



California Regional Water Quality Control Board San Diego Region



Matthew Rodriguez
Secretary
for
Environmental Protection

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

Edmund G. Brown Jr.
Governor

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

August 19, 2011

Certified Mail – Return Receipt Requested
Article Number: 7010 1060 000 4952 9291

Mr. Thomas Duffy
Environmental Planning Manager
Department of Public Works
County of San Diego
5469 Kearny Villa Road
Suite 305
San Diego, CA 92123

In reply refer to:
757955: mporter

Dear Ms. Curtis:

**SUBJECT: Clean Water Act Section 401 Water Quality Certification No. 10C-037
for the Aliso Canyon Drainage Improvement Project**

Enclosed is the Clean Water Act Section 401 Water Quality Certification for discharges to Waters of the U.S. and acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017-DWQ for the Aliso Canyon Drainage Improvement Project (project). A description of the project and project location can be found in the project information sheet, location map, and site maps which are included as Attachments 1 through 5.

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

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

California Environmental Protection Agency

In the subject line of any response, please include the requested **"In reply refer to:"** information located in the heading of this letter. For questions pertaining to the subject matter, please contact Mike Porter at 858-467-2726 or mporter@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosures:

Clean Water Act Section 401 Water Quality Certification No. 10C-037 for Aliso Canyon Drainage Improvement Project, with six attachments.

E-copies: Refer to Attachment 2 of Certification 10C-037 for the Distribution List.

Tech Staff Info & Use	
File No.	10C-037
WDID	9000002081
Reg. Measure ID	374305
Place ID	752820
Party ID	287958
Person ID	522730



California Regional Water Quality Control Board

San Diego Region



Matthew Rodriguez
Secretary
for
Environmental Protection

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

Edmund G. Brown Jr.
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

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

PROJECT: Aliso Canyon Road Drainage Improvement Project
Water Quality Certification No. 10C-037

APPLICANT: Mr. Thomas Duffy
Environmental Planning Manager
Department of Public Works
County of San Diego
5469 Kearny Villa Road
Suite 305
San Diego, CA 92123

WDID	9000002081
Reg. Meas.	374305
Place	752820
Party	287958
Person	522730

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

PROJECT DESCRIPTION:

The proposed project consists of drainage improvements to Aliso Canyon Road beginning at the intersection of Aliso Canyon Road and Avenida del Duque and extending south on Aliso Canyon Road to the intersection of Aliso Canyon Road and El Camino del Norte. The existing storm drain is not adequate to carry existing storm flows resulting in flooding along Aliso Canyon Road during significant storm events. Drainage improvements include installation of a supplemental storm drain, replacement of a portion of the existing storm drain,

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper



culverts, curb inlets, catch basins, headwalls, storm drain cleanouts, and associated utility relocations and roadway improvements. The inlet to the supplemental storm drain will be co-located within the headwall and wingwalls of the existing storm drain, approximately 600 feet south of the intersection of Avenida del Duque and Aliso Canyon Road. The supplemental storm drain will run along the east side of Aliso Canyon Road and will tie into the existing storm drain system, approximately 500 feet north of the intersection of El Camino Del Norte and Aliso Canyon Road. Installation of the supplemental storm drain will consist of 1,650-feet of 48-inch reinforced concrete pipe (RCP). Existing storm drain improvements will begin approximately 500 feet north of the intersection of El Camino Del Norte and Aliso Canyon Road, where an existing 72-inch RCP will be replaced by an 8' x 6' reinforced concrete box (RCB). At the project termini, the existing storm drain outlet, which consists of a headwall, will be replaced. A riprap energy dissipater will be installed at the outlet of the storm drain.

Temporary impacts to wetlands (0.011-acre) of the State and U.S. will be caused by construction activities and access to the construction areas for the unnamed wetland/tributary to Escondido Creek (San Dieguito Watershed). Permanent impacts to wetlands (0.006-acre) of the State and U.S. will be caused by the permanent replacement of a culvert.

