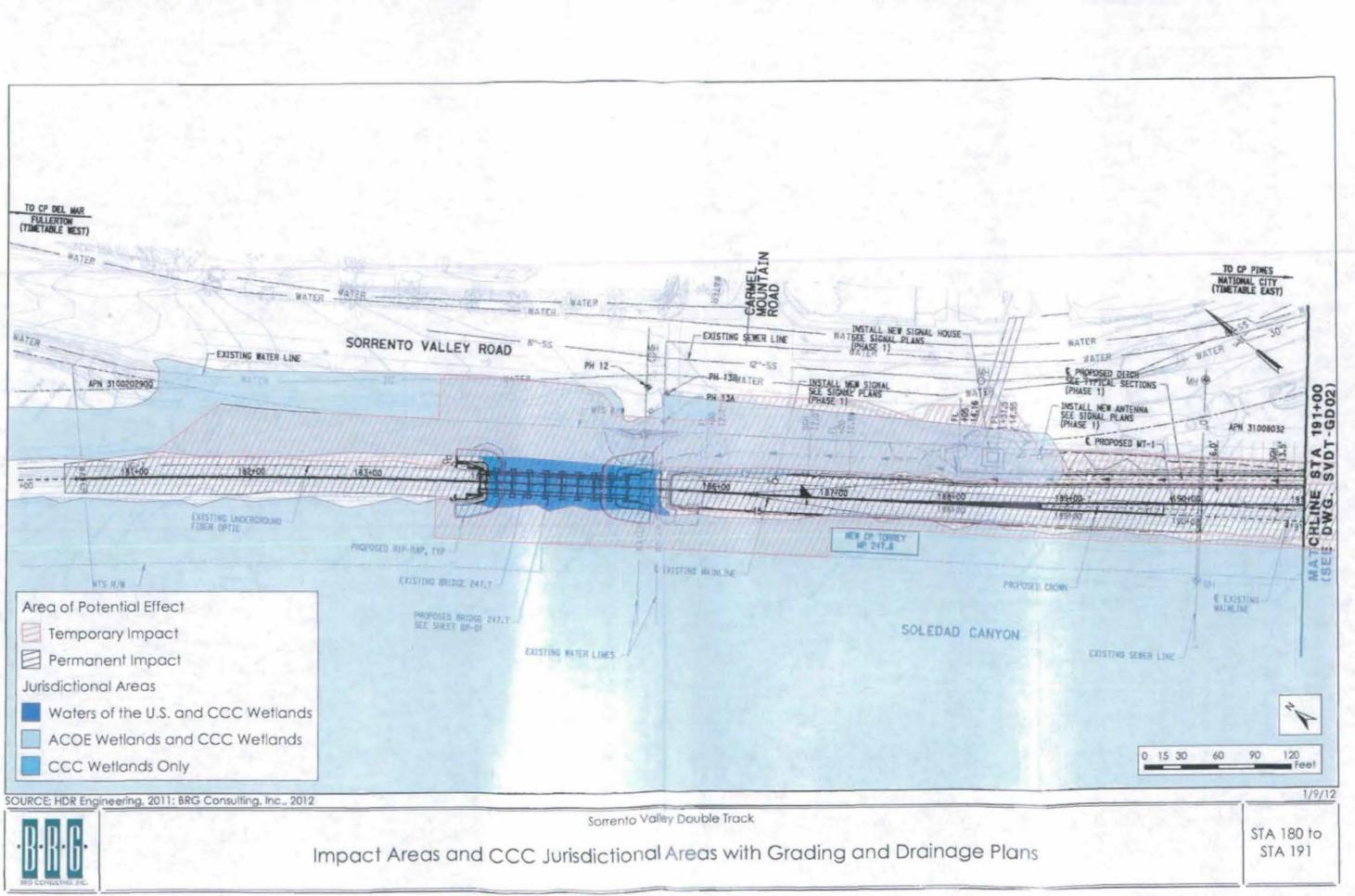


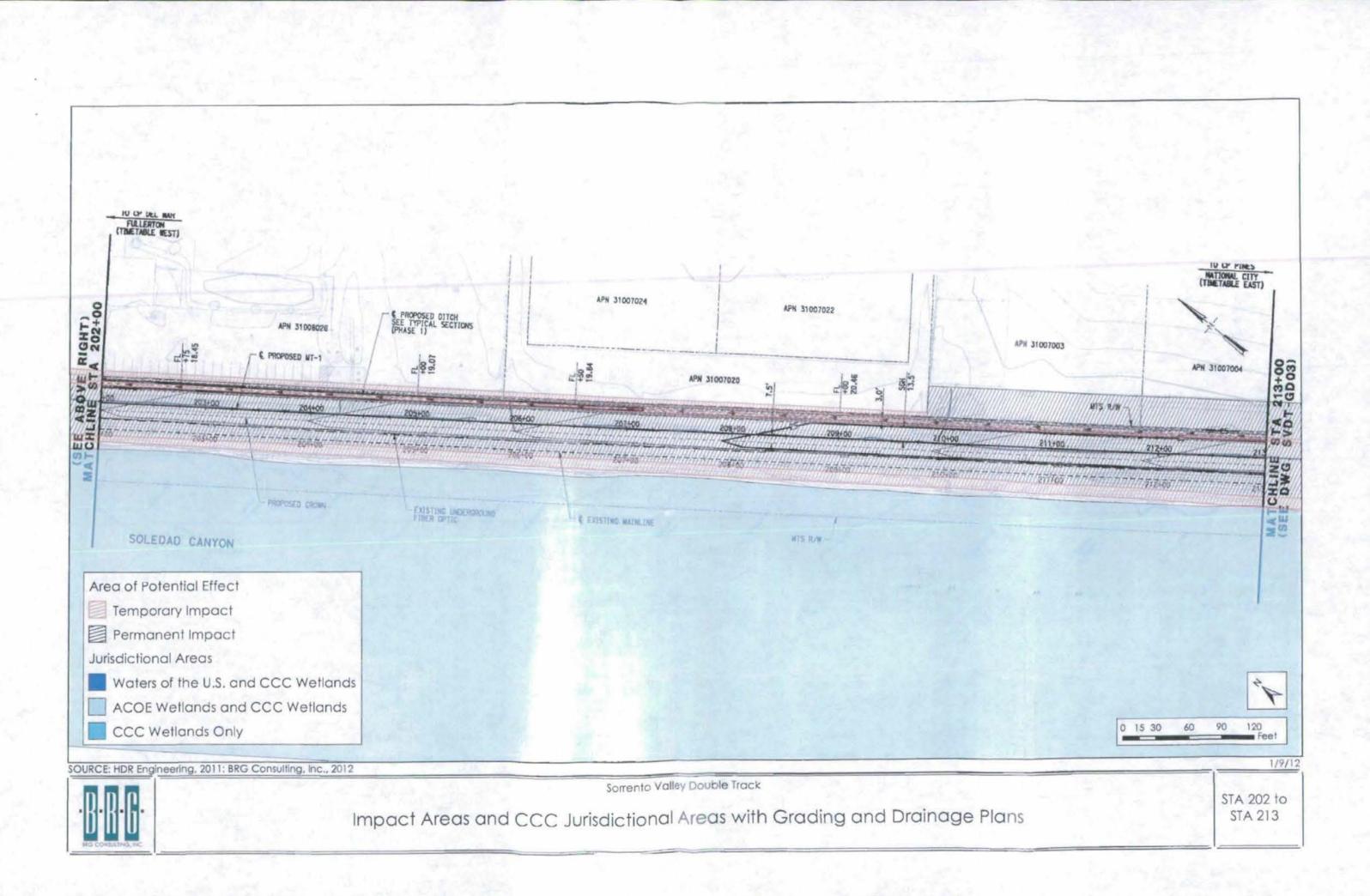
