CALIFORNIA WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

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TENTATIVE ORDER NO. R9-2012-0007

WASTE DISCHARGE REQUIREMENTS for the

SAN DIEGO UNIFIED SCHOOL DISTRICT

JONAS SALK ELEMENTARY SCHOOL PROJECT, SAN DIEGO COUNTY

The following Discharger is subject to waste discharge requirements as set forth in this Order:

Table 1. Discharger Information

Discharger	San Diego Unified School District
Name of Facility	Jonas Salk Elementary School
Facility Address	Parkdale Avenue and Flanders Drive
	San Diego, CA, 92111
	San Diego County

The discharge by San Diego Unified School District from the discharge points identified below is subject to waste discharge requirements as set forth in this Order:

Table 2. Discharge Location

Discharge Point	Discharge Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
Refer to Attachment A for a map of all discharge locations	Clean Fill	32°54'19.79"N	117°9'21.81"W	Unnamed Vernal Pools within HSA 906.10

Table 3. Administrative Information

This Order was adopted by the Regional Water Quality Control Board on:	**June 13, 2012**
This Order shall become effective on:	**June 13, 2012**

I, David W. Gibson, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on June 13, 2012.

_____
David W. Gibson, Executive Officer

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Tech Staff Info & Use	
File No.	11C-047i
WDID	9 000002281
Reg. Measure ID	379620
Place ID	767303
Party ID	527251

FINDINGS:

The California San Diego Water Quality Control Board, San Diego Region (hereinafter San Diego Water Board) finds that:

1. On June 8, 2011, the San Diego Unified School District (hereinafter Discharger) submitted a Report of Waste Discharge (ROWD) application for Waste Discharge Requirements (WDRs) associated with the Jonas Salk Elementary School Project (Project) to the San Diego Water Board. Additional information to complete the ROWD application was received on October 26 and 28, 2011. The application was found to be complete on November 1, 2011.

2. The proposed Project is a new elementary school on a 13.1-acre site, including a new parking lot, paved and landscaped play areas, and a large joint use playing field. Access would be provided by Flanders Drive and Parkdale Avenue. The Project is located southwest of the intersection of Parkdale Avenue and Flanders Drive in the City of San Diego, San Diego County, California. The Project is situated on Assessor's Parcel number 311-030-42, Township 14 South, Range 3 West in US Geological Survey 7.5-minute Del Mar quadrangle, San Bernardino Base and Meridian. Attachment A of this Order provides the location of the Project and mitigation sites.

3. The Discharger reports that the Project will result in the permanent discharge of fill waste to a total of 1.66 acres of vernal pools located in the Carroll Canyon portion of the Miramar Reservoir Hydrologic Area (906.10) in the Penasquitos Hydrologic Unit (906.00), as summarized in the table below.

Jonas Salk Elementary On-site and Project Impacts Non-federal Waters of the State and Federal Waters		
Habitat	**Existing On-site Acres**	**Project Impacts Acres**
Non-federal waters of the State, Vernal Pools, Occupied (San Diego fairy shrimp, *Branchinecta sandiegonensis*)*	1.23	1.23
Non-federal waters of the State, Vernal Pools, Unoccupied (San Diego fairy shrimp, *Branchinecta sandiegonensis*)*	0.35	0.35
Non-federal waters of the State, Vernal Pools, Not surveyed*	0.08	0.08

Non-federal State Waters subtotal	**1.66**	**1.66**
Federal Waters	0	0
Total	**1.66**	**1.66**

* Unoccupied and unsurveyed areas are assumed to have San Diego fairy shrimp, (*Branchinecta sandiegonensis)* for mitigation purposes.

4. On April 4, 2011, the U.S. Army Corps of Engineers (USACE) determined the Project property contained no waters of the U.S. In order to comply with the State's "No Net Loss" Policy for wetlands (Executive Order W-59-93), discharges of waste to these nonfederal, State wetlands (vernal pools) are being regulated pursuant to Water Code Section 13260, et seq. Should the USACE's determination that these vernal pools are non-federal waters be reversed for this site at a later date, without any material change in the nature of the discharge, these WDRs may also serve as a technically conditioned certification pursuant to Clean Water Act (CWA) Section 401. The Monitoring and Reporting Program set forth in Attachment B and other reporting requirements are issued pursuant to Water Code section 13267.

5. The Project's purpose is to construct an elementary school within the Mira Mesa community that will support the present and future enrollment of the community and allow the Discharger to reduce projected overcrowding and achieve the enrollment standard set forth in its long range plans. The Environmental Impact Report (EIR) adopted by the Discharger for the Project assessed avoidance and minimization of significant environmental effects of the Project by considering off-site and on-site alternatives. No off-site alternatives were found to be practicable or feasible in meeting the overall project purpose. Two of the five on-site alternatives were considered environmentally superior by avoiding some of the occupied vernal pools but were rejected by the Discharger. In addition, the U.S. Fish and Wildlife Service (Service) did not consider any of the five on-site alternatives biologically superior to the proposed Project.

6. The Project assumes impacts to all existing vernal pools on the Project site including pools previously surveyed as unoccupied pools, and pools not surveyed but currently assumed to be occupied by the San Diego fairy shrimp. The Discharger proposes to mitigate for impacts to these vernal pools by enhancing and/or restoring a total of 3.32 acres of vernal pool habitat as described in the table below and detailed in the *Vernal Pool Restoration Plan as Mitigation for the Jonas Salk Area Elementary School Project, San Diego, California, April 2012 (Vernal Pool Restoration Plan)*. Attachment A of this Order provides the location of the Project and mitigation sites.

McAuliffe Park Vernal Pool Mitigation Site	
Type	**Acres**
Enhancement	0.98
Restoration	1.61
Total	2.59
Carroll Canyon Preserve Vernal Pool Mitigation Site	
Restoration	0.73
Total	0.73
Grand Total	3.32

7. The Project adds 7.0 acres of impervious surface. The post-construction Best Management Practices (BMPs) for the Project are detailed in *Water Quality Technical Report for Jonas Salk Elementary School, Parkdale Avenue and Flanders Drive (WQTR)* prepared by Burkett and Wong Engineers for the San Diego Unified School District, February 11, 2010. The Project will capture and treat the 85th percentile, 24-hour storm event from 100 percent of the added impervious surfaces, and conform to the City of San Diego's *Storm Water Standard* manual, dated January 20, 2012. The proposed Best Management Practices have a pollutant removal efficiency of medium to high for the potential pollutants of concern.

8. The San Diego Water Board adopted a Water Quality Control Plan for the San Diego Basin (Basin Plan) on September 8, 1994 that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for receiving waters addressed through the plan. The Basin Plan was subsequently approved by the State Water Resources Control Board (State Water Board) on December 13, 1994. Subsequent revisions to the Basin Plan have also been adopted by the San Diego Water Board and approved by the State Water Board. This Order specifies waste discharge requirements that are necessary to adequately address effects on, and threats to, water quality standards resulting from discharges to waters of the State, to meet the objectives of Executive Order W-59-93, and to be consistent with anti-degradation provisions of State Board Resolution No. 68-16. Through adherence to the waste discharge requirements, the Project as described in this Order, will not result in State water quality standards being exceeded.

9. The proposed discharge from the Jonas Salk Elementary School project 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.

10. The Fact Sheet (Attachment D), which contains background information and rationale for Order requirements, is hereby incorporated into this Order and constitutes part of the Findings for this Order.

11. The Discharger is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)),and filed a Notice of Determination (SCH # 2010011021) on November 9, 2011, under CEQA Guidelines Title 14, California Code of Regulations. The Discharger has determined the Project without mitigation will have a significant effect on the environment. Therefore, the Discharger adopted an Environmental Impact Report (EIR) incorporating mitigation measures which mitigate the Project's effects on the environment to less than significant.

12. The San Diego Water Board has reviewed the lead agency's EIR and also finds that without mitigation, the Project as proposed will have a significant effect on the environment. The San Diego Water Board has conditioned the Project on incorporation of mitigation measures to reduce effects on the environment to less than significant.

13. The San Diego Water Board has notified the Discharger and other interested persons and agencies of its intent to prescribe Waste Discharge Requirements and has provided them with an opportunity for public hearing and an opportunity to submit written comments.

14. The San Diego Water Board, in a public meeting on June 13, 2012, heard and considered all comments pertaining to the proposed discharge.

15. The San Diego Water Board by prior resolution has delegated all matters that may legally be delegated to its Executive Officer to act on its behalf pursuant to Water Code section13223. Therefore, the Executive Officer is authorized to act on the San Diego Water Board's behalf on any matter within this Order unless such delegation is unlawful under Water Code section 13223 or this Order explicitly states otherwise.