Mitigation will occur both on-site and off-site at the Mt. Olympus Preserve. On-site mitigation will be the 0.048-acre (45-linear feet) re-establishment of (combined) Fresh water marsh, Southern willow scrub, and Southern riparian woodland habitat. Off-site mitigation will be the 0.018-acre (47-linear feet) establishment, re-establishment, and rehabilitation (grading, weeding, and planting with native wetland and riparian plant species) of an unnamed stream, it's floodplain and associated wetlands at the County of San Diego's Mt. Olympus Open Space Preserve in the San Luis Rey Watershed.

TABLE OF CONTENTS

I. STANDARD CONDITIONS: 4
II. ADDITIONAL CONDITIONS: GENERAL 4
III. ADDITIONAL CONDITIONS: CONSTRUCTION BEST MANAGEMENT
PRACTICES 5
IV. ADDITIONAL CONDITIONS: IMPACTS AND COMPENSATORY
MITIGATION 7
V. MONITORING REQUIREMENTS: 10
VI. NOTIFICATION REQUIREMENTS: 11
VII. REPORTING REQUIREMENTS: 13
VIII. CEQA FINDINGS: 16
IX. PUBLIC NOTIFICATION OF PROJECT APPLICATION: 16
X. SAN DIEGO WATER BOARD CONTACT PERSON: 16
XI. WATER QUALITY CERTIFICATION: 17

I. STANDARD CONDITIONS:

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

- 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 California 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 (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.

II. ADDITIONAL CONDITIONS: GENERAL

- A. Water Quality Certification No. 10C-037 (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, this Certification expires.
- B. The County of San Diego must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification*. These General Waste Discharge Requirements are accessible at:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf.
- C. County of San Diego must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the 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 as part of this Certification action.

- D. County of San Diego must permit the San Diego Water Board or its authorized representative at all times, upon presentation of credentials:
1. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 2. Access to copy any records required to be kept under the terms and conditions of this Certification.
 3. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
 4. Sampling of any discharge or surface water covered by this Order.
- 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 require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the San Diego Water 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.
- G. In response to any violation of the conditions of this Certification, the San Diego Water Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.

III. ADDITIONAL CONDITIONS: CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. Construction BMPs are described in the Aliso Canyon Road Drainage Improvement Project Application for Water Quality Certification, dated May 27, 2010.

Construction BMPs will include:

1. Fiber rolls.
 2. Gravel bag berms.
 3. Erosion control stabilizing emulsion.
 4. Concrete washout area.
 5. Stabilized construction entrance/exit.
 6. Spill prevention and control.
 7. Street sweeping and vacuuming.
- B. Prior to the start of the project, and annually thereafter, the County of San Diego must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and Best Management Practices BMP implementation and maintenance.
- C. The County of San Diego 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 United States and/or State.
- D. 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 CWC § 13260.
- E. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
- F. 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.
- G. 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.

- H. All areas that will be left in a rough graded state must be stabilized no later than one week after completion of grading. The County of San Diego, 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 with native species appropriate for the area. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at <http://www.cal-ipc.org/ip/inventory/weedlist.php>.
- I. 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.
- J. 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, and any subsequent reissuance as applicable. Removal of vegetation must occur outside of the avian nesting season (March 15 to August 31).
- K. If groundwater dewatering with discharge to surface water is necessary for project construction, the County of San Diego 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
- L. During construction, County of San Diego must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.

IV. ADDITIONAL CONDITIONS: COMPENSATORY MITIGATION

- A. Impacts to an unnamed tributary/wetland to Escondido Creek in the San Dieguito Watershed are limited to:

1. Permanent Impacts -
Wetlands 0.006-acre, 74-linear feet
 2. Temporary Impacts -
Wetlands 0.011-acre, 45-linear feet
- B. Mitigation for non-avoidable impacts shall be implemented as described in the *Comprehensive Wetland Conceptual Mitigation Plan for Aliso Canyon Road Drainage Improvement Project Drainage Improvement Project, Del Dios Highway Drainage Improvement Project, Ramona Dumpsite Drainage Improvement Project, San Vicente Drainage Improvement Project, Pala Mission Road Culvert Improvement Project* prepared by AMEC, and dated August 5, 2011. Mitigation will occur both on-site and off-site at the Mt. Olympus Preserve.
1. On-site mitigation must be the 0.048-acre (45-linear feet) re-establishment of (combined) Fresh water marsh, Southern willow scrub, and Southern riparian woodland habitat.
 2. Off-site mitigation must be the 0.018-acre (47-linear feet) establishment, re-establishment, and rehabilitation (grading, weeding, and planting with native wetland and riparian plant species) of an unnamed stream, it's floodplain and associated wetlands at the County of San Diego's Mt. Olympus Open Space Preserve in the San Luis Rey Watershed.
- C. 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.
- D. The County of San Diego must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the United States/State. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species. County of San Diego must implement all necessary BMPs to control erosion and runoff from areas associated with this project.
- E. The County of San Diego must salvage leaf litter, coarse woody debris, and upper soil horizons from impacted jurisdictional water sites that are relatively free of invasive exotic species for use in on-site mitigation areas.

- F. The County of San Diego must also salvage large cuttings from appropriate tree species if they exist at the impact site and use them as pole plantings at the mitigation site.
- G. The mitigation sites must be designed, constructed, and maintained to meet the following conditions:
 - 1. Most of the channel through the mitigation sites are characterized by equilibrium conditions, with no evidence of severe aggradation or degradation;
 - 2. As viewed along cross-sections, the channel and buffer have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope contains physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and
 - 3. The mitigation sites have a well-developed plant community characterized by a high degree of horizontal and vertical interspersion among plant zones and layers.
- H. Throughout the mitigation monitoring program phase, mitigation areas must be maintained free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the on-site or off-site mitigation areas.
- I. San Diego Water Board acceptance of the final mitigation plan for each project site applies only to the site and plan that mitigates for each project and must not be construed as approval of the mitigation site or plan for use by other current or future projects that are planning to use additional acreage at the site for mitigation.
- J. 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.
- K. 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 County of San Diego is responsible for repair and replanting of the damaged areas.

- L. For the purpose of determining mitigation credit for the removal of exotic/invasive plant species, only the actual area occupied by exotic/invasive plant species must be quantified to comply with mitigation requirements.
- M. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the United States/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 United States/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 United States/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 United States/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 United States/State (e.g., conservation easement).
- N. Mitigation site maintenance and monitoring must continue until the mitigation site has met the success criteria stated in the mitigation plan. The mitigation sites must be maintained free of non-native and invasive plant species in perpetuity.

V. MONITORING REQUIREMENTS:

A. Benthic Macroinvertebrate Community Analysis-

The County of San Diego must conduct bioassessment monitoring using the professional level protocol¹ to assess effects of the project on the biological integrity of receiving waters. At a minimum, bioassessment monitoring must be performed at three sites (assessment stations) on the Mt. Olympus mitigation site (as flow permits) once per year, during the established "index period" for the San Luis Rey Watershed. The first assessment station is the reference station, which must be located upstream of the mitigation area; the second assessment station must be located in the mitigation area; the third assessment station must be located immediately downstream of the mitigation area. The reference

¹ Copies of the Bioassessment Procedure can be obtained at <http://swamp.mpsl.mlml.calstate.edu/resources-and-downloads/standard-operating-procedures>.

station upstream of the project discharge must be located and sampled concurrently with second and third assessment stations. Monitoring must occur prior to impacts and for at least three consecutive years after impacts. The results of the Benthic Macroinvertebrate Community Analysis must be submitted **each year with the Annual Monitoring Report.**

B. California Rapid Assessment Method-

The County of San Diego must conduct a quantitative, function-based assessment of the health of wetland and riparian habitats in the impact areas and all mitigation areas using the California Rapid Assessment Method (CRAM)² at the three assessment stations described above (in section VI.A., 'Benthic Macroinvertebrate Community Analysis'). Monitoring must occur prior to impacts and for at least three consecutive years after impacts. The results of the CRAM assessment must be submitted **each year with the Annual Monitoring Reports.**