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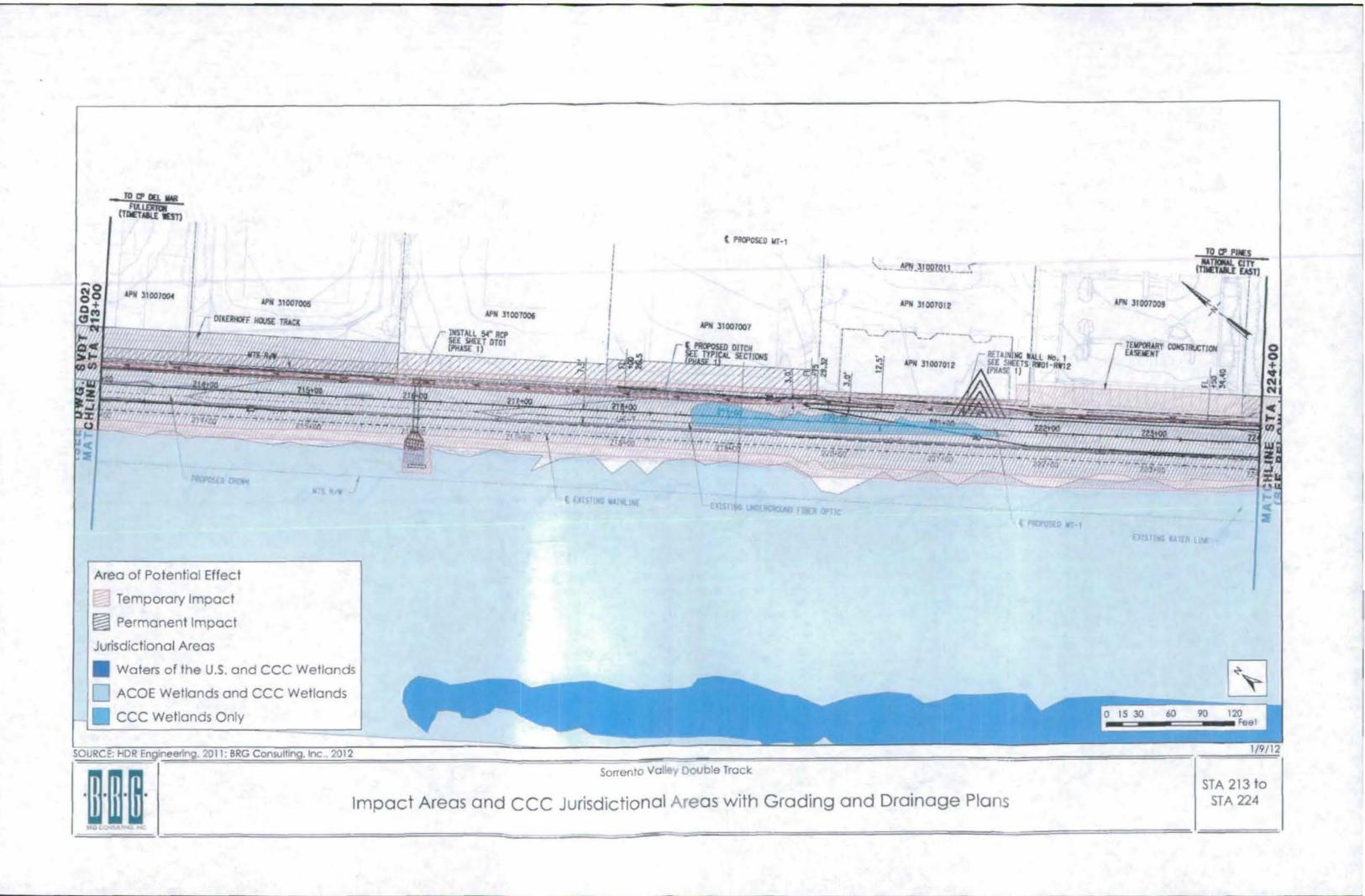
ATTACHMENT 4