THEREFORE IT IS HEREBY ORDERED THAT, San Diego Unified School District, in order to meet the provisions contained in Division 7 of the California Water Code and Regulations adopted thereunder, shall comply with the following requirements:

A. PROHIBITIONS

1. The discharge of waste, in a manner other than as described in the findings of this Order, is prohibited unless the Discharger obtains revised waste discharge requirements that provide for the proposed change prior to the discharge occurring.

2. The discharge of fill material, in a manner that has not been described in the report of waste discharge and for which valid waste discharge requirements are not in force, is prohibited.

3. The discharge of waste shall not create a condition of pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code.

4. Discharges to surface waters of wastes or pollutants that are not otherwise regulated by these or separate waste discharge requirements are prohibited.

5. The discharge of sand, silt, clay, or other earthen materials from any activity in quantities which cause deleterious bottom deposits, turbidity, or discoloration in waters of the State or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.

6. The unauthorized discharge of treated or untreated sewage to waters of the State or to a storm water conveyance system is prohibited.

7. The dumping, deposition, or discharge of waste directly into waters of the State, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited unless authorized by the San Diego Water Board or State Water Board.

B. PROJECT PROVISIONS

1. The Discharger shall fully implement all plans as proposed in the ROWD in compliance with this Order.

2. The Discharger shall properly manage, treat, store, and dispose of waste during the life of the Project. Handling and disposal of waste must be done in accordance with applicable federal, state, and local laws and regulations.

3. The Discharger shall, at all times, contain any spill or inadvertent release of materials that may cause or threaten to cause a condition of pollution or nuisance if the materials reach waters of the U.S. and/or State.

4. The Project shall be enrolled in and comply with the requirements of State Board Order No. 2009-0009-DWQ National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, WDRs For Discharges Of Storm Water Runoff Associated With Construction Activity.

5. No plant species on the most recent California Invasive Plant Council (Cal-IPC) List, "Exotic Pest Plants of Greatest Ecological Concern in California[1]" shall be planted in the Project area.

C. MITIGATION PROVISIONS

1. The Discharger shall implement mitigation as detailed in the Vernal Pool Restoration Plan. The McAuliffe Park and Carroll Canyon Preserve vernal pool mitigation will meet the success criteria stated in the Vernal Pool Restoration Plan and summarized in Tables 4, 5, and 6 below.

Table 4 - Vernal Pool Success Criteria and Remedial Measures

Survey Type	Vernal Pool Parameter	Success Criteria		Remedial Measures
Vegetation	Species Richness of VPE	Within range of values observed in reference pools		Seeding, transplantation, or container planting of absent VPE, or supplemental irrigation of pools
	Species Richness of Other Native Species			Seeding or container planting of absent other natives
	Native Cover of VPE			Seeding, transplantation, or container planting of underrepresented VPE, or supplemental irrigation of pools
	Native Cover of Other Native Species			Seeding or container planting of underrepresented other natives
	Simpson's Diversity Index (native species only)			Seeding or container planting of underrepresented species, or supplemental irrigation of pools
	Nonnative Cover	All Years	0% nonnative species categorized as High or Moderate on the Cal-IPC Invasive Plant Inventory	Increase in weeding visits and/or modification of treatment methods
		Year 1	< 20% cover	
		Year 2	< 15% cover	
		Year 3	< 10% cover	
		Year 4	< 5% cover	
		Year 5	< 5% cover	

[1] The Cal-IPC list may be found on-line at http://www.cal-ipc.org/.

Survey Type	Vernal Pool Parameter	Success Criteria	Remedial Measures
	Site Averages for Vegetation Parameters	90% CI around averages of each vegetation parameter overlaps 90% CI of reference pools	Remediation of individual pools not meeting vegetation success criteria
Hydrology	Total Days Inundated	Within range of values observed in reference pools	Soil recontouring or grading
	Depth at deepest point		Soil recontouring or grading
	Coefficient of Variation in Depth at Deepest Point		Soil recontouring or grading
	Site Averages for Hydrology Parameters	90% CI around averages of each hydrological parameter overlaps 90% CI of reference pools	Soil recontouring or grading
Fairy Shrimp	% of Site Pools with SD Fairy Shrimp	See Table 3 below	Reinoculate individual pools not meeting criteria.
	Site Average Crustacean Diversity/Pool	See Table 3 below	Remediation of individual pools not meeting fairy shrimp success criteria
	Dry Shrimp Cyst Density	90% CI of dry shrimp cyst density overlaps 90% CI of reference pools	Reinoculate individual pools not meeting criteria. If it is determined that less than desirable density is a result of inadequate hydrological parameters, then basin hydrology may require modification.
	Gravid Female Density	90% CI of dry shrimp cyst density overlaps 90% CI of reference pools	Reinoculate individual pools not meeting criteria.

CI = confidence interval
VPE = vernal pool endemic
Cal-IPC= California Invasive Plant Council

Table 5 - Restoration Site Success Criteria for Aquatic Crustacean Species, Including San Diego Fairy Shrimp

Restoration Year	Percent of San Diego Fairy Shrimp in Restoration Pools	Average # of Aquatic Crustacean Species per Pool
Year 1	35	1
Year 2	50	2
Year 3	65	3
Year 4	80	4
Year 5	100	5

Table 6 - Upland Watershed Success Criteria and Remedial Measures

Upland Watershed Vegetation Parameter	Success Criteria	Remedial Measures
Percent Survivorship of	80% of the initial plantings for	Seeding, container planting,

Container Plantings	the first 5 years		adjustment of temporary irrigation system*
Native Cover	90% CI around average native cover overlaps 90% CI of reference pools		Seeding, container planting, adjustment of temporary irrigation system*
Nonnative Cover	All Years	0% nonnative species categorized as High or Moderate on the Cal-IPC Invasive Plant Inventory	Increase in weeding visits and/or modification of treatment methods
	Year 1	< 20% cover	
	Year 2	< 20% cover	
	Year 3	<15% cover	
	Year 4	<10% cover	
	Year 5	<10% cover	
Native Species Richness	90% CI around average native species richness overlaps 90% CI of reference pools		Seeding and/or container planting of underrepresented species, adjustment of temporary irrigation system*
Simpson's Diversity Index (SDI) (native species only)	90% CI around average SDI overlaps 90% CI of reference pools		Seeding and/or container planting of underrepresented species, adjustment of temporary irrigation system*

*Supplemental irrigation of the upland watershed will be terminated in Year 3 or before to demonstrate the upland watershed is self-sustaining
CI = confidence interval
Cal-IPC= California Invasive Plant Council

2. The Discharger's compensatory mitigation for permanent discharges of fill to 1.66 acres of non-federal waters of the State shall be achieved with mitigation of at least 3.32 acres of vernal pool habitat and consist of the following:

McAuliffe Park Vernal Pool Mitigation Site	
Type	**Acres**
Enhancement	0.98
Restoration	1.61
Total	2.59
Carroll Canyon Vernal Pool Mitigation Site	
Restoration	0.73
Total	0.73
Grand Total	3.32

3. The construction of proposed mitigation must be initiated within the period of the Project construction, and installation must be completed no later than September 30, 2014. Delays beyond September 30, 2014 in installation of mitigation must be compensated for by an increase in mitigation acreage by 10 percent for each month of delay.

4. The Discharger shall notify the San Diego Water Board in writing within 10 days following the initiation of mitigation efforts. All mitigation areas shall be protected in perpetuity from land-use and maintenance activities that would threaten water quality or beneficial uses within the mitigation area. A conservation easement or other legal limitation on the mitigation property must be recorded within 12 months from mitigation initiation and must be adequate to demonstrate that the site will be maintained without future development or encroachment on the site or activities which could otherwise reduce the functions and values of the site for the variety of beneficial uses of waters of the State that it supports. The conservation easement or other appropriate 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 functions and values of the site. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

5. The Discharger shall monitor both the McAuliffe and Carroll Canyon mitigation sites in accordance with the *Vernal Pool Restoration Plan as Mitigation for the Jonas Salk Area Elementary School Project, San Diego, California, April 2012* and the *Long-Term Management Plan for the Jonas Salk Area Elementary School Vernal Pool Mitigation Site San Diego, California, May 2011 (Long Term Management Plan).*

6. The mitigation areas shall meet the interim and final success criteria in the Vernal Pool Restoration Plan. If the mitigation areas fail to meet the expected interim or final success criteria, the Discharger shall prepare, submit, and implement a remedial measures plan within one year following the determination that success criteria were not reached. The Discharger shall implement the remedial measures plan until success criteria are met, unless otherwise directed in writing by the San Diego Water Board. Before beginning these activities the Discharge shall:

   a. Notify the San Diego Water Board of the intent to initiate the proposed actions included in the remedial measures plan submitted; and

   b. Comply with any conditions set by the San Diego Water Board.