VI. NOTIFICATION REQUIREMENTS:

- A. County of San Diego must notify the San Diego Water Board within **24 hours** of any unauthorized discharge, including hazardous or toxic materials, to waters of the United States 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 practices (BMPs) or other measures that will be implemented to prevent future discharges.
- B. This Certification is not transferable in its entirety or in part to any person or organization except after notice to the Executive Officer of the San Diego Water Board in accordance with the following terms.
1. Transfer of Property Ownership: County of San Diego 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 County of San Diego has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the Executive Officer of the San Diego Water Board within **10 days** of the transfer of ownership.

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

2. **Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in Sections IV and VI of 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). Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to County of San Diego will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve County of San Diego of this Certification in the event that a transferee fails to comply. The County of San Diego must provide such notification to the Executive Officer of the San Diego Water Board within **10 days** of the transfer of mitigation responsibility.

3. **Transfer of Post-Construction BMP Maintenance Responsibility:** The County of San Diego 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 County of San Diego 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. The County of San Diego must provide such notification to the Executive Officer of the San Diego Water Board within **10 days** of the transfer of BMP maintenance responsibility.

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

- C. Prior to the start of construction, the County of San Diego 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 County of San Diego must submit proof of a completed preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. Construction of the site must not be initiated until a

draft preservation mechanism is received. 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

VII. REPORTING REQUIREMENTS:

A. The County of San Diego must submit annual progress reports describing status of compliance with all requirements of this Certification to the San Diego Water Board prior to **August 1** of each year following the issuance of this Certification until the project has reached completion. The County of San Diego must submit a Final Project Annual Report to the San Diego Water Board prior to **August 1** following completion of the project. The reports must include the following:

1. Date of construction initiation.
2. Projected date of construction completion.
3. Status of BMPs for the project.
4. Final Project Report: As-built drawings no larger than 11"X17", GPS readings, and photodocumentation of post-construction BMPs.

B. Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful. 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;
 9. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results, including evaluation of Benthic Macroinvertebrate Community Analysis, California Rapid Assessment Method, and other success criteria.
 10. Stream Photodocumentation, 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. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/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 California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the San Diego Water Board for failure to furnish requested information pursuant to CWC section 13268.
- D. All reports and information submitted to the San Diego Water Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.

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.

F. All applications, reports, or information submitted to the San Diego Water 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."

G. The County of San Diego 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; Project No. 10C-037
9174 Sky Park Court, Suite 100
San Diego, California 92123

VIII. CEQA FINDINGS:

- A. The County of San Diego is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and issued the Mitigated Negative Declaration, Aliso Canyon Road Drainage Improvement Project, County of San Diego, State Clearing House No. 2010051053, May 19, 2010.
- B. The San Diego Water Board has reviewed the lead agency's Mitigated Negative Declaration and finds that the project as proposed will not have a significant effect on the environment.

IX. PUBLIC NOTIFICATION OF PROJECT APPLICATION:

- A. On October 28, 2010, 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.

X. 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 92123
Telephone: 858-467-2726
Email: mporter@waterboards.ca.gov

XI. WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the **Aliso Canyon Road Drainage Improvement Project** (Certification Project No. 10C-037) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)*," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue individual 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 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).



DAVID W. GIBSON
Executive Officer
Regional Water Quality Control Board

8-19-2011
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map(s)
 4. Site Figures(s)
 5. Mitigation Figures(s)
 6. Required Reports and Notifications Checklist

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: Mr. Tom Duffy
Environmental Planning Manager
Department of Public Works
County of San Diego
5469 Kearny Villa Road
Suite 305
San Diego, CA 92123
Telephone: 858-874-4039
Fax: 858-874-4043
Email: Thomas.Duffy@sdcounty.ca.gov

**Applicant
Representatives:** None

Project Name: Aliso Canyon Road Drainage Improvement Project

Project Location: The proposed project is located at the intersection of Aliso Canyon Road and El Camino Norte, within the unincorporated community of Rancho Santa Fe, San Diego County, California. The project is located approximately at latitude 33° 02' 38" north and longitude -117° 11' 15" west.

