



California Regional Water Quality Control Board, San Diego Region

May 16, 2012

In reply refer to: 775614: amonji

Alan Dusi San Diego Gas & Electric 8315 Century Park Avenue, CP21E San Diego, CA 92123

Dear Alan Dusi:

SUBJECT: ACTION ON REQUEST FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION APPLICATION NO. 11C-114

Enclosed find 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 Wood to Steel Project—TL 637(Project).

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.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter.

Respectfully,

DAVID W. GIBSON Executive Officer

Mul W.





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

PROJECT:

Project:	Wood to Steel Project—TL 637
Certification No:	11C-114
WDID:	9 000002400
Place ID:	775614

APPLICANT:

Alan Dusi
San Diego Gas & Electric
8315 Century Park Avenue, CP21E
San Diego, CA 92123

ACTION:

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

PROJECT DESCRIPTION:

The applicant proposes to replace four existing poles with direct bury heavy steel poles or micropile poles. The new steel poles, which will provide continuous reliable electrical service, prevent service outages, and replace outdated equipment. Installation of steel poles will reduce damage to the utilities in the event of a fire, thereby increasing reliability. The remaining thirteen wood poles will be removed and the power lines rerouted to other existing poles.

TABLE OF CONTENTS

I. STANDARD CONDITIONS:
II. ADDITIONAL CONDITIONS: GENERAL
III. ADDITIONAL CONDITIONS: CONSTRUCTION BMPs
IV. ADDITIONAL CONDITIONS: POST-CONSTRUCTION BMPs
V. ADDITIONAL CONDITIONS: COMPENSATORY MITIGATION 7
VI. NOTIFICATION REQUIREMENTS:
VII. REPORTING REQUIREMENTS:
VIII. CEQA FINDINGS:
IX. PUBLIC NOTIFICATION OF PROJECT APPLICATION:
X. WATER QUALITY CERTIFICATION:

I. STANDARD CONDITIONS:

The following three standard conditions apply to <u>all</u> 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 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. This Clean Water Act Section 401 Water Quality Certification No. 11C-114 (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 expires.
- B. San Diego Gas & Electric must notify the San Diego Water Board of any change in ownership or transfer of certification responsibilities associated with the project or mitigation areas. Notification of change in ownership or transfer of responsibilities must include, but not be limited to, a statement that San Diego Gas & Electric has provided the purchaser/transferee with a copy of the Section 401 Water Quality Certification and that the purchaser/transferee understands and accepts the certification requirements and acknowledges the obligation to implement them and be subject to liability for failure to do so. San Diego Gas & Electric and the purchaser/transferee 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. Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to San Diego Gas & Electric will be interpreted to refer to the transferee as appropriate. Transfer does not necessarily relieve San Diego Gas & Electric of responsibilities within this Certification in the event that a transferee fails to comply.
- C. San Diego Gas & Electric 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-wdr401r-egulated-projects.pdf.

- D. San Diego Gas & Electric 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. 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.
- E. During construction, San Diego Gas & Electric must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.
- F. San Diego Gas & Electric 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.
- G. 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.
- H. 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.
- 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 BMPs

- A. Prior to the start of the project, and annually thereafter, San Diego Gas & Electric must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and Best Management Practices (BMPs) implementation and maintenance.
- B. San Diego Gas & Electric 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.

