



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## California Regional Water Quality Control Board, San Diego Region

December 3, 2013

**In reply refer to:**  
657478: amonji

Ronilee Clark  
California Department of Parks and Recreation  
4477 Pacific Highway  
San Diego, CA 92110

### **Subject: Amendment No. 1 to Water Quality Certification No. 07C-094 for the Los Penasquitos Lagoon Mouth Maintenance Project**

Ms. Clark:

Enclosed is Amendment No. 1 to Clean Water Act section 401 Water Quality Certification No. 07C-094 for the Los Penasquitos Lagoon Mouth Maintenance Project. Certification Amendment No. 1 shows changes in redline/strikeout format to indicate added and removed language. Water Quality Certification No. 07C-094 is enclosed for your reference.

By letter dated October 3, 2013, the California Department of Parks and Recreation (Department) requested the Certification expiration date be extended an additional five years in order to maintain the beneficial uses of Los Penasquitos Lagoon. The current term of the Certification is from December 4, 2008 through December 4, 2013. Based on the Department's request, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is amending the Certification to extend the term an additional five years through December 4, 2018.

Any petition for reconsideration of Amendment No. 1 to Certification No. 07C-094 must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that you have accepted and will comply with all the conditions of the Certification and Addenda.

Failure to comply with all conditions of the Certification and Addenda may subject the Department to enforcement actions by the San Diego Water Board, including administrative enforcement orders requiring the Department 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.

December 3, 2013

In the subject line of any response, please include the reference number 657478:amonji. For questions or comments, please contact Alan Monji by phone at (619) 521-3968, or by email at alan.monji@waterboards.ca.gov.

Respectfully,



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

DG:js:db:kdd:atm

Enclosures:

Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification No. 07C-094

Clean Water Act Section 401 Water Quality Certification No. 07C-094, California Department of Parks and Recreation Los Penasquitos Lagoon Mouth Maintenance Project

cc: (via email)

Mike Hastings  
Los Penasquitos Lagoon Foundation  
Mikehastings1066@gmail.com

Robert R. Smith  
U.S. Army Corps of Engineers  
Regulatory Division  
[Robert.R.Smith@usace.army.mil](mailto:Robert.R.Smith@usace.army.mil)

State Water Resources Control Board  
Division of Water Quality  
401 Water Quality Certification and Wetlands  
[Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov)

U.S. EPA, OWOW, Region 9  
75 Hawthorne St.  
San Francisco, CA 94105  
[R9-WTR8-Mailbox@epa.gov](mailto:R9-WTR8-Mailbox@epa.gov)

Tech Staff Info & Use	
File No.	07C-094
WDID	9 000001707
Reg. Measure ID	332116
Place ID	657478
Party ID	398868



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

**Amendment No. 1 to Clean Water Act Section 401  
Water Quality Certification No. 07C-094**

**PROJECT:** Los Penasquitos Lagoon Mouth Maintenance Project Water Quality Certification No. 07C-094

**APPLICANT:** California Department of Parks and Recreation  
4477 Pacific Highway  
San Diego, CA 92110

File No.	07C-094
WDID	9 000001707
Reg. Measure ID	332116
Place ID	657478
Party ID	398868

The following changes have been made to Clean Water Act section 401 Water Quality Certification No. 07C-094, California Department of Parks and Recreation, Los Penasquitos Lagoon Mouth Maintenance Project. Changes below are shown in redline/strikeout format to indicate added and removed language.

**1. Page 1, STANDARD CONDITIONS are replaced with the following:**

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

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 Water Code and Article 6 (commencing with section 3867 of 23 CCR).
2. 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 23 CCR subsection 3855(b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Certification action is conditioned upon total payment of any fee required under chapter 28 (commencing with section 3830) of 23 CCR and owed by the applicant.

TOMAS MORALES, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

2375 Northside Drive, Suite 100, San Diego, CA 92108 | (619) 516-1990 | [www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)



2. **Page 6, ADDITIONAL CONDITIONS A.1 has been modified as follows:**

Water Quality Certification No. 07-094 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 permit issued by the U.S. Army Corps of Engineers for this Project, or b) five (5) years from the date of issuance of this amended Certification, whichever occurs first. ~~This Certification expires 5 years from the date of issuance.~~

3. **Page 10, REPORTING REQUIREMENTS D.6 has been modified as follows:**

Executive Officer  
California Regional Water Quality Control Board, San Diego Region  
Attn: 401 Certification; Project No. 07C-094  
~~9174 Sky Park Court~~ 2375 Northside Drive, Suite 100  
San Diego, CA ~~92123~~ 92108

4. **Page 10, REGIONAL WATER QUALITY BOARD CONTACT PERSON has been modified as follows:**

~~Benjamin James Alan Monji~~  
California Regional Water Quality Control Board, San Diego Region  
~~9174 Sky Park Court~~ 2375 Northside Drive, Suite 100  
San Diego, CA ~~92123~~ 92108  
~~858-467-2968~~ (619) 521-3968  
[bjamesAlan.Monji@waterboards.ca.gov](mailto:bjamesAlan.Monji@waterboards.ca.gov)

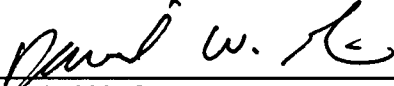
5. **ATTACHMENT 2, Distribution List has been modified as follows:**

Robert R. Smith  
U.S. Army Corps of Engineers  
Regulatory Branch  
~~16885 W. Bernardo Dr., Suite 300 A~~  
San Diego, CA ~~92127~~  
[Robert.R.Smith@usace.army.mil](mailto:Robert.R.Smith@usace.army.mil)

Bill Orme  
State Water Resources Control Board  
Division of Water Quality  
401 Water Quality Certification and Wetlands Unit  
P.O. Box 100  
Sacramento, CA 95812-100  
[BOrme@waterboards.ca.gov](mailto:BOrme@waterboards.ca.gov)  
[Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov)

~~Ms. Elizabeth Goldman  
Wetlands Regulatory Office,  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105  
Goldman.Elizabeth@epamail.epa.gov  
U.S. EPA, OWOW, Region 9  
R9-WTR8-Mailbox@epa.gov~~

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. 07C-094 issued on December 3, 2013.

  
\_\_\_\_\_  
David W. Gibson  
Executive Officer  
Regional Water Quality Control Board

12/4/2013  
Date

