



Linda S. Adams
Acting Secretary for
Environmental
Protection

California Regional Water Quality Control Board San Diego Region

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

**PROJECT: I-15 North Segment Unit Two Bridge Improvement Project
(07C-111), WDID Number 9000001727**

APPLICANT:

CIWQS Reg. Mes. ID: 338355 Place ID: 709409 Party ID: 7222

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 checked="" type="checkbox"/> Waiver of Waste Discharge Requirements |
| <input type="checkbox"/> Enrollment in Order No. 2003-017 DWQ | <input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ |

The project proposes to widen two bridges and replace a third bridge in the City of Escondido. The three bridges span Escondido Creek, which is concrete lined (bottom and sides) where the crossings occur through the city.

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

California Environmental Protection Agency

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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, the California Department of Transportation (Caltrans) must satisfy the following:

A. GENERAL CONDITIONS:

1. This Certification expires five (5) years from the date of issuance.
2. 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 and all subsequent submittals required as part of this certification and as described in Attachment 1. The conditions within this certification must supersede any conflicting provisions within such plans submitted prior to the certification action.
3. 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.
4. 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.
5. 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.

6. 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.
7. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any 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.
8. 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.
9. In response to any violation, or anticipated 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 Caltrans must educate all personnel on the requirements in this certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
2. Caltrans must notify the Regional Board in writing at least 5 days prior to the actual commencement of dredge, fill, and discharge activities.
3. 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.
4. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
5. 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.

6. 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.
7. 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. 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.

D. 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, with a cover referencing the subject project and certification number.
3. Caltrans must submit a report to the Regional Board within 30 days of completion of the project. The report should include as-built drawings no bigger than 11" x 17" and photos of the completed project.
4. 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."

5. 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. 07C-111
9174 Sky Park Court, Suite 100
San Diego, California 92123

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

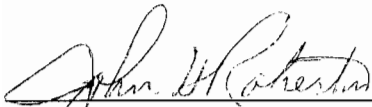
On December 12, 2007 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Christopher Means
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-637-5581
cmeans@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from I-15 North Segment Unit Two Bridge Improvement Project (07C-111), WDID Number 9000001727, 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 California Regional Water Quality Control Board, San Diego Region, Waiver of Waste Discharge Requirements (Waiver Policy) No. 17. Please note that this waiver 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 Water Quality Control Board's Water Quality Control Plan (Basin Plan).



JOHN H. ROBERTUS
Executive Officer
Regional Water Quality Control Board

12/21/2007
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map
 4. Site Photos

ATTACHMENT 1 PROJECT INFORMATION

Applicant: Mr. Andrew Rice
Project Manager
Caltrans District 11, MS-311
4050 Taylor Street
San Diego, CA 92110

Applicant Representatives: Mr. Bruce April
✓ Chief, Environmental Stewardship
Caltrans District 11, MS-242
4050 Taylor Street
San Diego, CA 92110

Project Name: ✓ I-15 Managed Lanes North Segment Unit 2

Project Location: The project is located on Interstate 15 approximately 1 mile south of the junction with State Route 78. The project is located on the USGS Escondido Quad map, Section N/A, Township 12S, Range 2W.

Type of Project: ✓ Bridge improvement and replacement

Project Description: The project proposes improve three existing bridges, that in a row, cross Escondido Creek. In the project area the creek is lined with concrete on bottom and sides. The north and southbound bridges would be widened to accommodate the managed lanes. The southbound interstate I-15 off-ramp to Valley parkway would be replaced with a widened bridge and realigned to the west. The abutments for the widened bridges would be constructed outside of the channel.

Temporary impacts to the channel would result from the placement of falsework piles in the channel bottom. After construction is complete the piles would be cut off below the surface of the channel bottom, and the holes back-filled with concrete.

Federal Agency/Permit: U.S. Army Corps of Engineers §404, Nationwide Permit 14 (non-reporting), Robert Smith

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

California Environmental Quality Act (CEQA) Compliance: On March 27, 2003 Caltrans approved a mitigated negative declaration for the project (SCH # 200201112)

Receiving Water: ✓ Escondido Creek, Carlsbad HU (904.00), Escondido Creek HA

	(904.60), Escondido HAS (4.62)
Affected Waters of the United States:	Temporary impacts to unvegetated streambed (0.01 acre, 104 linear feet)
Dredge Volume:	n/a
Related Projects Implemented/to be Implemented by the Applicant(s):	I-15 Managed Lanes project
Compensatory Mitigation:	✓ The project will result in temporary impacts to a concrete lined creek. Temporary impacts will be restored to pre-existing conditions and therefore no compensatory mitigation is proposed.
Best Management Practices (BMPs):	✓ During construction, this project will comply with the BMP requirements stipulated in the State Water Resources Control Board Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity, and 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.
Public Notice:	✓ On December 12, 2007 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.
Fees:	Total Due: \$519.35 Total Paid: \$519.35 (check No. 211067)
CIWQS:	Regulatory Measure ID: 338355 Place ID: 709409 Party ID: 7222