- C. If applicable, San Diego Gas & Electric must enroll in and comply with the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, NPDES No. CAS000002, General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, and any subsequent reissuance as applicable.
- D. If applicable, San Diego Gas & Electric must enroll in and comply with the requirements of San Diego Water Board Order No. 2008-0002, General Waste Discharge Requirements and NPDES Permit for discharges from groundwater extraction waste to surface waters within the San Diego Region except for San Diego Bay, and any subsequent reissuance as applicable.
- 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 CWC § 13263.
- F. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
- 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 that 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 cofferdam or other artificial obstruction constructed must only be built from materials such as steel or fiberglass sheetpile which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location. If storm discharges through the project area threaten to exceed the capacity of flow bypass systems to effectively manage the flow rate, San Diego Gas & Electric shall direct the removal of equipment, construction materials, and all suspendable debris from within the dewatered construction cofferdam area and stabilization of areas within and downstream of the cofferdam by laying a temporary geosynthetic discharge apron to avoid spillway scour of sediments. The project is to be constructed in the dry season to avoid high flow conditions, however, San Diego Gas & Electric shall prepare and maintain a contingency plan to address high flow conditions should they occur during construction.
- I. All areas that will be left in a rough graded state must be stabilized no later than one week after completion of grading. San Diego Gas & Electric and subsequent owners, are responsible for implementing and maintaining BMPs to prevent erosion of the rough graded areas to prevent flow from this area from causing negative impacts to beneficial uses. 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. Where riprap is replaced at the channel crest to stabilize areas around the abutments, care shall be taken so as not to discharge rip rap down the channel slopes to the channel floor.

- 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 United States Environmental Protection Agency approved herbicides deployed using applicable BMPs to prevent impacts to beneficial uses of waters of the United States and/or 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.

IV. ADDITIONAL CONDITIONS: POST-CONSTRUCTION BMPs

- A. San Diego Gas & Electric is prohibited from allowing post-construction discharges to cause onsite or offsite erosion, damage to properties or damage to habitats in receiving waters that will receive post-construction discharges from the project site.
- B. Any storm drain inlet structures within the project boundaries must be stamped and/or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
- C. Any post-construction treatment BMPs, including those described in the project application, must be sized to comply with the following numeric sizing criteria and treat 100 percent of the impervious surfaces associated with the project:

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 (e.g. 0.6 inch approximate average for the San Diego County area); 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. Flow

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 same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.

- D. Post-construction BMPs must be installed and functional prior to occupancy and/or planned use of development areas.
- E. All post-construction treatment BMPs and storm water discharge points must:
 - 1. Be regularly inspected and maintained for the life of the project per manufactures' specifications and industry standards;
 - 2. Have all preventive and corrective maintenance performed;
 - Be inspected no less than one time per year, immediately prior to the commencement of the rainy season (October 1) and after every storm event exceeding 0.5 inches of precipitation; and
 - 4. Be properly documented in a log containing all BMP inspections and maintenance activities.

V. ADDITIONAL CONDITIONS: COMPENSATORY MITIGATION

- A. The mitigation for the project must fully comply with the latest habitat mitigation and monitoring 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. 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.
- B. Mitigation shall consist of relocating several existing poles outside of a jurisdictional area including pole Z416648, Z416649, and Z416650. In addition, placing Pole Z416647 adjacent to an existing dirt access road will minimize wetland impacts during future maintenance activity.
- C. 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 on-site restoration area(s).
- D. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the United States 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 United States 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 United States 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 United States 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 United States and/or State (e.g., conservation easement).

VI. NOTIFICATION REQUIREMENTS:

- A. San Diego Gas & Electric 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 San Diego Gas & Electric becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time San Diego Gas & Electric becomes aware of the circumstances. The written submission shall contain a written 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. San Diego Gas & Electric must notify the San Diego Water Board in writing at least 5 days prior to the actual commencement of dredge, fill, and discharge activities.
- C. San Diego Gas & Electric must notify the San Diego Water Board in writing within **5 days** following the completion of mitigation.
- D. San Diego Gas & Electric must submit a Final Project Report within **60 days** of completion of the project, including mitigation construction. The Final Project Report must include:
 - Stream photodocumentation in accordance with: http://www.waterboards.ca.gov/sandiego/water issues/programs/401 certification/docs/S treamPhotoDocSOP.pdf
 - 2. GIS shapefiles of the impacts/mitigation site.
 - 3. A demonstration of project and mitigation completion.
 - 4. Any mitigation site monitoring, including for success criteria, required under V.A. of this Certification.