7. The mitigation shall be maintained, in perpetuity, in a manner that consistently meets the success criteria identified in the Long Term Management Plan.

8. If at any time during the implementation and establishment of planted or graded mitigation area(s), and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) or intentional or negligent act by any person occurs and impacts the mitigation area, the Discharger shall be responsible for repair and replanting of the damaged area(s).

D. POST-CONSTRUCTION STORMWATER TREATMENT PROVISIONS

1. All storm drain inlet structures within the Project boundaries shall be stamped and/or stenciled with appropriate language prohibiting non-storm water discharges.

2. Best Management Practices (BMPs) shall be implemented to treat storm water runoff from all roofs, roads, parking areas, and other impervious areas where activities are expected to generate pollutants that can be conveyed by storm water to the storm drain system and/or waters of the State. Post-construction storm water BMPs shall be designed to mitigate (infiltrate, filter, and/or treat), prior to discharging to receiving waters, the volume of runoff produced by all storms up to and including the 24-hour, 85th percentile storm event for volume-based BMPs and/or the 1 hour, 85th percentile storm event multiplied by a factor of two for flow-based BMPs, as determined from the local historical rainfall record.

3. The Project shall be designed to conform to the City of San Diego's *Storm Water Standards* manual, January 20, 2012.

4. Post-construction BMPs shall be implemented in accordance with the WQTR prepared by Burkett and Wong Engineers for the Discharger, dated February 11, 2010. Any subsequent modifications to the WQTR must continue to conform to the City of San Diego's Storm Water Standards manual, dated January 14, 2011. Post-construction BMPs must be installed and functional prior to occupancy and/or planned use of developed areas.

5. The Discharger shall implement post construction BMPs which achieve medium to high pollutant removal efficiency, as defined in the City of San Diego's Storm Water Standards manual, for the Project's most significant pollutants of concern for all areas of the Project including the driveway entrances and adjacent slopes.

6. All post-construction structural treatment BMPs, including, but not limited to, vegetated swales and media filters shall be regularly inspected and maintained for the life of the Project per manufacturers' specifications for proprietary structural devices, and at frequencies no less than those recommended by the California Storm Water Quality Association (CASQA)[2] guidance for non-proprietary measures.

    a. Final maintenance plans for the vegetated swales shall be developed and implemented based on CASQA guidance.

[2] California Storm Water Quality Association (*California Storm Water BMP Handbook, New Development and Redevelopment 2003)*, available on-line at: http://www.cabmphandbooks.org/

b. Flow-based treatment BMPs (e.g., media filters and vegetated swales) shall be inspected at a minimum monthly from October through April and at least twice from May through September each year.

c. Basins shall be maintained as necessary to prevent nuisance conditions, including those associated with odors, trash, and disease vectors. Such maintenance shall not compromise the ability of the basins to perform water quality treatment required by this Order.

d. Records shall be kept regarding inspections and maintenance in order to assess the performance of the systems and determine whether adaptations are necessary to protect receiving waters.

E. STANDARD PROVISIONS

1. The Discharger must report to the San Diego Water Board any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. Pursuant to Water Code §13267(b), a written submission must also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission must 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 recurrence of the noncompliance.

2. Sediment shall not be removed or disposed in a manner that will cause water quality degradation.

3. The Discharger 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 the Discharger has provided the purchaser/transferee with a copy of the Order and that the purchaser/transferee understands and accepts the WDR requirements and acknowledges the obligation to implement them and be subject to liability for failure to do so. The seller and 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 Order and references in this Order to the Discharger will be interpreted to refer to the transferee as appropriate. Transfer does not necessarily relieve the Discharger of this Order in the event that a transferee fails to comply.

4. The Discharger shall report any proposed material change in operation to the San Diego Water Board at least 30 days in advance of the proposed implementation of any change. This shall include, but not be limited to, all significant new soil disturbances, all proposed expansion of development, or any change in drainage characteristics at the Project site. For the purpose of this Order, this includes any proposed change in the boundaries of the wetland/waters of the State fill sites. The San Diego Water Board may require modification or revocation and reissuance of this Order to change any requirements in this Order and incorporate such other requirements as may be necessary under the Water Code.

5. The Discharger shall maintain a copy of this Order at the Project site and make it available at all times to site operating personnel and agencies.

6. The Discharger shall permit the San Diego Water Board or its authorized representative at all times, upon presentation of credentials:

   a. Entry onto Project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept;

   b. Access to copy any records required to be kept under the terms and conditions of this Order;

   c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Order; and

   d. Sampling of any discharge or surface water covered by this Order.

7. This Order does not authorize commission of any act causing injury to the property of another or of the public; does not convey any property rights; does not remove liability under federal, state, or local laws, regulations or rules of other programs and agencies, nor does this Order authorize the discharge of wastes without appropriate permits from other agencies or organizations.

8. The Discharger must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the California Water Code and may be grounds for (a) enforcement action or (b) termination, revocation and reissuance, or modification of this Order.

9. In addition to Project Provision B.3, the Discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

10. This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

    a. Violation of any terms or conditions of this Order;

    b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts; or

    c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

    d. Any change in ownership or legal responsibility for compliance with any term or provision of this Order.

11. The filing of a request by the Discharger for the modification, revocation and reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

F. REPORTING AND RECORD KEEPING REQUIREMENTS

1. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the San Diego Water Board.

2. The Discharger shall furnish to the San Diego Water Board, within a reasonable time, any information which the San Diego Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The Discharger shall also furnish to the San Diego Water Board, upon request, copies of records required to be kept by this Order.

3. The Discharger shall submit monitoring reports in accordance with the Monitoring and Reporting Program requirements as outlined in Attachment B. The Discharger must comply with the Monitoring and Reporting Program, and future revisions thereto, in Attachment B of this Order.

4. Where the Discharger becomes aware that they failed to submit any relevant facts in a ROWD or submitted incorrect information in a ROWD or in any report to the San Diego Water Board, it shall promptly submit such facts or information.

5. All reports or information submitted to the San Diego Water Board shall be signed and certified as follows:

a. Reports of Waste Discharge shall be signed as follows:
   i. For a corporation – by a principal executive officer or at least the level of vice-president.
   ii. For a partnership or sole proprietorship – by a general partner or the proprietor, respectively.
   iii. For a municipality or other public agency – by either a principal executive officer or ranking elected official.

b. All reports required by this Order and other information required by the San Diego Water Board shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:
   i. The authorization is made in writing by a person described in paragraph (a) of this provision; and
   ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and
   iii. The written authorization is submitted to the San Diego Water Board.

c. All reports required by this Order and other information required by the San Diego Water Board shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. Any person signing a document under this Section shall make the following certification:

   "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."

6. The Discharger shall submit reports required under this Order, or other information required by the San Diego Water Board, to:

   Executive Officer
   California Regional Water Quality Control Board
   San Diego Region
   Attn: 401 Program; File No. WPN:11C-047i-767303:amonji
   9174 Sky Park Court, Suite 100
   San Diego, California 92123

