

State Water Resources Control Board

NOTICE OF APPLICABILITY FOR NATIONWIDE PERMIT 12: UTILITY LINE ACTIVITIES

Effective Date: January 21, 2021

Program Type: Fill/Excavation

Project Type: Overhead Utility

Project: eTS 36441 Chestnut Avenue Corrosion Protection at Tower
Z524968 Project
Regulatory Measure ID: 441574
WDID: SB20034IN

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For further assistance, please call State Water Resources Control Board (State Water Board) Staff listed above or (916) 341-5478 and ask to speak with the Wetlands Permitting and Planning Unit Supervisor.

I. Action

This document serves as a Notice of Applicability (NOA) for enrollment under the State Water Board Certification of the 2017 Nationwide Permits (SWRCB ID SB17001GN; hereafter referred to as the General Order) at the request of San Diego Gas and Electric (Applicant). The General Order can be accessed at [the Clean Water Act Section 401 - Certification and Wetlands Program, General Orders webpage](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2017) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2017). On December 4, 2020, the State Water Board received a complete Notice of Intent (NOI) requesting authorization for the Applicant's eTS 36441 Chestnut Avenue Corrosion Protection at Tower Z524968 Project (Project). After reviewing the NOI, the State Water Board has determined that the Project meets General Order requirements for Nationwide Permit 12: Utility Line Activities.

II. Project Purpose

As described in the Project NOI and supplemental information (hereafter referred to as the Application), which is incorporated herein by reference, the purpose of the Project is to protect an existing transmission tower from corrosion by removing the soil around the existing tower foundations and encasing each foundation in a corrugated steel pipe.

III. Project Location

The Project is located along a dirt road located off Chestnut Avenue, in Carlsbad, San Diego County, California. The Project coordinates are 33°09'56.58" N, 117°18'53.24" W.

IV. Receiving Waters Information

The Project is located within the jurisdiction of the San Diego Regional Water Quality Control Board. Receiving waters and groundwater potentially impacted by this Project are listed in Table 1. These waters are regulated in accordance with the applicable water quality control plan (Basin Plan) for the region and other plans and policies of the California Water Boards, which may be accessed online at [the State Water Boards' Plans and Policies webpage](http://www.waterboards.ca.gov/plans_policies/) (http://www.waterboards.ca.gov/plans_policies/).

Table 1: Receiving Water Information

Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303(d) Listing Pollutants
eTS 36441 Chestnut Avenue Project	Unnamed tributary	Wetland	4.31	Agua Hedionda Creek	MUN, AGR, IND, REC1, REC2, BIOL, WARM, WILD	Benthic Community Effects, Bifenthrin, Chlorpyrifos, Cypermethrin, Indicator Bacteria, Malathion, Manganese, Nitrogen, Phosphorus, Selenium

V. Direct Impacts to Waters of the State

Total Project fill/excavation quantities for all impacts are summarized in Table 2.

Table 2: Total Project Fill/Excavation Quantity to Wetlands

Temporary Impact ¹	Permanent Impact - Physical Loss of Area	Permanent Impact - Degradation of Ecological Condition Only
0.0218 acres 48 linear feet	0.001 acres 20 linear feet	0 acres 0 linear feet

VI. Description of Indirect Impacts to Waters of the State

The State Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. Potential indirect adverse effects include but are not limited to: increased sediment loading to streams from riparian and/or upland areas used for access or staging areas, possibility of introducing invasive species into the Project areas, and changing timing of runoff delivery to streams in the Project area. The Project, as designed, will not have significant indirect impacts to waters of the state.

¹ Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

VII. Avoidance and Minimization

In order to avoid and minimize impacts to waters of the state and their designated beneficial uses, the Applicant will follow the avoidance and minimization measures as proposed in their Application.

VIII. Mitigation for Temporary and Permanent Impacts

All temporarily affected areas will be restored to pre-construction contours and conditions upon completion of construction activities in compliance with the General Order and according to the restoration plan submitted by the Applicant in the Application.

The Applicant has a balance of 1.17 acres of Corps-jurisdictional re-establishment credits ("Credits") from the San Luis Rey Mitigation Bank in San Diego County, California. 0.001 acres of permanent impacts to wetlands shall be mitigated at a 2:1 ratio, in accordance with Section XIII.F.2.e.ii.2 of the General Order, through the debit of 0.002 acres of Credits from the Applicant's Credit balance at the San Luis Rey Mitigation Bank site.

By January 15, 2022, the Applicant shall submit a mitigation plan to the State Water Board in accordance with Section XIII.F.2.e.ii.2 of the General Order. By June 1, 2022, the applicant shall document and submit remaining Credit balance at all mitigation banks where compensatory mitigation Credits have been approved for projects certified under the General Order.

Total required Project compensatory mitigation information for permanent physical loss of area shall be greater than or equal to the Project's permanent impact totals listed in Table 2, above, in the form of mitigation bank or in-lieu fee credit purchases in quantities consistent with the mitigation ratios provided in Section XIII.F.2.e.ii.2 of the General Order.

IX. California Environmental Quality Act (CEQA)

The State Water Board has determined that the Project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, title 14, section 15301. Additionally, the State Water Board finds that no exceptions to the exemptions apply to the activities approved by this NOA.

X. Certification Fees

A fee payment of \$1949 was received by the State Water Board on October 27, 2020. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category E - Low Impact Discharges (fee code 87).

XI. Authorization

To comply with State law, this Project must proceed as described in the Application submitted to the State Water Board by the Applicant and in accordance with the conditions in the General Order. Coverage under the General Order is no longer valid if the Project (as described) is modified. The Project must proceed in accordance with the requirements contained in this NOA and the General Order.

The Applicant should become familiar with the contents of the General Order. A copy of the General Order and its attachments can be found on [the State Water Resources Control Board's website](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2017) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2017).

XII. Reporting and Notification Requirements

The Applicant shall submit an Annual Report each year on January 15 until a Notice of Project Complete is issued to the Applicant. Notices and reporting shall be provided to the State Water Board according to section XIII.A, "Notification Requirements," of the General Order.

Electronic Document Submittal: The Applicant must submit all reports and information required under this Certification according to the Report Submittal Instructions found in Attachment B, "Reporting and Notification Requirements," of the General Order. Each electronic document must be submitted as a single file, in Portable Document Format (PDF), and converted to text searchable format using Optical Character Recognition (OCR). Documents over 50 megabytes (MB) will not be accepted via email and must be placed on a disc and delivered to the addresses listed above.

XIII. Water Quality Certification

I hereby issue this Notice of Applicability for the eTS 36441 Chestnut Avenue Corrosion Protection at Tower Z524968 Project, certifying that as long as all of the conditions listed in the General Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act 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).

The State Water Board will file a Notice of Exemption (NOE) at the State Clearinghouse within five (5) working days of issuance of this NOA. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes Water Quality Certifications to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

Except insofar as may be modified by any preceding conditions, all NOA actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of the General Order and the attachments to the General Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, and the Regional Water Boards' Water Quality Control Plans and Policies.



Karen Mogus, Deputy Director
Division of Water Quality

January 21, 2021

Date