VII. REPORTING REQUIREMENTS:

- A. The submittal of information under this Certification is required pursuant to California Water Code (CWC) sections 13267 and 13283. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit required information pursuant to CWC section 13268 or 13385.
- B. 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.
- C. 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.
- D. 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."
- E. San Diego Gas & Electric 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-114,
Place ID No. 775614
9174 Sky Park Court, Suite 100
San Diego, California 92123

VIII. CEQA FINDINGS:

A. The San Diego Water Board finds that the project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301 (b). The exemption applies to the repair and maintenance of existing structures. Specifically, the replacement of the existing wood poles constitutes maintenance of existing facilities to provide electric power, as identified in section 15301 (b).

IX. PUBLIC NOTIFICATION OF PROJECT APPLICATION:

A. The receipt of the project application was posted on the San Diego Water Board web site for a minimum of 21 days to serve as appropriate notification to the public. No public comments were received.

X. WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the Rose Creek Bike Path and Pedestrian Bridge Project (Project No. 11C-114) 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 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).

Date

DAVID W. GIBSON

Executive Officer

Regional Water Quality Control Board

Electronic Distribution:

U.S. EPA:

State Water Board:

U.S. Army Corps of Engineers:

CDFG:

Consultant:

5-16-12

R9-WTR8-Mailbox@epa.gov
Stateboard401@waterboards.ca.gov
Peggy.i.bartels@usace.army.mil
kfisher@dfg.ca.gov
tspear@semprautilities.com

Tech Staff In	nfo & Use
File No.	11C-114
WDID	9 000002400
Reg. Measure ID	382787
Place ID	775614
Party ID	39618
Person ID	531097

To: Office of Planning and Research PO Box 3044, Room 212 Sacramento, CA 95812-3044

From: California Regional Water Quality Control Board

San Diego Region

9174 Sky Park Court, Suite 100 San Diego, CA 92123-4340

Project Title:

Wood to Steel Project - TL 637

Project Location:

Creelman Road, Ramona.

Latitude: 33.09999, Longitude: -117.6733

Project Location - City: Ramona Project Location - County: San Diego

Description of Project: San Diego Gas & Electric (SDG&E) existing Transmission Line (TL) 637, of which poles Z416692, Z416693, Z416684, and Z416697 are a part of, is being upgraded to provide continued reliable service, prevent outages and replace outdated equipment. Existing wood poles will be replaced with direct bury heavy steel poles or micropile poles. Installation of the new steel poles will reduce damage to the utilities in the event of a fire, thereby increasing reliability. Permanent impacts associated with the four pole replacements is 98-square feet. As part of the project activity, seventeen poles (including the portion buried underground, referred to as "pole butts") will be removed. The temporary impacts associated with the pole removal activity is 0.17 acre. All work will occur within an existing utility easement and work will be scheduled to avoid rain events.

Name of Public Agency Approving Project: California Regional Water Quality Control Board, San Diego Region

Name of Person or Agency Carrying Out Project: San Diego Gas & Electric

Exempt Status:

	Ministerial (Sec. 21080(b)(1); 15268);
	Declared Emergency (Sec. 21080(b)(3); 15269(a));
	Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
X	Categorical Exemption. State type and section number: Class I, Section 15301(b) Existing Facilities
	Statutory Exemptions. State code number:

Reason why project is exempt: Repair, or maintenance of an existing facility involving negligible or no expansion of an existing use. Replacement or reconstruction of existing utility systems and facilities involving negligible or no expansion of capacity.

Lead Agency: California Regional Water Quality Control Board - San Diego Region

Contact Person: Alan Monji Telephone: (858) 637-7140

If filed by applicant:

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the projects? ☐ Yes ☐ No

Signature: Date: 5-16-2012 Title: Executive Officer

Date received for filing at OPR:

X	Signed by Lead Agency
	Signed by Applicant