Type of Project: Road drainage improvements.

Project Description: The proposed project consists of drainage improvements to Aliso Canyon Road beginning at the intersection of Aliso Canyon Road and Avenida del Duque and extending south on Aliso Canyon Road to the intersection of Aliso Canyon Road and El Camino del Norte. The existing storm drain is not adequate to carry existing storm flows resulting in flooding along Aliso Canyon Road during significant storm events. Drainage improvements include installation of a supplemental storm drain, replacement of a portion of the existing storm drain, culverts, curb inlets, catch basins, headwalls, storm drain cleanouts, and associated utility relocations and roadway improvements. The inlet to the supplemental storm drain will be co-located within the headwall and wingwalls of

the existing storm drain, approximately 600 feet south of the intersection of Avenida del Duque and Aliso Canyon Road. The supplemental storm drain will run along the east side of Aliso Canyon Road and will tie into the existing storm drain system, approximately 500 feet north of the intersection of El Camino Del Norte and Aliso Canyon Road. Installation of the supplemental storm drain will consist of 1,650-feet of 48-inch reinforced concrete pipe (RCP). Existing storm drain improvements will begin approximately 500 feet north of the intersection of El Camino Del Norte and Aliso Canyon Road, where an existing 72-inch RCP will be replaced by an 8' x 6' reinforced concrete box (RCB). At the project termini, the existing storm drain outlet, which consists of a headwall, will be replaced. A riprap energy dissipater will be installed at the outlet of the storm drain.

Temporary impacts to wetlands (0.011-acre) of the State and U.S. will be caused by construction activities and access to the construction areas for the unnamed wetland/tributary to Escondido Creek (San Dieguito Watershed). Permanent impacts to wetlands (0.006-acre) of the State and U.S. will be caused by the permanent replacement of a culvert.

Mitigation will occur both on-site and off-site at the Mt. Olympus Preserve. On-site mitigation will be the 0.048-acre (45-linear feet) re-establishment of (combined) Fresh water marsh, Southern willow scrub, and Southern riparian woodland habitat. Off-site mitigation will be the 0.018-acre (47-linear feet) establishment, re-establishment, and rehabilitation (grading, weeding, and planting with native wetland and riparian plant species) of an unnamed stream, it's floodplain and associated wetlands at the County of San Diego's Mt. Olympus Open Space Preserve in the San Luis Rey Watershed.

Federal
Agency/Permit:

U.S. Army Corps of Engineers §404, Nationwide Permit 14
Permit, Ms. Peggy Bartels.

Other Required
Regulatory Approvals:

California Department of Fish and Game (CDFG) § 1602
Streambed Alteration Agreement, Mr. Darren Bradford.

California
Environmental Quality
Act (CEQA)
Compliance:

Mitigated Negative Declaration, Aliso Canyon Road Drainage
Improvement Project, County of San Diego, State Clearing
House No. 2010051053, May 19, 2010.

Receiving Waters:

A wetland/tributary that drains to Escondido Creek. San
Dieguito hydrologic unit, Rancho Santa Fe hydrologic subarea
(905.11)

Impacted Wetlands of
the United States and
State:

Permanent -
Wetlands 0.006-acre, 74-linear feet

Temporary -
Wetlands 0.011-acre, 45-linear feet

Impacted Waters for
CDFG jurisdiction
only:

Temporary -
Wetlands 0.026-acre

Dredge Volume:

300 yds³

Related Projects
Implemented/to be
Implemented by the
Applicant(s):

None.

Compensatory
Mitigation:

Mitigation for non-avoidable impacts shall be implemented as
described in the *Comprehensive Wetland Conceptual
Mitigation Plan for Aliso Canyon Road Drainage Improvement
Project Drainage Improvement Project, Del Dios Highway
Drainage Improvement Project, Ramona Dumpsite Drainage
Improvement Project, San Vicente Drainage Improvement
Project, Pala Mission Road Culvert Improvement Project*
prepared by AMEC, and dated August 5, 2011. Mitigation will
occur on-site and offsite at the Mt. Olympus Preserve.

