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## State Water Resources Control Board

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**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION  
ORDER NO. WQ 2025-0026-DWQ AND  
NOTICE OF APPLICABILITY FOR ENROLLMENT UNDER STATE WATER BOARD  
GENERAL ORDER FOR THE CORPS' NATIONWIDE PERMITS  
(ORDER NO. [WQ] 2020-0039-EXEC)**

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**Effective Date:** Upon Deputy Director's Signature

**Program Type:** Fill/Excavation

**Project Type:** Overhead Utility

**Project:** eTS 72006.01 Drainage Crossing Carlsbad Project  
Regulatory Measure ID: 460490  
WDID: SB25016IN

**Applicant:** San Diego Gas and Electric  
**Applicant Contact:** Tamara Spear  
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**State Water Board Contact Person:**

For further assistance, please call the State Water Resources Control Board (State Water Board) Staff listed above or (916) 322-7781 and ask to speak with the Wetlands Permitting and Enforcement II Unit Supervisor.

## **I. Summary**

This Notice of Applicability for enrollment under the State Water Board General Order for the Nationwide Permits (Order No. [WQ] 2020-0039-EXEC; SWRCB ID SB20031GN; hereafter referred to as the General Order) is issued 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_2020) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/generalorders.html#yr\\_2020](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2020)). On March 13, 2025, the State Water Board received a complete Notice of Intent requesting authorization for the Applicant's eTS 72006.01 Drainage Crossing Carlsbad Project (Project). After reviewing the Notice of Intent, the State Water Board has determined that the Project meets General Order requirements for Nationwide Permit 57: Electric Utility Line and Telecommunications Activities.

This order also serves as an individual certification (Certification) for the Project enrolling under U.S. Army Corps of Engineers' Nationwide Permit 57 pursuant to Clean Water Act Section 401.

## **II. Project Description**

As described in the Project Notice of Intent and supplemental information (hereafter referred to as the Application), which is incorporated herein by reference, the purpose of the Project is to conduct access road improvements along a 130 foot section of access road that has been eroded due to a drainage crossing. Impacts to waters of the state include adding eight cubic yards of rock to an intermittent stream channel crossing the access road.

## **III. Project Location**

The Project is located on Ridgeline Trail, located off of El Fuerte Street and approximately 0.19 mile north of the San Marcos Creek, in Carlsbad, San Diego County, California. The Project coordinates are 33.095982°N, 117.237389°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/](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
NWW-1	Unnamed intermittent creek	Stream Channel	904.51	San Marcos Creek	MUN, AGR, REC-1, REC-2, WARM, WILD	N/A

## 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 Stream Channels**

Temporary Impact <sup>1</sup>	Permanent Impact - Physical Loss of Area	Permanent Impact - Degradation of Ecological Condition Only
0 acres 0 cubic yards 0 linear feet	0.004 acres 8 cubic yards 28 linear feet	0 acres 0 cubic yards 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.

## VII. Conditions

### A. Scope of Authorization

The Project may proceed only as described in the Application submitted to the State Water Board by the Applicant and in accordance with the conditions in State Water Board General Order No. [WQ] 2020-0039-EXEC and this Notice of Applicability. This Certification and coverage under the General Order is no

<sup>1</sup> 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.

longer valid if the Project (as described) is modified. A copy of the General Order and its attachments can be found on the State Water Resources Control Board's [General Order Website](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2020)

([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/generalorders.html#yr\\_2020](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2020)).

## **B. 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. Each avoidance and minimization measure demonstrates that a sequence of actions has been taken to first avoid, then to minimize, and lastly compensate for loss of or significant adverse impacts to beneficial uses of waters of the state that cannot be practicably avoided or minimized.

The Water Board may approve a project only if the applicant has demonstrated that a sequence of actions has been taken to first avoid, then minimize, and, lastly, compensate for loss of or significant adverse impacts to beneficial uses of waters of the state. (Dredge or Fill Procedures, section IV.B.1.a.)

## **C. Mitigation for Permanent Impacts**

The Applicant submitted proof of credit purchase from the San Luis Rey Mitigation Bank. A total of 0.008 acre of stream channel re-establishment credits will be deducted from the credit ledger, at a 2:1 ratio to the permanent impacts shown in Table 2, in accordance with section VI.G.3.e.ii.3 of the General Order.

## **VIII. California Environmental Quality Act**

The State Water Board has determined that the Project is exempt from review under the California Environmental Quality Act 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 Notice of Applicability.

## **IX. Certification Fees**

A fee payment of \$4,212 was received by the State Water Board on March 24, 2025. 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).

## **X. Public Notice**

The State Water Board provided public notice of the Application pursuant to California Code of Regulations, title 23, section 3858 from March 14, 2025 to April 4, 2025. The State Water Board did not receive any comments during the comment period.

## **XI. Reporting and Notification Requirements**

The Applicant shall submit an Annual Report each year on January 15 until a Notice of Project Complete Letter is issued to the Applicant. Notices and reporting shall be provided to the State Water Board according to section VI.E, "Application for Coverage and Termination," of the General Order.

The Applicant shall submit Report Types 2 and 3 as described in Attachment B, "Report and Notification Requirements" of the General Order. The Applicant must also submit Report Types 4 through 9 if the Project encounters the conditions described in these Report Types. The Applicant must submit all reports and information required under this Certification according to the Report Submittal Instructions found in Attachment B, "Report and Notification Requirements," of the General Order.

## **XII. Water Quality Certification**

I hereby issue this Notice of Applicability for the eTS 72006.01 Drainage Crossing Carlsbad 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).

As a water quality certification and enrollment under State Water Board General Order No. [WQ] 2020-0039-EXEC, this Certification and Notice of Applicability serve as waste discharge requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.). State Water Board Order No. [WQ] 2020-0039-EXEC serves as waste discharge requirements in accordance with State Water Board Water Quality General Order No. 2003-0017-DWQ. The State Water Board will file a Notice of Exemption (NOE) at the State Clearinghouse within five (5) working days of issuance of this Notice of Applicability.

Except insofar as may be modified by any preceding conditions, all Notice of Applicability 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 the Regional Water Boards' Water Quality Control Plans.

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Date

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Phillip Crader, Deputy Director  
Division of Water Quality