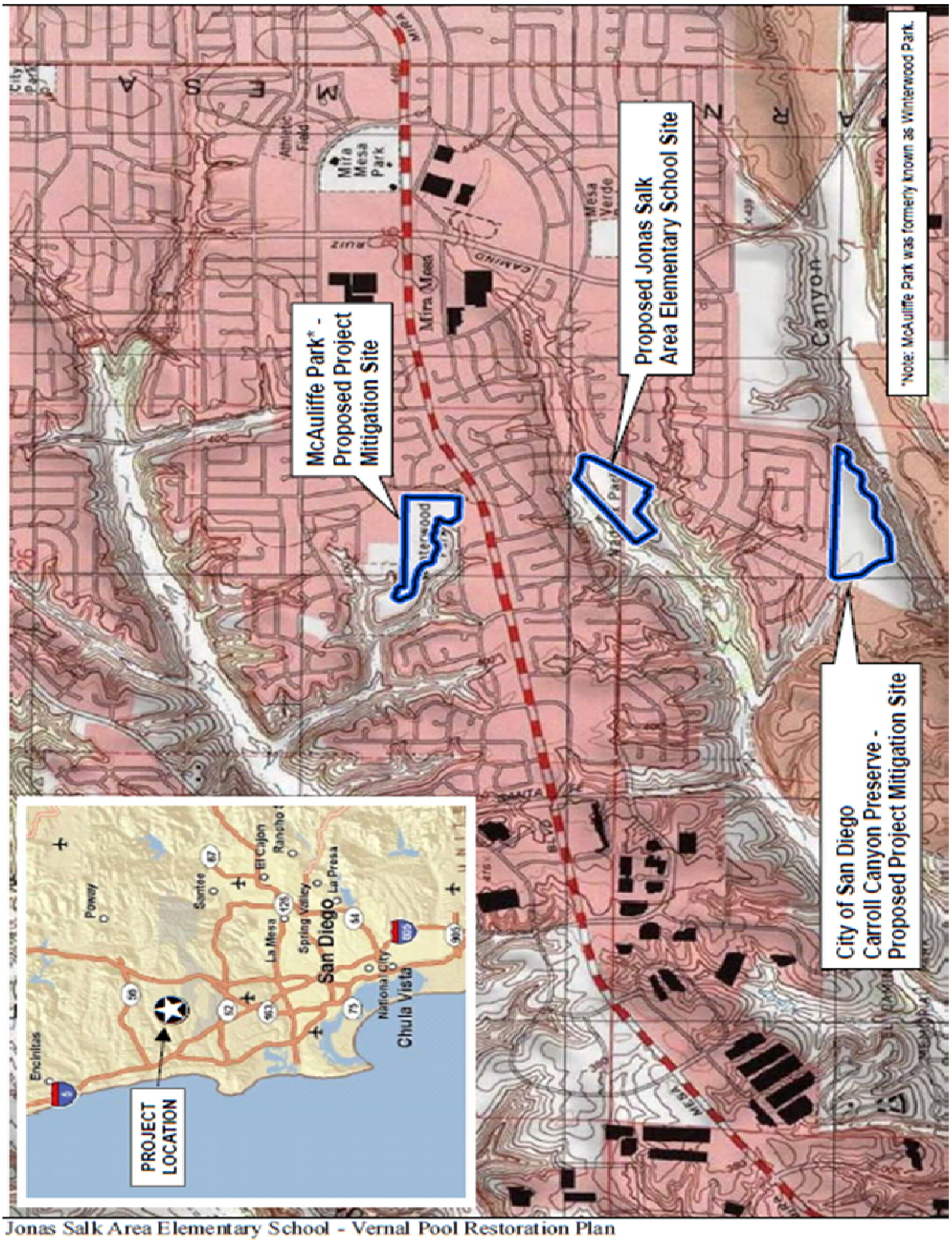
G. NOTIFICATIONS

1. All information requested in this Order 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. Pursuant to CWC section 13268, any person failing or refusing to furnish technical or monitoring program reports as required by section 13267, or falsifying any information provided therein, is guilty of a misdemeanor, and may be liable civilly in an amount which shall not exceed one thousand dollars ($1,000) for each day in which the violation occurs.

2. These requirements have not been officially reviewed by the United States Environmental Protection Agency and are not issued pursuant to Section 402 of the Clean Water Act.

3. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.

ATTACHMENT A TO ORDER NO. R9-2012-0007
PROJECT LOCATION



Jonas Salk Area Elementary School - Vernal Pool Restoration Plan

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ATTACHMENT B TO ORDER NO. R9-2012-0007

MONITORING AND REPORTING PROGRAM NO. R9-2012-0007
for
SAN DIEGO UNIFIED SCHOOL DISTRICT

JONAS SALK ELEMENTARY SCHOOL,
SAN DIEGO COUNTY

This Monitoring and Reporting Program is issued pursuant to the authority provided in Water Code section 13267.

1. Monitoring Schedule: The Discharger shall implement a monitoring plan that effectively evaluates whether the mitigation sites have met pre-established interim and final success criteria in accordance with the monitoring schedule submitted by the Discharger, incorporated into the table below. Table 7 outlines the monitoring schedule for site preparation and grading, vernal pool installation and planting which includes a120-day vernal pool establishment period, and site maintenance and monitoring. The mitigation site maintenance and monitoring will begin after the 120 establishment period is complete, and continue for a minimum of five years.

Table 7 - Restoration Schedule

Task	Begin	End
Site Preparation And Grading		
Inoculum/Seed Salvage and Collection	May	September
Greenhouse Plant Propagation	June	December
Seed Bulking Program	June	December
Site Dethatching	August	September
Fill Pad Removal	August	September
Plant Salvage	September	October
Site Contouring and Grading	September	October
Installation		
Container Planting	October	November
Upland Seeding	October	November
Hydrological Testing and Charging (if required)	October	November
Introduction of Vernal Pool Flora and Fauna.	October	November
Establishment Monitoring 30-day (calendar) Review	November 1	November 30
Establishment Monitoring 60-day (calendar) Review	December 1	December 31
Establishment Monitoring 90-day (calendar) Review	January 1	January 31
End Establishment Period Monitoring (120-day review)	February 1	February 28
Reporting for the 120-day Establishment Period	March 1	March 31
Annual Monitoring		
5-year Maintenance and Monitoring Period	August	September
Hydrological Monitoring	November	April
Fairy Shrimp and Other Crustacean Species Monitoring	November	April
Qualitative Vernal Pool and Upland Watershed Vegetation Monitoring	Ongoing	
Quantitative Vernal Pool Vegetation Monitoring	March	May
Quantitative Upland Watershed Vegetation Monitoring	May	June
Photo Documentation	Quarterly	
General Wildlife Monitoring	Quarterly	
Site Maintenance		
Irrigation and Watering (if required)	January	May
Weed Control – Herbicide Application	November	June
Weed Control – Weed Trimming/Mowing and Hand Weeding	February	June
Remedial Planting and Seeding	October	November
Trash Removal	Ongoing	

2. Long Term Management. Long term management of the McAuliffe Park and Carroll Canyon Vernal Pool Mitigation Sites is scheduled to begin after the final success criteria are met and the restoration activities are completed (minimum of five years). The Discharger will be responsible for implementation of the *Long-Term Management Plan for the Jonas Salk Area Elementary School Vernal Pool Mitigation Site San Diego California, May 2011* (Long Term Management Plan). Long term management tasks and schedule are outlined in Table 8 below.

Table 8- Management and Monitoring Schedule

Action	Minimum Frequency	Time of Year
Biological Management		
Weed Abatement	As needed based on early spring site visit	Late winter through early spring
Habitat Enhancement	Annually	As needed
Exotic and Feral Animal Control	Annually	Spring and as needed
Non-biological Management		
Access Control	Semi-annually	Semi-annually and as needed
Erosion Control	Annually	Annually and as needed
Trash Removal	Semi-annually	Semi-annually and as needed
Monitoring		
Fairy Shrimp Surveys	One presence/absence survey (up to 4 site visits) every 3 years	Generally November through March
Vernal Pool Vegetation Monitoring	Semi-annually for the first 5 years[1] then annually	Once during the rainy season and once during spring for the first 5 years, then annually in spring
Vernal Pool Hydrology	Every 2 weeks during the period of ponding	Late winter through spring, as needed until all pools are dry
Upland Vegetation Monitoring	Annually	Spring
Wildlife Monitoring	Annually	Spring
Reporting	Annually	Within 2 months of end of annual monitoring cycle

[1] First 5 years following the completion of the 5-year restoration effort.

3. Annual Monitoring and Status Report. The Discharger must submit annual Project monitoring and status reports prior to **August 1** of each year. Annual monitoring and status reports must include information about the status of the entire Project as well as relevant mitigation monitoring reports. Monitoring reports must be submitted annually until Project construction is complete and mitigation has been deemed successful. Monitoring reports must include, but not be limited to, the following:
   a. Names, qualifications, and affiliations of the persons contributing to the report;
   b. Status report on the construction of the Project;
   c. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data, including at a minimum;
      i. Topographic complexity characteristics at each mitigation site;
      ii. Upstream and downstream habitat and hydrologic connectivity;
      iii. Width of native vegetation buffer around the entire mitigation site.
   d. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results. See Condition 5 below.

e. Photo documentation must be conducted in accordance with the State Water Resources Control Board Standard Operating Procedure 4.2.1.4[1]. The Discharger must conduct photo documentation of the Project site, post construction BMPs, and mitigation areas prior to, during, and after Project construction. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar);
g. Other items specified in the final mitigation plan;
h. A compact disc that contains digital files of all information in the report;
i. Project information must be uploaded to Wetlands Portal http://www.californiawetlands.net/tracker/.

4. California Rapid Assessment Method. The Discharger must conduct a quantitative, function based assessment of the health of vernal pool habitats in the impact area and all mitigation areas using the California Rapid Assessment Method (CRAM) for Vernal Pools. The results must be analyzed and submitted with the annual Mitigation and Monitoring Reports.

   a. Monitoring must occur prior to impacts and at least three years after mitigation success criteria have been met.
   b. At least one sample must be collected from a reference vernal pool, McAuliffe Vernal Pool mitigation site and from the Carroll Canyon mitigation site.