On-site mitigation must be the 0.048-acre (45-linear feet) re-
establishment of (combined) Fresh water marsh, Southern
willow scrub, and Southern riparian woodland habitat.

Off-site mitigation must be the 0.018-acre (47-linear feet) establishment, re- establishment, and rehabilitation (grading, weeding, and planting) of the unnamed stream, it's floodplain and associated wetlands at the County of San Diego's Mt. Olympus Open Space Preserve in the San Luis Rey Watershed.

Best Management
Practices (BMPs):

Construction BMPs are described in the Aliso Canyon Road Drainage Improvement Project Application for Water Quality Certification, dated May 27, 2010.

Construction BMPs will include:

1. Fiber rolls.
2. Gravel bag berms.
3. Erosion control stabilizing emulsion.
4. Concrete washout area.
5. Stabilized construction entrance/exit.
6. Spill prevention and control.
7. Street sweeping and vacuuming.

Public Notice:

On June 01, 2010, 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.

Fees:

Total Due: \$1,114.00
Total Paid: \$640.00 (Check No. 3367764)
Total Paid: \$474.00 (Check No. 3365635)

CIWQS:

Regulatory Measure ID: 374305
Place ID: 752820
Party ID: 287958
Person ID: 522730
WDID 9 000002161

**ATTACHMENT 2
DISTRIBUTION LIST**

Ms Peggy Bartels
U.S. Army Corps of Engineers
San Diego Field Office
6010 Hidden Valley Road
Suite 105
Carlsbad, CA 92011
Peggy.J.Bartels@spl01.usace.army.mil

Ms. Kelly Fisher
California Department of Fish and Game
South Coast Region
Habitat Conservation Planning – North
4949 Viewridge Avenue
San Diego, CA 92123
kfisher@dfg.ca.gov

Mr. Eric Raffini
Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105
R9-WTR8-Mailbox@epa.gov

State Water Resources Control Board
Division of Water Quality
401 Water Quality Certification and Wetlands Unit
P.O. Box 100
Sacramento, CA 95812-0100
Stateboard401@waterboards.ca.gov

U.S. Department of the Interior
Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011

ATTACHMENT 3
LOCATION MAP(S)