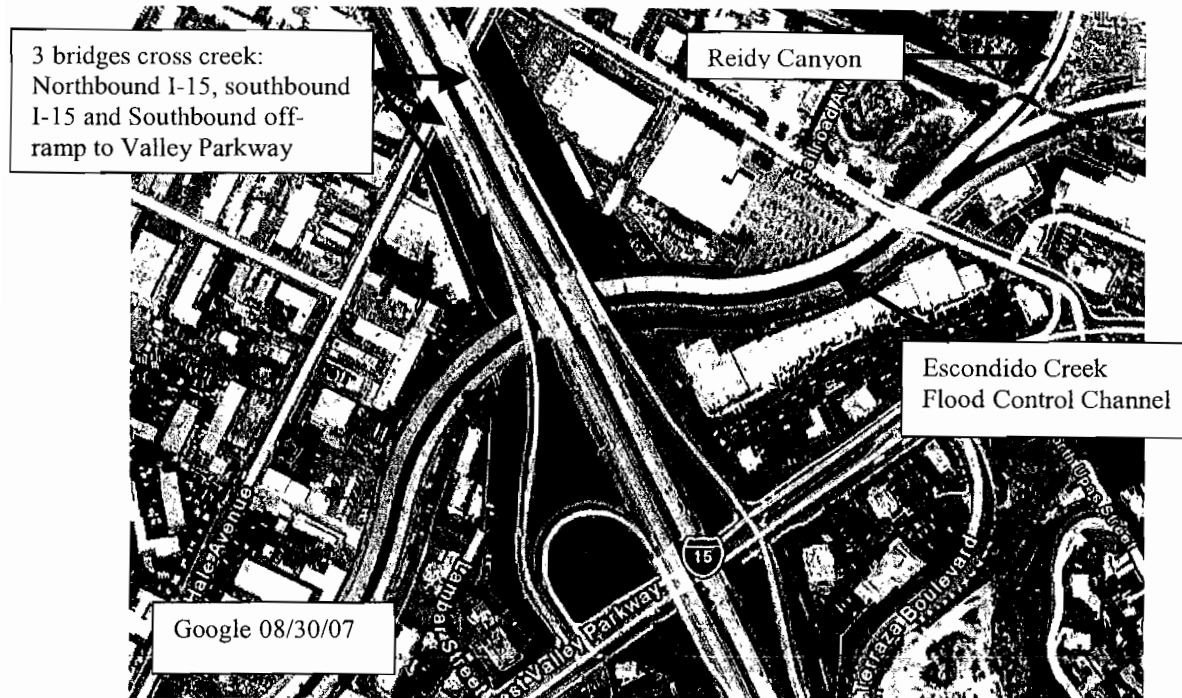
**ATTACHMENT 2
DISTRIBUTION LIST**

Ms. Tamara Spear
California Department of Fish and Game
South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123

State Water Resources Control Board
Division of Water Quality
401 Water Quality Certification and Wetlands Unit
P.O. Box 100
Sacramento, CA 95812-0100

Mr. Bruce April
Chief, Environmental Stewardship
Caltrans District 11, MS-242
4050 Taylor Street
San Diego, CA 92110

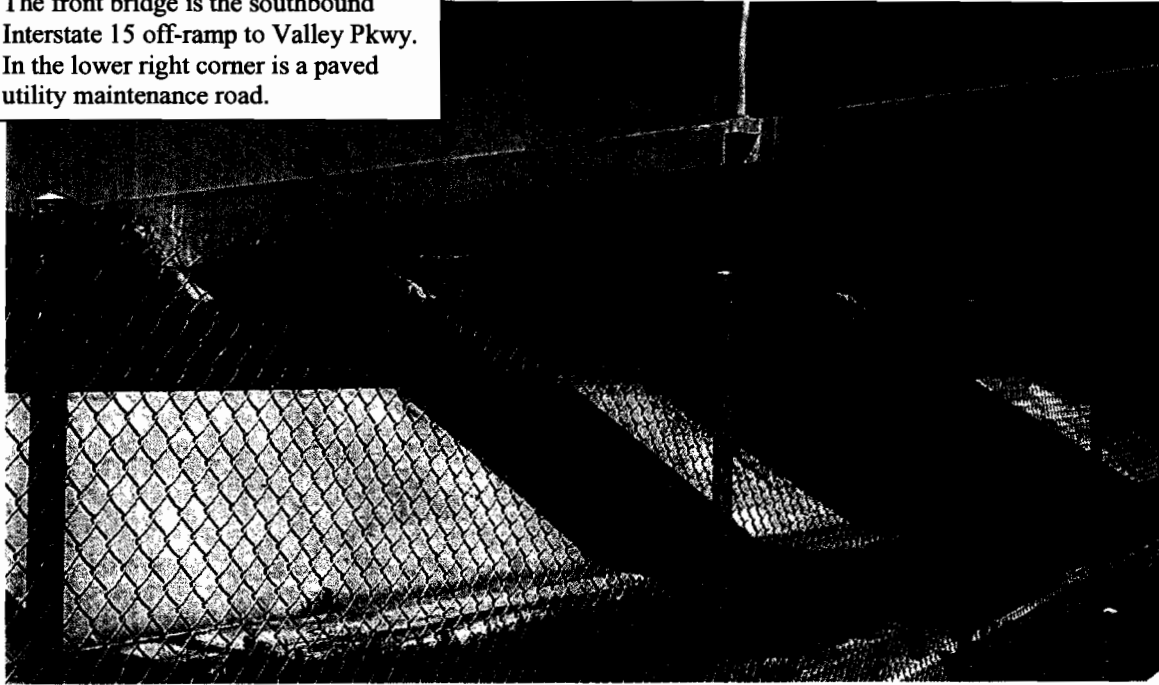
Mr. Robert Smith
U.S. Army Corps of Engineers, Regulatory Branch
16885 W. Bernardo Dr., Suite 300 A
San Diego, CA 92127