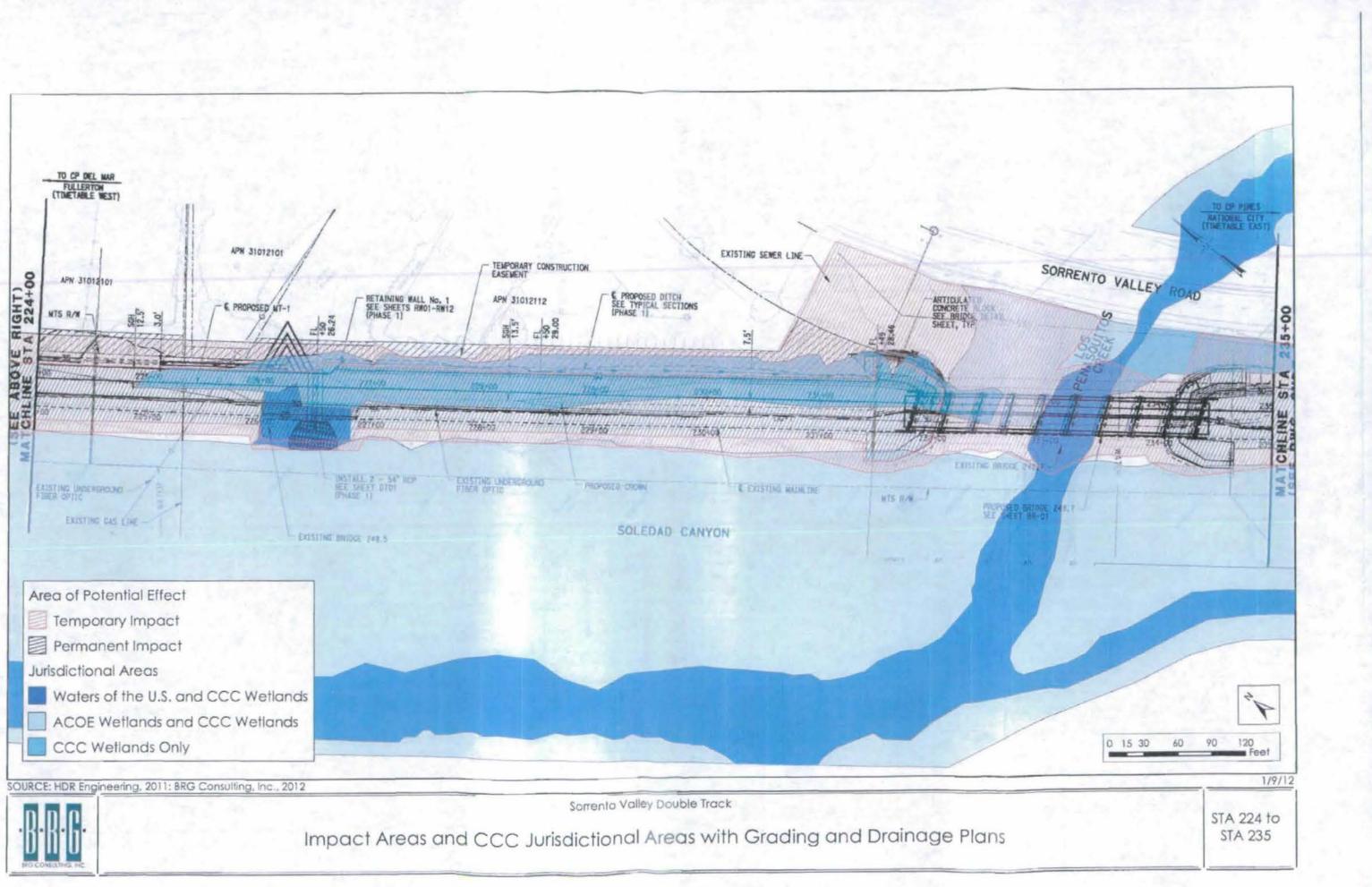
SITE FIGURES

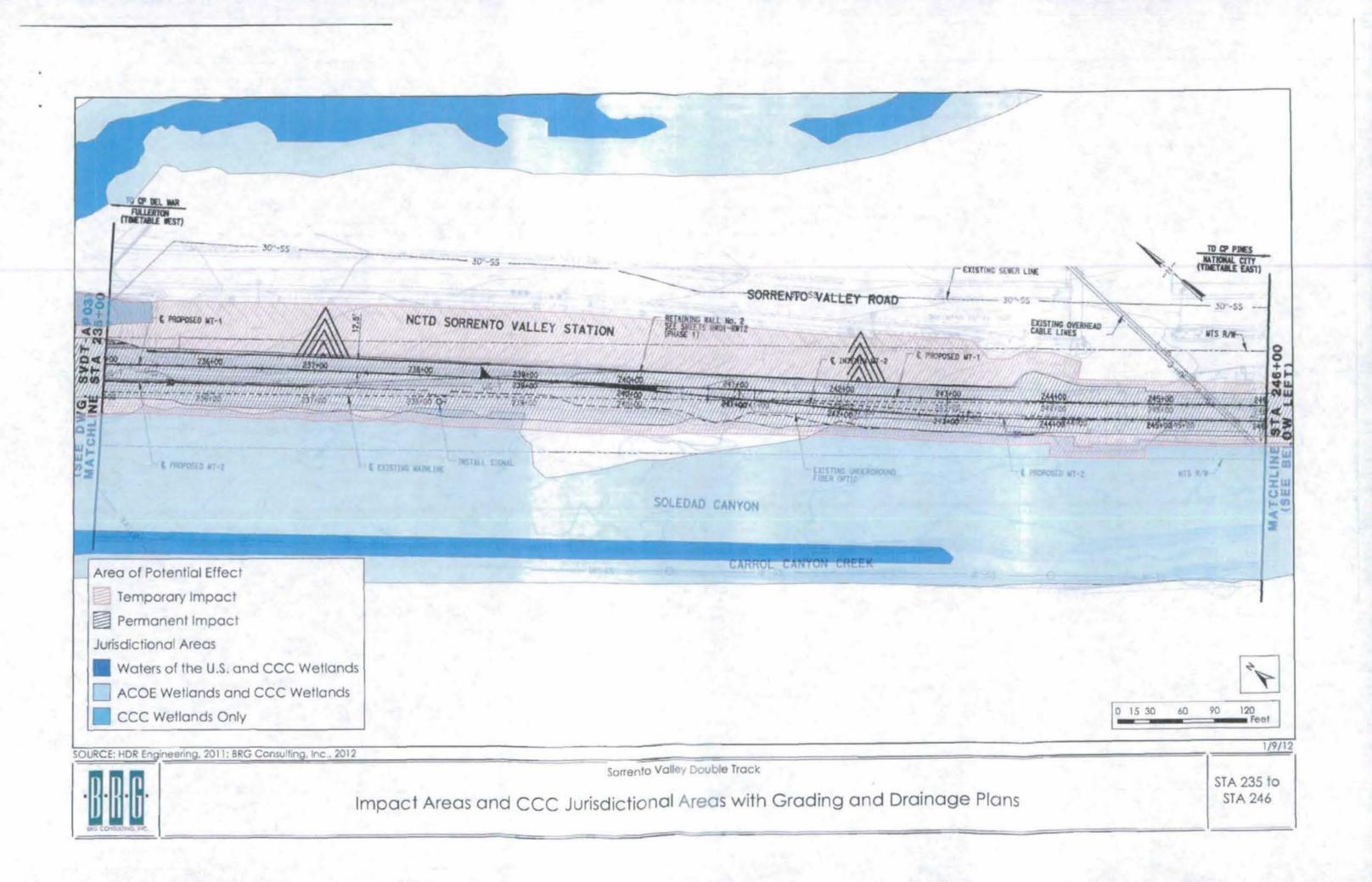


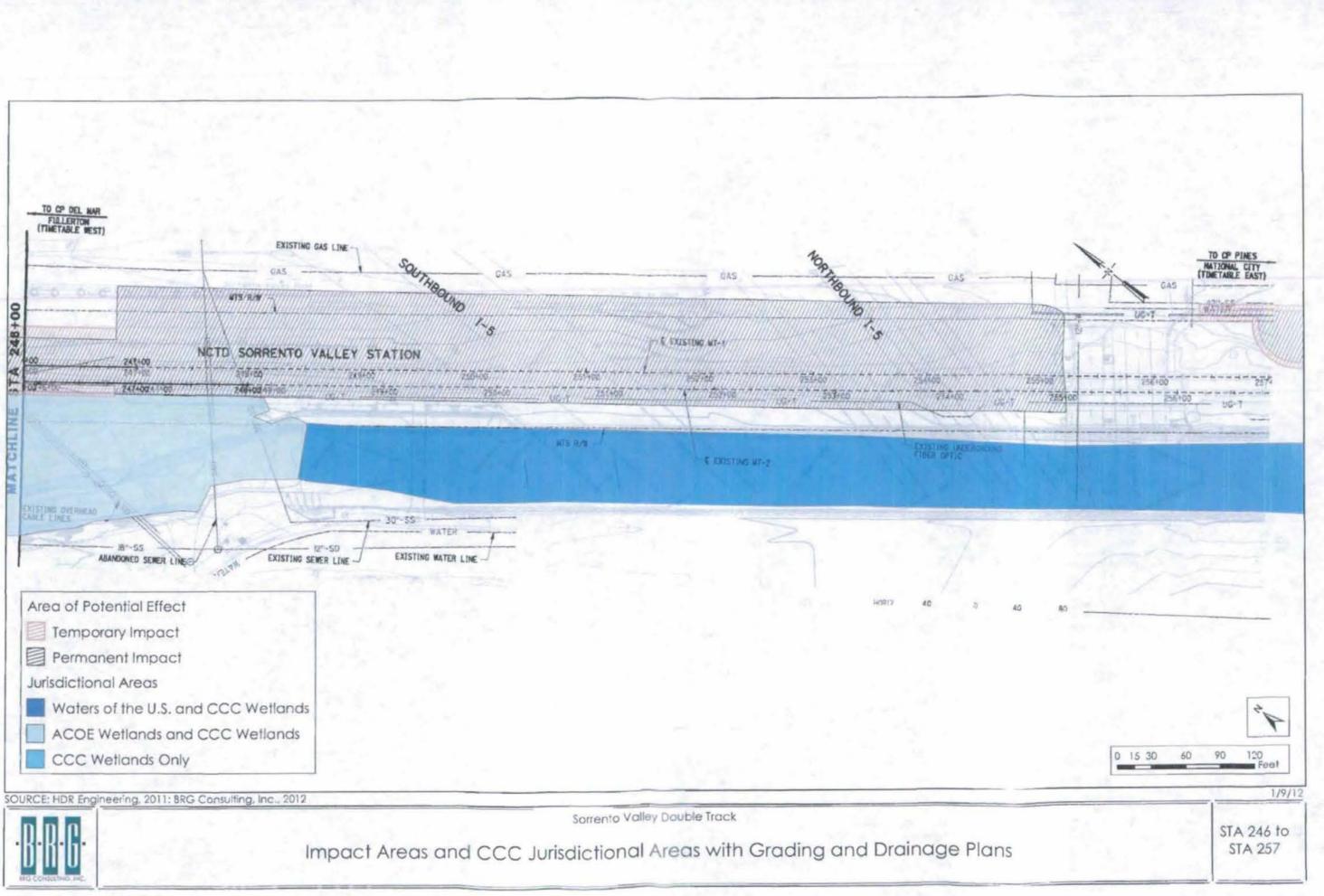