5. Geographic Information System Reporting. The Discharger must submit Geographic Information System (GIS) shape files of the impact and mitigation areas and all post-construction BMPs of Project impacts with the annual report. All impact and mitigation areas shape files must be polygons. 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.

6. Project Completion Report. The Discharger must submit a report to the San Diego Water Board within 30 days of construction completion of the project. The report should include as-built drawings no bigger than 11" x 17", and photos of the completed Project including post-construction BMPs. The report must include a compact disc that contains digital files of all information in the report.

7. Mitigation Completion Report. The Discharger must submit a report to the San Diego Water Board within 30 days of completion of mitigation site preparation and planting, describing as-built status of the mitigation Project. The report must include
   a. Topography maps,
   b. Planting locations,
   c. Pre- and post-construction photos of the mitigation areas,
   d. Survey report documenting boundaries of mitigation areas; and
   e. A compact disc that contains digital files of all information in the report.

[1] Available at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf

If the site grading and planting are not completed within six weeks of each other, separate reports will be submitted describing those specific as-built conditions.

8. 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.

ATTACHMENT C TO ORDER NO. R9-2012-0007

DEFINITIONS

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).

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).

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).

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).

Vernal Pools are seasonal depressional wetlands that occur under the Mediterranean climate conditions of the West Coast. They are covered by shallow water for variable periods from winter to spring, but may be completely dry for most of the summer and fall. These wetlands range in size from small puddles to shallow lakes and are usually found in a gently sloping plain of grassland. Although generally isolated, they are sometimes connected to each other by small drainages known as vernal swales. Beneath vernal pools lies either bedrock or a hard clay layer in the soil that helps keep water in the pool.

Waters of the State: Any surface water or groundwater, including saline waters, within the boundaries of the State.

Waters of the United States is defined as: (1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (2) All interstate waters including interstate wetlands;
(3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa takes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters.

ATTACHMENT D TO ORDER NO. R9-2012-0007

FACT SHEET

Table of Contents

1.0 Applicant

San Diego Unified School District
(hereinafter Discharger)
4860 Ruffner Street
San Diego, CA 92111

District Contact:
Gary Stanford
(858)-637-6237
gtstanford1@sandi.net

2.0 Project Description

The proposed Jonas Salk Elementary School Project (Project) is a new elementary school on a 13.1-acre site, including a new parking lot, paved and landscaped play areas, and a large joint use playing field. Access would be provided by Flanders Drive and Parkdale Avenue. The Jonas Salk Elementary School building footprint is shown in Attachment 1.

The project is located at the southwest of the intersection of Parkdale Avenue and Flanders Drive in the Mira Mesa neighborhood, City of San Diego, San Diego County, California. The Project is situated on Assessor's Parcel number 311-030-42, Township 14 South, Range 3 West in US Geological Survey 7.5-minute Del Mar quadrangle, San Bernardino Base and Meridian.

The Project will permanently discharge waste (fill) to a total of 1.66 acres of vernal pools in the Miramar Reservoir Hydrologic Area (906.10) in the Penasquitos Hydrologic Unit (906.00) as shown in Attachment 2, and summarized in Table 1, below.

The 1.66 acres of vernal pools was determined by the U.S. Army Corps of Engineers (USACE) to be isolated waters outside of federal jurisdiction (See Attachment 3). These isolated waters remain non-federal waters of the State, and discharges to these waters are thereby regulated pursuant to California Water Code Section 13260, *et. seq.*

Table 1.

Jonas Salk Elementary On-site and Project Impacts Non-federal Waters of the State		
Habitat	**Existing On-site Acres**	**Project Impacts Acres**
Non-federal waters of the State, Vernal Pools, Occupied (San Diego fairy shrimp, *Branchinecta sandiegonensis*).	1.23	1.23
Non-federal waters of the State, Vernal Pools, Unoccupied (San Diego fairy shrimp, *Branchinecta sandiegonensis*).*	0.35	0.35
Non-federal waters of the State, Vernal Pools, Not surveyed.*	0.08	0.08
Non-federal State Waters subtotal	**1.66**	**1.66**
Federal Waters of the U.S.	0 (0)	0 (0)
Total	**1.66**	**1.66**

* Unoccupied and unsurveyed areas are assumed to have San Diego fairy shrimp, (*Branchinecta sandiegonensis)* for mitigation purposes.

3.0 Regulatory Background

Section 13260(a) of the California Water Code (Water Code) requires that any person discharging waste or proposing to discharge waste within any region, other than to a community sewer system, which could affect the quality of the waters of the State, file a Report of Waste Discharge (ROWD). The discharge of dredged or fill material constitutes a discharge of waste that could affect the quality of waters of the State. Water Code section 13263(a) requires that Waste Discharge Requirements (WDRs) be prescribed as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge. Such WDRs must implement any relevant water quality control plans, taking into consideration beneficial uses to be protected, the water quality objectives reasonably required for those purposes, other waste discharges, the need to prevent nuisance, and the provisions of Water Code section 13241.

Construction activities associated with the proposed discharges of fill threaten beneficial uses on-site and downstream. The Discharger will file a Notice of

Intent to the State Water Resources Control Board (State Board) for coverage under State Board Order No. 2009-0009-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, Waste Discharge Requirements (WDRs) For Discharges Of Storm Water Runoff Associated With Construction Activity*. The San Diego Water Board may conduct inspections to verify compliance with Order No. 2009-0009-DWQ, including, but not limited to, implementation of a storm water pollution prevention plan.

Since all federal waters can also be considered waters of the State, the State of California largely relies on Section 401 of the federal Clean Water Act (CWA) (33 U.S.C. § 1341) to regulate discharges of dredged or fill material to waters of the State. That section requires an applicant to obtain "water quality certification" from California that the project will comply with State water quality standards before certain federal licenses or permits may be issued. Each water quality certification includes a condition of coverage with State Water Resources Control Board's General Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements that have Received State Water Quality Certification*.

In light of recent U.S. Supreme Court rulings, isolated waters, or waters lacking a significant nexus to a traditionally navigable waterbody, are no longer considered waters of the U.S. (i.e. federal waters), and therefore no longer require certification pursuant to Section 401 of the CWA. In order to comply with the State's "No Net Loss" Policy for wetlands (Executive Order W-59-93), discharges of waste to these nonfederal, State wetlands are being regulated pursuant to California Water Code Section 13260.

On April 4, 2011, the USACE determined the Project property contained no waters of the U.S. (Attachment 3). On June 8, 2011, the Discharger submitted a Report of Waste Discharge (ROWD), along with required fees in accordance with the State Water Board's Dredge and Fill Fee Calculator, and the 401 Certification application form for discharges of fill associated with the Project to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). Pursuant to fee schedules currently set in CCR Title 23, no annual fees are required, and a threat to water quality (TTWQ) and complexity (CPLX) rating is not applicable for the site. By letter dated November 1, 2011, the San Diego Water Board informed the Discharger that the application was complete.

Order No. R9-2012-0007 serves as individual waste discharge requirements for discharges of fill to non-federal waters of the State. Should the USACE non-jurisdictional determination be reversed for this site, without any material change in the nature of the discharge, these WDRs may also serve as a CWA Section 401 water quality certification.

4.0 California Environmental Quality Act (CEQA)

Before the San Diego Water Board can issue WDRs, the project must have a final, valid environmental document meeting the criteria of the California Environmental Quality Act (CEQA). The CEQA document must fully disclose the potential significant adverse impacts of the project and identify measures to avoid, minimize, rectify, reduce or compensate for the impacts identified and to include a monitoring and reporting program to ensure compliance with the proposed mitigation measures.

On November 8, 2011, the Discharger approved an Environmental Impact Report (EIR) for the Jonas Salk Elementary School project (State Clearinghouse No. 2010011021) and thereafter filed a Notice of Determination. The EIR found that the Jonas Salk Elementary School project would have significant impacts on the aquatic habitat quality and biological resources, and proposed mitigation measures in the final CEQA document which, if incorporated into the project, reduce the identified effects to less than significant.

The San Diego Water Board is a responsible agency under CEQA and has reviewed and considered the lead agency's EIR for the Jonas Salk Elementary School. The San Diego Water Board finds that the Jonas Salk Elementary School Project, as proposed, will have a significant effect on the environment. However, this Order contains conditioned mitigation measures that will result in the project having less than significant environmental effects. Therefore, the San Diego Water Board has determined that issuance of this WDR is consistent with the EIR and that the final EIR prepared by the lead agency is appropriate for use in issuing WDRs for the Jonas Salk Elementary School Project.