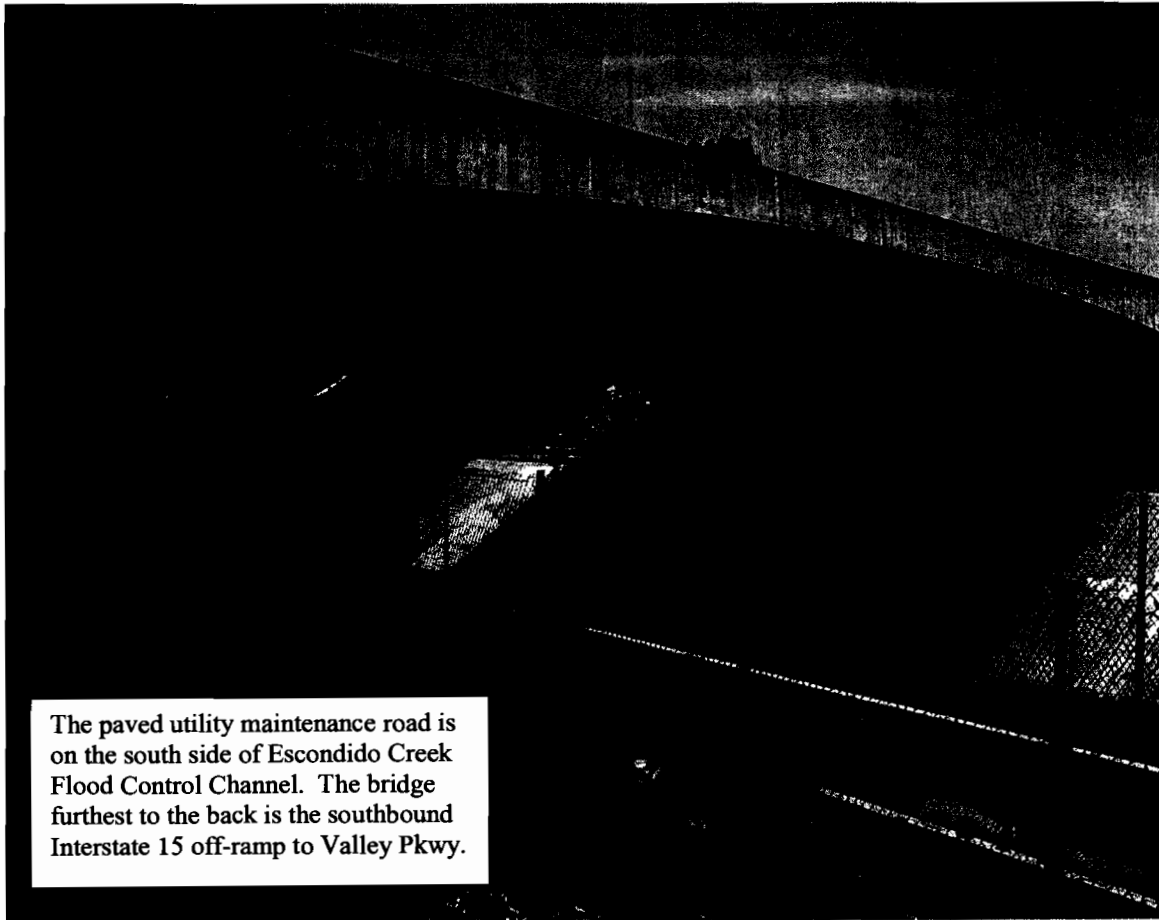
California Department of Transportation
EA 2T0821, 11-SD-15, PM R30.0-R31.5

Widen southbound/northbound bridges and replace/realign the southbound off-ramp to Valley Parkway. All three bridges cross Escondido Creek Flood Control Channel.

The front bridge is the southbound Interstate 15 off-ramp to Valley Pkwy. In the lower right corner is a paved utility maintenance road.



Three bridges crossing Escondido Creek Flood Control Channel



The paved utility maintenance road is on the south side of Escondido Creek Flood Control Channel. The bridge furthest to the back is the southbound Interstate 15 off-ramp to Valley Pkwy.