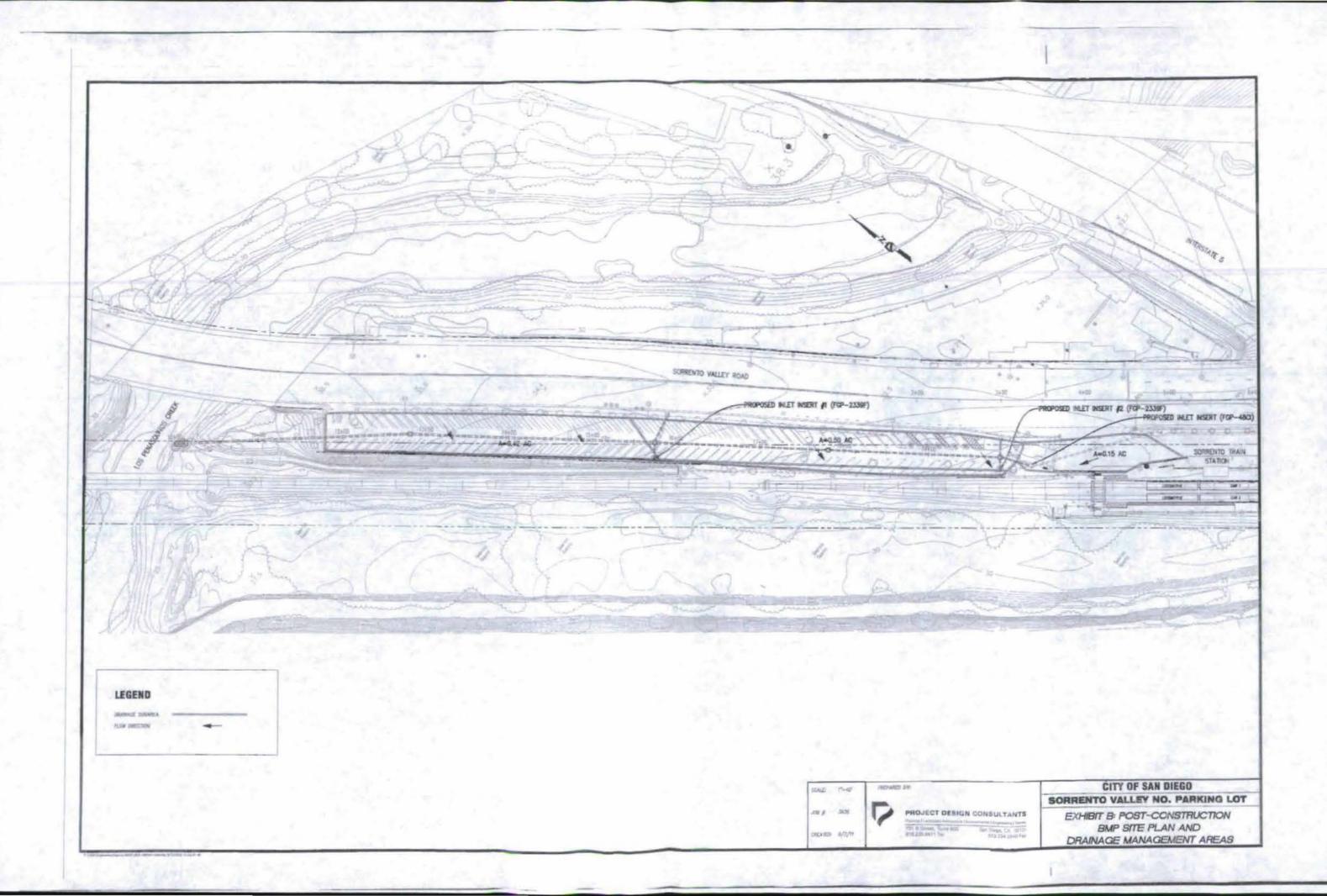


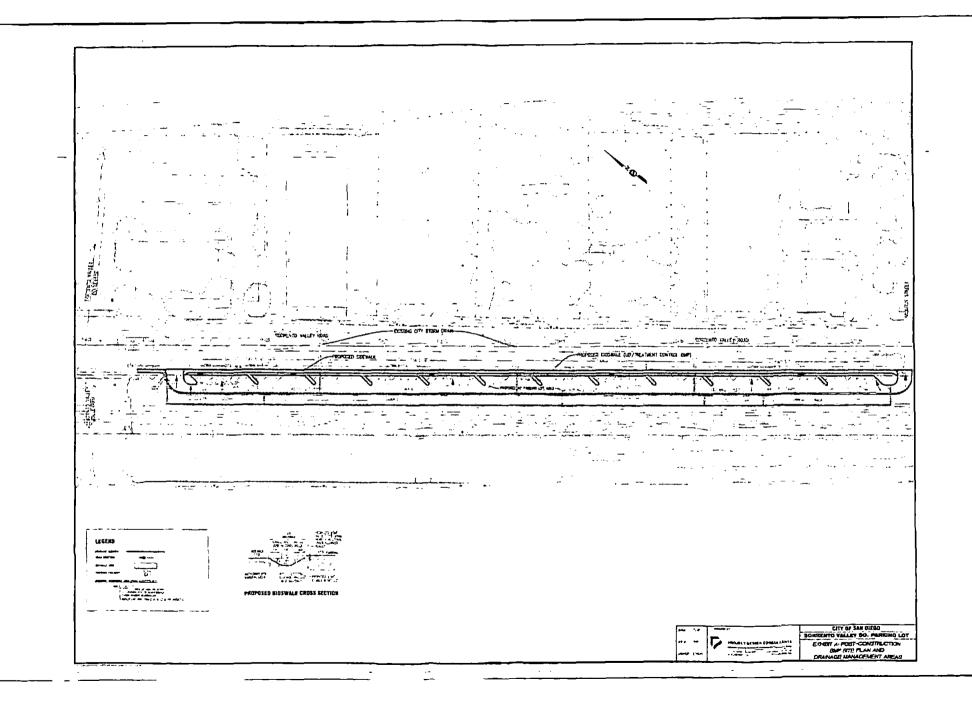