5.0 Water Quality Standards and Prohibitions

Section 303 of the federal Clean Water Act (33 U.S.C. §1313) defines the term water quality standards as the uses of the surface waters, the water quality criteria which are applied to protect those uses, and an antidegradation policy[1]. A water quality standard defines the water quality goals for a water body by designating the use or uses to be made of the water body, by setting criteria to protect the uses, and by protecting water quality through non-degradation provisions. Under the Porter-Cologne Water Quality Control Act (California Water Code, Division 7, Chapter 2 §13050), these concepts are defined separately as beneficial uses and water quality objectives. Beneficial uses and

[1] Pursuant to the federal Clean Water Act, water quality standards are composed of three parts: (1) designated uses, e.g., protection of fish and wildlife, recreation and drinking water supply (40 C.F.R. 131.10); (2) numeric or narrative water quality criteria to protect those uses (40 C.F.R. 131.11); and (3) an antidegradation policy (40 C.F.R. 131.12).

water quality objectives are required to be established for all waters of the State, both surface and ground waters.

The Project will affect unnamed surface waters to Los Penasquitos Creek in the Miramar Reservoir Hydrologic Area (906.10) in the Penasquitos Hydrologic Unit (906.00).

The Water Quality Control Plan for the San Diego Basin (9) (Basin Plan), adopted on September 8, 1994 as amended, designates existing and potential beneficial uses for surface and ground waters within the San Diego region. Beneficial uses within the project area are summarized in Table 2 below.

Table 2. Beneficial Uses of the Project Site Surface and Ground Waters

Beneficial Use[1]	Surface Water		Ground Water
	Carroll Canyon (906.10)	Los Penasquitos Lagoon (906.10)	Penasquitos Hydrologic Unit (906.10)
Municipal and Domestic Supply (MUN)	+		■
Agriculture Supply (AGR)	■		■
Industrial Service Supply (IND)	■		■
Industrial Process Supply (PROC)			
Contact Water Recreation (REC 1)	O	■	
Non-contact Water Recreation (REC 2)	■	■	
Warm Freshwater Habitat (WARM)	■		
Cold Freshwater Habitat (COLD)	■		
Wildlife Habitat (WILD)	■	■	
Rare, Threatened, or Endangered Species (RARE)	■	■	
Preservation of Biological Habitats of Special Significance (BIOL)		■	
Estuarine Habitat (EST)		■	
Marine Habitat (MAR)		■	
Migration of Aquatic Organisms (MIGR)		■	
Shellfish Harvesting (SHELL)		■	
Spawning, Reproduction, and/or Early Development(SPWN)		■	

1. ■ = Existing Beneficial Use; O = Potential Beneficial Use; Exempted from MUN

The Basin Plan establishes Water Quality Objectives for surface waters within the Miramar Reservoir Hydrologic Area (906.10) as shown in Table 3 below.

Table 3. Water Quality Objectives for Surface Waters in the Miramar Reservoir Hydrologic Area.

Constituent	Concentration[a]
Total Dissolved Solids	500
Chloride	250
Sulfate	250
Percent Sodium	60
Nitrogen and Phosphorus	b
Iron	0.3
Manganese	0.05
Methylene Blue-Activated Substances	0.5
Boron	0.75
Turbidity (NTU)	20
Color Units	20
Fluoride	1

a. All units are mg/L unless otherwise noted.
b. Concentrations of nitrogen and phosphorus, by themselves or in combination with other nutrients, shall be maintained at levels below those which stimulate algae and emergent plant growth. Threshold total Phosphorus (P) concentrations shall not exceed 0.05 mg/l in any stream at the point where it enters any standing body of water, nor 0.025 mg/l in any standing body of water. A desired goal in order to prevent plant nuisances in streams and other flowing waters appears to be 0.1 mg/l total P. These values are not to be exceeded more than 10% of the time unless studies of the specific body in question clearly show that water quality objective changes are permissible and changes are approved by the San Diego Water. Analogous threshold values have not been set for nitrogen compounds; however, natural ratios of nitrogen to phosphorus are to be determined by surveillance and monitoring and upheld. If data are lacking, a ratio of N:P =10:1 shall be used.

The Basin Plan establishes Water Quality Objectives for ground waters within the Miramar Reservoir Hydrologic Area (906.10) as shown in Table 4 below.

Table 4. Water Quality Objectives for Ground Waters in the Miramar Reservoir Hydrologic Area

Constituent	Concentration[b]
Total Dissolved Solids	1200[a]
Chloride	500 [a]
Sulfate	500 [a]
Percent Sodium	60
NO_3	10 [a]
Iron	0.3 [a]
Manganese	0.05 [a]
Methylene Blue-Activated Substances	0.5
Boron	0.75 [a]
Turbidity (NTU)	5
Color Units	15
Fluoride	1

a. The recommended plan would allow for measurable degradation of ground water in this basin to permit continued agricultural land use. Point sources, however, would be controlled to achieve effluent quality corresponding to the tabulated numerical values. In future years demineralization may be used to treat ground water to the desired quality prior to use.
b. All units are mg/L unless otherwise noted.

The Basin Plan establishes the following Waste Discharge Prohibitions pursuant to California Water Code §13243:

- Prohibition No. 1. The discharge of waste to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination, or nuisance as defined in California Water Code §13050, is prohibited.

- Prohibition No. 2. The discharge of waste to land, except as authorized by waste discharge requirements or the terms described in California Water Code §13264 is prohibited.

- Prohibition No. 3. The discharge of pollutants or dredged or fill material to waters of the United States except as authorized by an NPDES permit or a dredged or fill material permit (subject to the exemption described in California Water Code §13376) is prohibited.

- Prohibition No. 7. The dumping, deposition, or discharge of waste directly into waters of the state, or adjacent to such waters in any manner which

may permit it's being transported into the waters, is prohibited unless authorized by the San Diego Water.

- Prohibition No. 14. The discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom deposits, turbidity or discoloration in waters of the state or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.

6.0 Basis for Waste Discharge Requirements

Order No. R9-2012-0007 establishes requirements for the discharge of wastes pursuant to Division 7 of the California Water Code and Article 4, Title 23 of the California Water Code, and establishes mitigation and monitoring provisions based on best professional judgment. If the federal non-jurisdictional determination is reversed for this site, without any material change to the discharge, the Order may also serve as a Section 401 Water Quality Certification. The Basin Plan states "certification is dependent upon the assurances that the project will not reduce water quality below applicable standards as defined in the Clean Water Act (i.e., the water quality objectives established and the beneficial uses which have been designated for the surface waters.)" Standard provisions, reporting and record keeping requirements, and notifications in Order No. R9-2012-0007 are established in accordance with Division 7 of the California Water Code. The discharge of fill as regulated by Order No. R9-2012-0007 will not reduce water quality below applicable standards.

7.0 Mitigation Measures

At McAuliffe Park Vernal Pool Mitigation site, the Discharger proposes 0.98 acres of vernal pool enhancement and 1.61 acres of vernal pool restoration. In addition, 7.07 acres of upland habitat will be enhanced and restored as part of the upland mitigation for permanent impacts. At the Carroll Canyon Preserve Vernal Pool Mitigation site, the Discharger proposes 0.73 acres of vernal pool restoration (See Attachment 4).

The McAuliffe Park site is 33-acres located adjacent to Challenger Middle School and consists of four City of San Diego (City) owned parcels. One parcel is developed with the existing park facility and other three are undeveloped open land. The parcel designated uses surrounding the site include Open Space and Preserve to the west and south, Multi-Family homes to the southeastern corner, Single Family homes to the east, and the existing Middle School to the north and east sides of the mitigation site. The proposed 12.7 are McAuliffe Park mitigation site is located mostly within the southeastern undeveloped parcel of McAuliffe Park (See Attachment 4). An additional 0.06 acres of vernal pool restoration work was previously performed by another party at the McAuliffe Park

Site for mitigation for the Magnatron site[2]. The previously restored pools will be preserved within the mitigation site but the Discharger will not receive mitigation credit for these pools. Vernal pool restoration activities will require prior approval from the Service.

The Carroll Canyon Preserve (Preserve) mitigation site is a 19.1 acre site located at the southern end of Parkdale Avenue between Backer Road and the Carroll Canyon Hanson Quarry operation. The Preserve, owned by the City of San Diego, is fenced, dedicated as open space within the City's Multiple Habitat Planning Area (MHPA), and maintained by the City Parks and Recreation Department. The northern portion of the site is disturbed and traversed by a dirt road, and brush management activities also occur in this area within 100 feet of the habitable structures as required by the City Municipal Code. The parcels designated uses surrounding the site include Open Space and Preserve to the south and east, Single Family homes to the north, and Parks – Active to the west of the mitigation site. The proposed 3.4 acre vernal pool restoration is located in the northwestern portion of the Preserve.