FIGURE

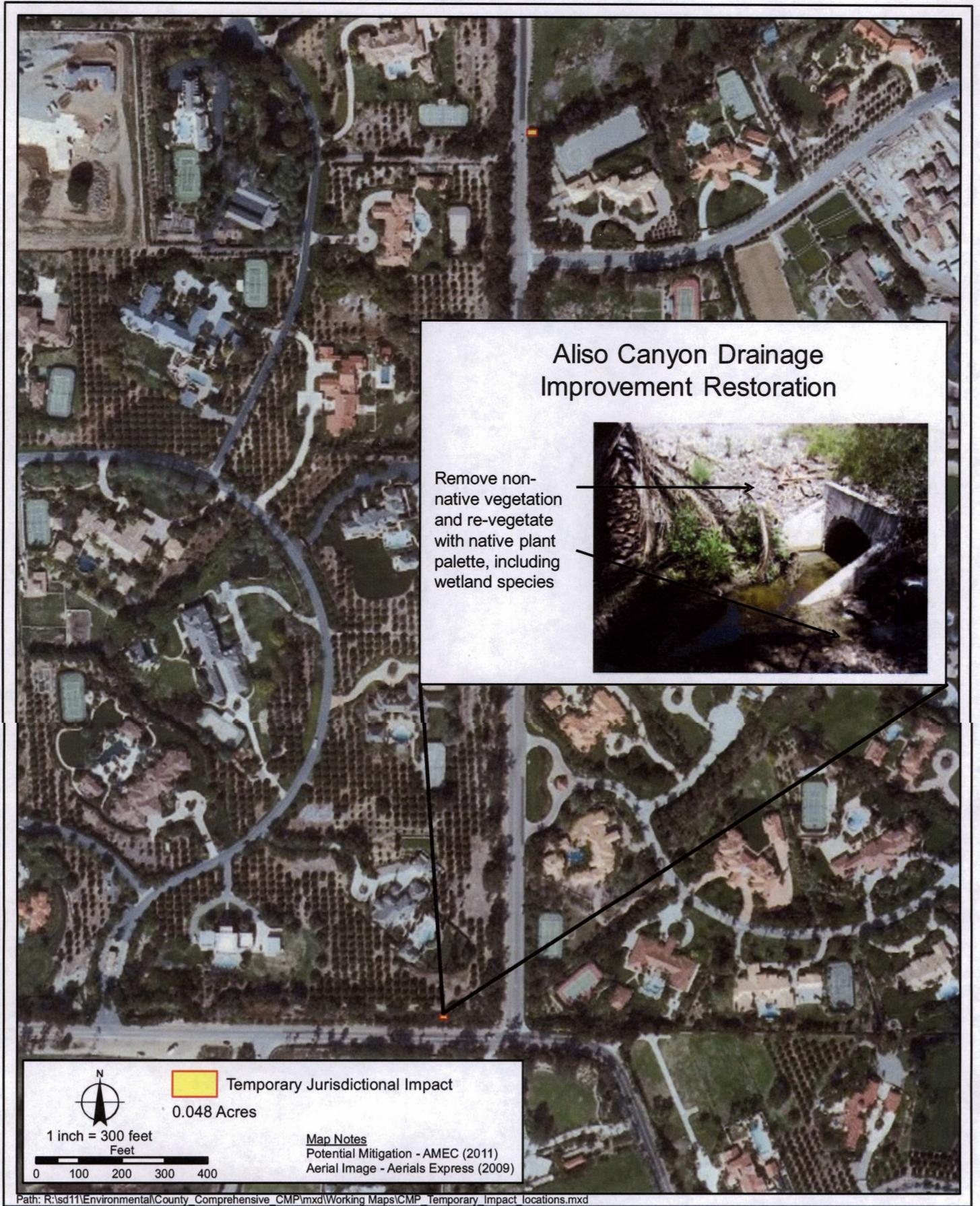
Regional Location
Comprehensive Conceptual Mitigation Plan

1



ATTACHMENT 4

SITE FIGURE(S)



FIGURE

ATTACHMENT 5

MITIGATION FIGURE(S)



Path: R:\sd11\Environmental\County_Comprehensive_CMP\mxd\Report Figures\mt_olympus_proposed_mitigation_V2.mxd

**Mount Olympus Preserve Proposed Mitigation Area
Comprehensive Conceptual Mitigation Plan**

FIGURE

8





FIGURE 9

**Mount Olympus Preserve Proposed Mitigation Area and Vegetation Communities
Comprehensive Conceptual Mitigation Plan**

Path: R:\sd111\Environmental\County Comprehensive CMP\mxd\Report Figures\mt_olympus_mitigation_area1_v2_CivEdit.mxd



Certification No. 10C-037

ATTACHMENT 6

REQUIRED REPORTS AND NOTIFICATIONS CHECKLIST

Attachment 6

Checklist of Required Reports and Notifications

Required Notifications: 401 Certification No. 10C-037

Notification Requirement	Required Notification Period	Required Condition(s) To Be Met	Date Received
Unauthorized Discharge	Within 24 Hours of Discharge	VI.A	
Transfer of Responsibilities	Within 10 Days of Transfer	VI.B.	
Mitigation Preservation Mechanism	Prior to construction commencement	VI.C	

Required Reports and Submittals: 401 Certification No. 10C-037

Required Report	Due Date	Required Condition(s) To Be Met	Date Received
Benthic Macroinvertebrate Report	Prior to August 1 st , Annually	V.A.	
California Rapid Assessment Report	Prior to August 1 st , Annually	V.B.	
Annual Project Report	August 1 st , Annually	VII.A	
Final Annual Project Report	August 1 st After Project Completion	VII.A	
Annual Mitigation Monitoring Report	Prior to December 1 annually	VII.B.	