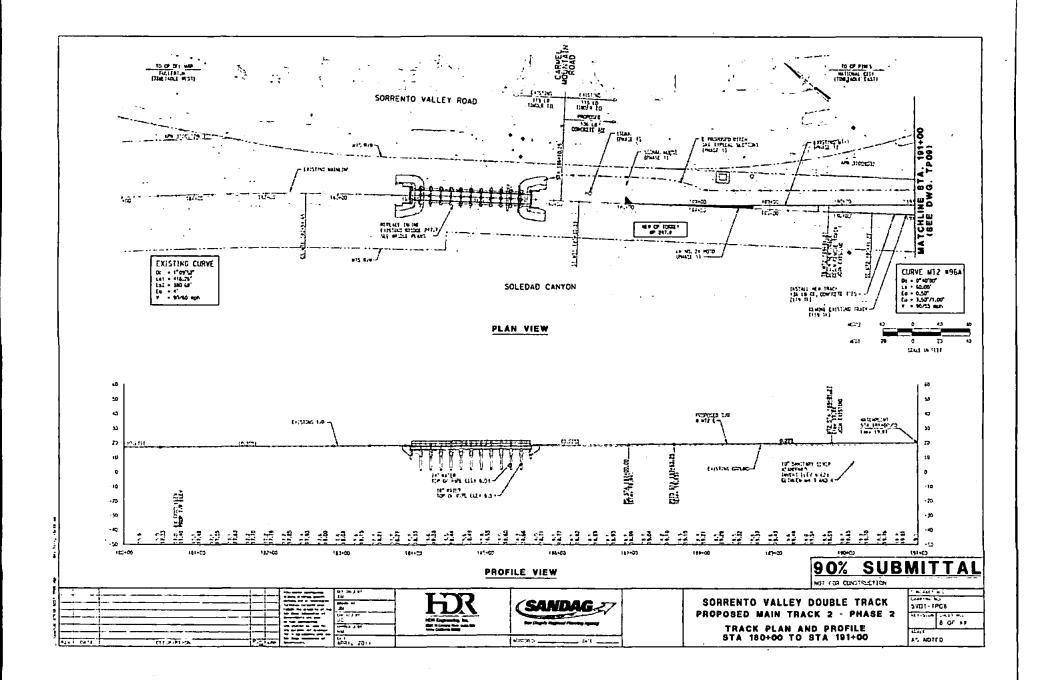


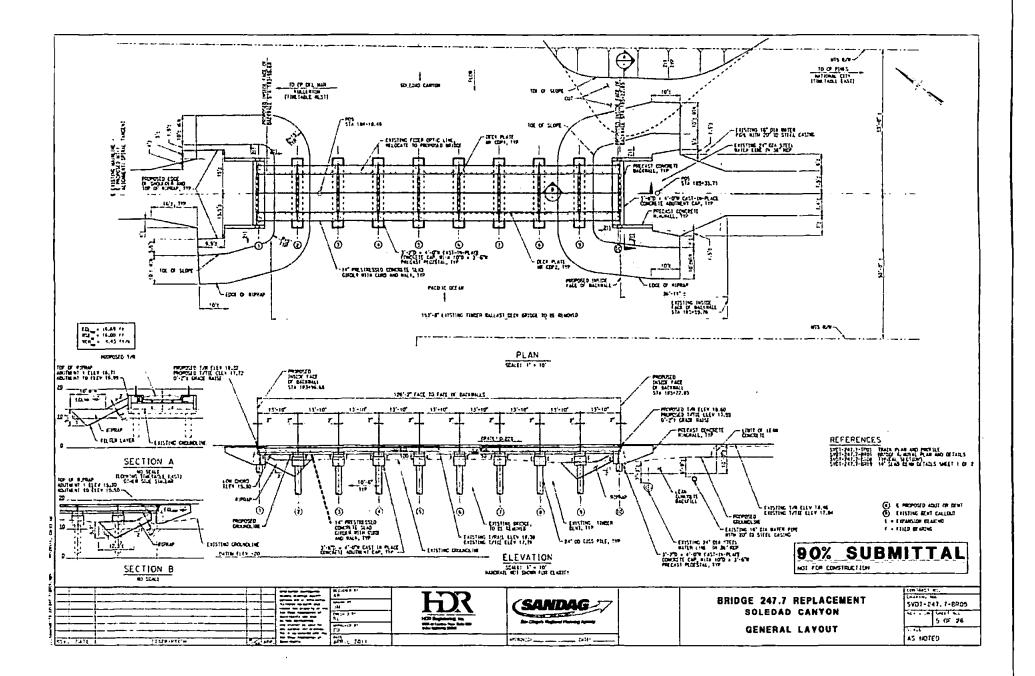


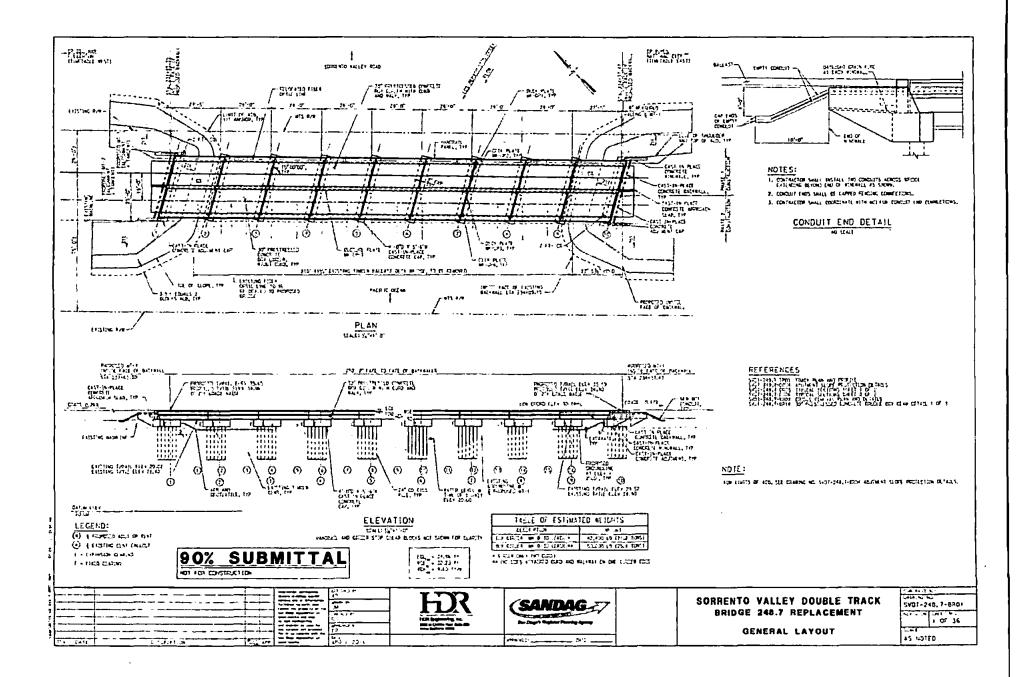