The restoration plan has all restoration pools at least 25 feet away from the closest property. Restoration pools on the Carroll Canyon site, in the northern part of the site, are within or partially within the City's Brush Management Zone. U.S. Fish and Wildlife Service (Service) has agreed to allow mitigation within the brush management zone and will work with the City to develop appropriate measures to avoid and minimize potential impacts to federally listed species from construction and brush management (See Attachments 4 and 5). In addition, 0.06 acres of vernal pool restoration work previously completed as part of the Winterwood Park Vernal Pool Restoration and Preservation Plan will be preserved with the proposed restoration and enhancement hydrology connecting with the existing pools on the McAuliffe Park mitigation site (See Attachment 4).

Mitigation activities are expected to be successful based on the location and expected hydrology of the mitigation area. The areas selected for vernal pool restoration are within the same watershed as the project and have established vernal pools. The mitigation sites are within the City's MHPA and are undeveloped open space areas. The mitigation site currently supports vernal pool plant and crustacean indicator species and will benefit through restoration and enhancement of existing vernal pool habitat, restoration vernal pool habitat where fill material has been stockpiled, enhance connectivity between existing and restored vernal pools, and restoration and enhancement in the upland areas of the of the mitigation site. Upland buffer or slope areas will be seeded with native species known to occur in the immediate vicinity of the project site. Maintenance and monitoring of these areas is expected to keep weedy species from predominating the landscape and allow native species to take over.

[2] http://www.sandiego.gov/planning/mscp/vpmp/pdf/07ssmrmiramesab.pdf

Mitigation will be conducted as outlined in the *Vernal Pool Restoration Plan as Mitigation for the Jonas Salk Area Elementary School Project, San Diego California, April 2012 (Vernal Pool Restoration Plan).* The Vernal Pool Restoration Plan includes restrictions on contouring and grading activities within the vernal pools under certain seasonal conditions, soil moisture content, and predicted weather.

Long term maintenance beyond the five-year mitigation monitoring program will be provided. The Discharger will be responsible for managing the mitigation site in perpetuity through implementation of the activities as outlined in the *Long-Term Management Plan for the Jonas Salk Area Elementary School Vernal Pool Mitigation Site San Diego California, May 2011*.

For the reasons above, it is anticipated that the proposed mitigation will adequately compensate for impacts to waters of the State associated with the discharge of fill material.

8.0 Water Quality Technical Report (WQTR)

The post-construction Best Management Practices (BMPs) for the Project are detailed in *Water Quality Technical Report for Jonas Salk Elementary School, Parkdale Avenue and Flanders Drive (WQTR)* prepared by Burkett and Wong Engineers for the Discharger, February 11, 2010. The structural treatment BMPs proposed for the project includes: 1) two Up-Flo Media Filter Units by Kristar Enterprises, or equivalent, 2) new fire lane with pervious asphalt, and 3) vegetated swale along the fire lane (580 linear feet, 2,440 square feet). All three types are flow based BMPs. See Attachment 6.

Through this Order, the Project is conditioned to mitigate (infiltrate, filter, and/or treat), prior to discharging to receiving waters, the volume of runoff produced by all storms up to and including the 24-hour, 85th percentile storm event for volume-based BMPs and/or the 1 hour, 85th percentile multiplied by a factor of two for flow-based BMPs, as determined from the local historical rainfall record, and conform to the City's Storm Water Standards manual, January 20, 2012.

The vegetated swale is located adjacent to the fire lane. This swale provides treatment for the paved areas and fire lane. Flow from the swale is collected by the onsite storm drain system. Maintenance requirements for the vegetated swales are primarily aimed at sustaining a long and healthy grass.

Two media filtration units are located near the southwest and southeast corner of the Project site. These units provide treatment for roof water and supplemental treatment for the parking lot runoff. The media filtration units are essentially an underground vault with multiple filtration cartridges. The treatment flow rate is obtained by installing multiple cartridges. All flows must travel through the cartridges and piping system in order to escape the vault. Maintenance

requirements include removing accumulated floatables, trash, debris, nutrients, metals, oils, and sediment. Depending upon pollutant loading levels, the filtration media in the cartridges will get replaced on an annual basis. The proposed proprietary device, the Up-Flo Media Filter units by Kristar Enterprises with mixed media, has a removal efficiency expected to be medium to high, as defined in the City of San Diego's Stormwater Standards Manual, for all pollutants categories.

The San Diego Water Board requires post-construction BMPs to have a pollutant removal efficiency of medium to high. Order No. R9-2007-0001 [3] requires BMPs which achieve medium to high pollutant removal efficiency for all areas of the project including the driveway entrances, adjacent slopes, and public streets. The proposed Up-Flo Media Filter Units have a pollutant removal efficiency of medium to high for the potential pollutants of concern.

9.0 Monitoring and Reporting Requirements

Requirements for monitoring and reporting for the Jonas Salk Elementary School mitigation project are found in Monitoring and Reporting Program No. R9-2012-0007. Monitoring results will be uploaded by the Discharger to California Wetland Portal (http://www.californiawetlands.net/tracker/) for public review.

10.0 Notifications

The public was notified of this Project at the San Diego Water Board internet website since June 8, 2011. Draft WDRs were posted on San Diego Water Board's website and available for public review and comment since April 30, 2012.

Copies of the tentative and adopted waste discharge requirements and other documents are available at the San Diego Water Board office for inspection and copying. Please contact Ms. Rachel O'Donovan at 858-636-3139 for file review times and procedures.

11.0 Written Comments

Interested persons are invited to submit written comments on the draft waste discharge requirements during the public comment period. Comments should be submitted either in person during business hours or by mail to:

David W. Gibson, Executive Officer
Attn: Alan Monji
File No. 11C-074i-767303
WDID 9 9 000002281

[3] *Waste Discharge Requirements For Discharges Of Urban Runoff From The Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, the San Diego Unified Port District, and the San Diego County Regional Airport Authority*.

California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

In order for the San Diego Water Board to fully consider any comments, twenty copies of all documents should be submitted no later than 5:00 p.m. on Monday, May 23, 2012. The final deadline for submittal of written comments is May 30, 2012. Written material submitted after May 30, 2012 will not be provided to San Diego Water members prior to the meeting on June 13, 2012.

12.0 Public Hearing

Tentative Order No. R9-2012-0007 will be considered by the San Diego Water Board at a public hearing on June 13, 2012, at the following location:

Regional Water Quality Control Board
Conference Room
9174 Sky Park Court, Suite 100
San Diego, CA 92123

13.0 Additional Information

For additional information, interested persons may write to the following address or contact Mr. Alan Monji of the San Diego Water Board staff at 858-637-7140 or via email at amonji@waterboards.ca.gov.

California Regional Water Quality Control Board
Attn: Alan Monji
9174 Sky Park Court, Suite 100
San Diego, CA 92123

14.0 WDR Review

A person may petition the State Board to review the decision of the San Diego Water Board regarding the final WDRs in accordance with California Water Code Section 13330. A petition must be made within 30 days of the San Diego Water Board taking an action.

15.0 Documents Used in Preparation of the Fact Sheet and Order

The following documents were used in the preparation of this fact sheet and Order No. R9-2012-0007:

a. Application for Section 401 Water Quality Certification submitted on June 7, 2012 with 12 attachments.

b. Supplemental application information submitted on October 28, 2011.

c. Vernal Pool Restoration Plan as Mitigation for the Jonas Salk Elementary School Project, April 2012.

d. Draft Carroll Canyon Preserve Conceptual Vernal Pool Restoration Plan, August 2011.

d. Responses to the California Regional Water Quality Control Board's Comments on for 401 #11C-047i, Kathie Washington, BRG Inc, November 30, 2011.

e. Project Specific Water Quality Technical Report for: Jonas Salk Elementary School Parkdale Avenue and Flanders Drive, San Diego California, Prepared by Burkett and Wong Engineers. February 11, 2011.

f. Jonas Salk Area Elementary School Draft Environmental Impact Report. SCH #2010011021. Prepared by BRG Consulting, Inc. July 2010.

g. Jonas Salk Area Elementary School Final Environmental Impact Report. SCH #2010011021. Prepared by BRG Consulting, Inc. November 2011.

h. Jonas Salk Area Elementary School Mitigated Negative Declaration, attached to the Notice of Determination. SCH #2010011021. November 9, 2011.

i. Letter from the U.S. Fish and Wildlife Service to the City of San Diego's Development Services Department. Subject: Use of the City of San Diego's Carroll Canyon Vernal Pool Preserve as Mitigation for the Jonas Salk Elementary School Habitat Conservation Plan, City of San Diego. California. August 25, 2011.

j. Letter the City of San Diego to the San Diego Unified School District concerning the City of San Diego's conceptual support of the draft Carroll Canyon Vernal Pool Preserve Mitigation plan for the Jonas Salk Elementary School Habitat Conservation Plan. September 7, 2011.