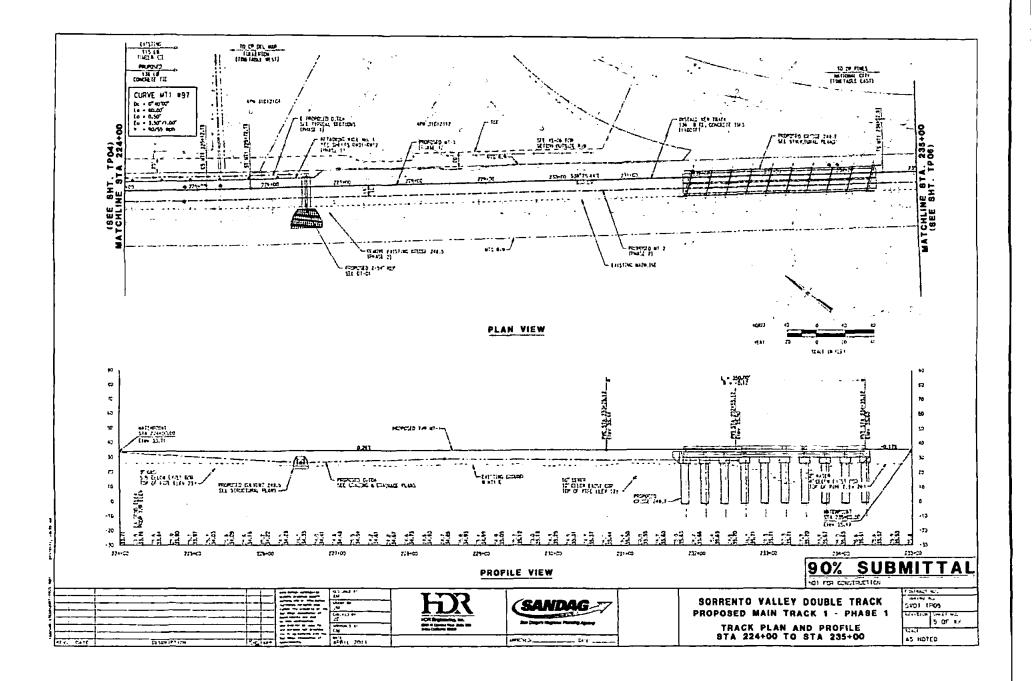


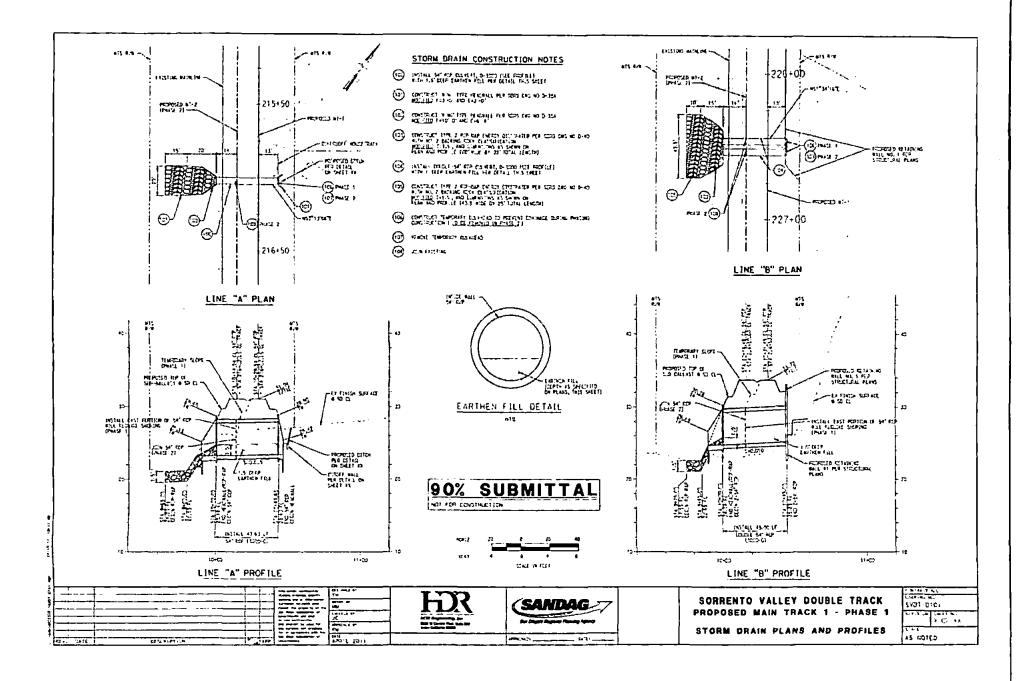












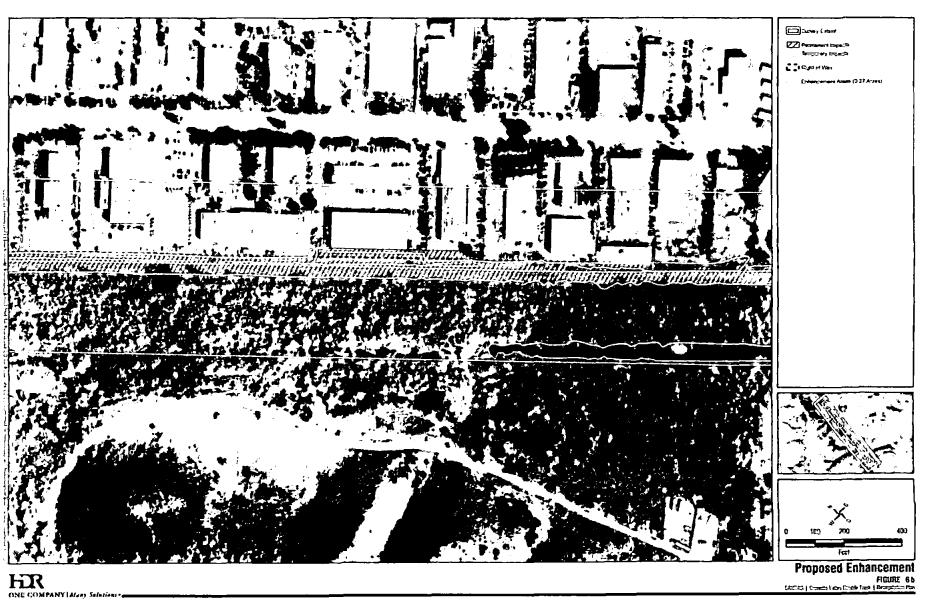
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ATTACHMENT 5

MITIGATION FIGURES



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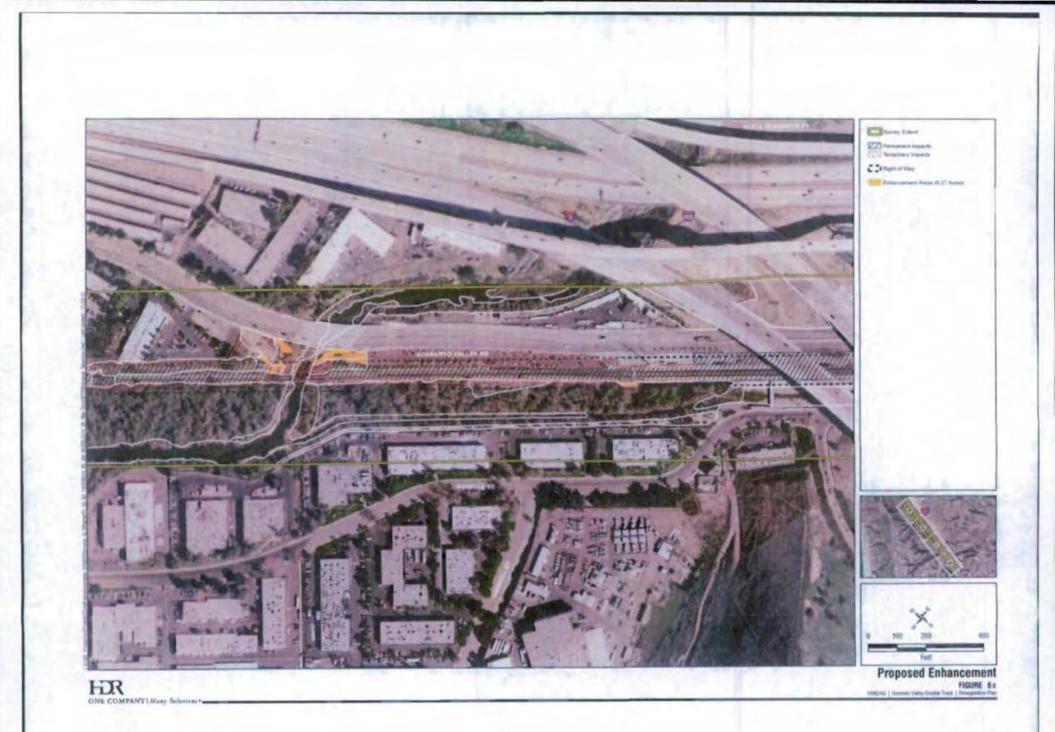




FIGURE 6d בארכאס באשינים בארכא האינים בארכאס בא