16.0 Interested Parties

The following individuals and/or entities have been identified as interested parties with the help of BRG Consulting, Inc:

Gary Stanford
San Diego Unified School District
Gstanford1@sandi.net

Erich Lathers

BRG Consulting, Inc.
erich@brginc.net

Michelle L. Mattson
Army Corps of Engineers
Michelle.l.mattson@usace.army.mil

Bill Orme
State Water Resources Control Board, Division of Water Quality
BOrme@waterboards.ca.gov

David Zoutendyk
U.S. Fish and Wildlife Service
David_Zoutendyk@fws.gov

Chris Zirkle
City of San Diego
Parks and Recreation
CZirkle@sandiego.gov

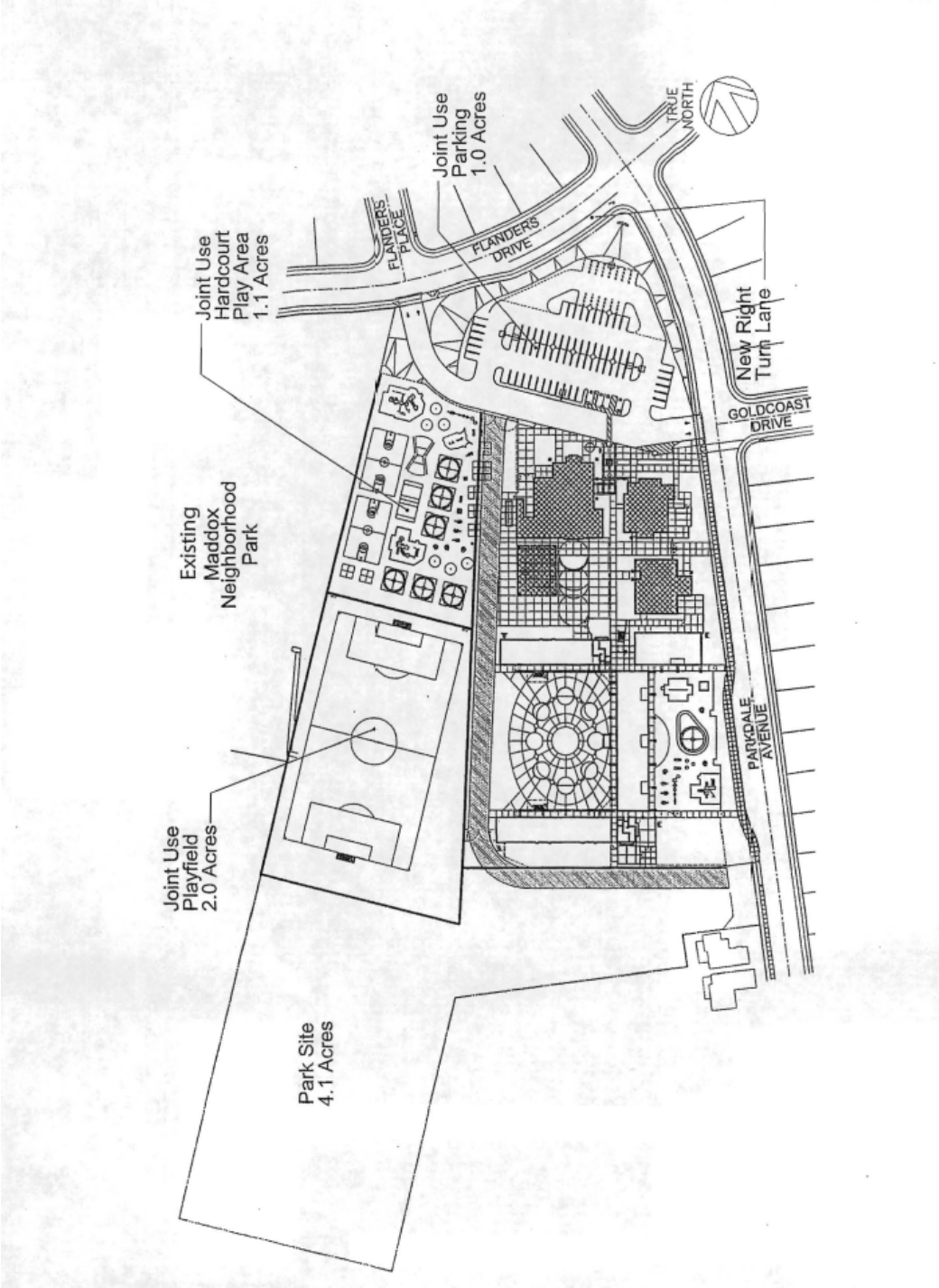
Cherilyn Burton
Native Plant Program
California Department of Fish and Game
cburton@dfg.ca.gov

ATTACHMENTS:

1. Jonas Salk Elementary School footprint.
2. Non-Federal Waters of the State.
3. Letter from the U.S. Army Corps of Engineers dated April 4, 2011.
4. Mitigation Site Plans.
5. Letter from U.S. Fish and Wildlife Service dated August 25, 2011.
6. Treatment Control Best Management Practice plans.

Tech Staff Info & Use	
File No.	11C-047i
WDID	9 000002281
Reg. Measure ID	379620
Place ID	767303
Party ID	527251

ATTACHMENT 1
JONAS SALK ELEMENTARY SCHOOL FOOTPRINT



ATTACHMENT 2
NON-FEDERAL WATERS OF THE STATE

ATTACHMENT 3
LETTER FROM THE U.S. ARMY CORPS OF ENGINEER.

DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division, South Coast Branch
6010 Hidden Valley Road, Suite 105
Carlsbad, California 92011

April 4, 2011

REPLY TO ATTENTION OF
Office of the Chief
Regulatory Division

Jim Watts
San Diego Unified School District
4860 Ruffin Street
San Diego, California 92111

SUBJECT: Determination regarding requirement for Department of the Army Permit

Dear Mr. Watts:

This letter is in response to your request (File No. SPL-2010-01023-MLM), dated December 20, 2010, requesting clarification on whether a Department of the Army Permit is required for the Jonas Salk Elementary School project (32.905552, -117.156148) located within the city of San Diego, San Diego County, California (see attached map).

The Corps' evaluation process for determining whether or not a Department of the Army permit is needed involves two tests. The first test determines whether or not the proposed project is located within or contains a water of the United States (i.e., it is within the Corps' geographic jurisdiction). The second test determines whether or not the proposed project includes an activity potentially regulated under Section 10 of the River and Harbor Act or Section 404 of the Clean Water Act. If both tests are met, and the activities in question are located within the Corps' geographic jurisdiction, then a permit would be required. As part of our evaluation process, we have made the determination below.

Geographic jurisdiction:

Based on the enclosed jurisdictional determination, dated March 18, 2011, we have determined the Jonas Salk Elementary School project site does not contain water(s) of the United States pursuant to 33 C.F.R. §325.9, as the onsite vernal pools were not shown to have a significant nexus with a traditionally navigable water (TNW).

Activity:

Based on the information you have provided, we have determined the proposed work, were it to occur in waters of the U.S. (see above, *"Geographic jurisdiction"*), would involve a discharge of dredged or fill material and therefore would be regulated under Section 404 of the Clean Water Act if the activity is performed in the manner described in your correspondence.

Requirement for a Department of the Army Permit:

Based on the discussion above, we have determined your proposed project is not subject to our jurisdiction under Section 404 of the Clean Water Act and a Section 404 permit would not be required from our office if the activity is performed in the manner described. Notwithstanding our determination above, your proposed project may be regulated under other Federal, State, and local laws.

If you have any questions, please contact me at 760.602.4835 or via e-mail at Michelle.L.Mattson@usace.army.mil. Please be advised that you can now comment on your experience with Regulatory Division by accessing the Corps web-based customer survey form at: http://per2.nwp.usace.army.mil/survey.html.

Sincerely,

Michelle Lee Mattson

Michelle Lee Mattson
Senior Project Manager

Enclosures:
Approved Jurisdictional Determination
Regional Map (Figure 2-1)

ATTACHMENT 4
MITIGATION SITE PLANS AND LAND USE DESIGNATIONS

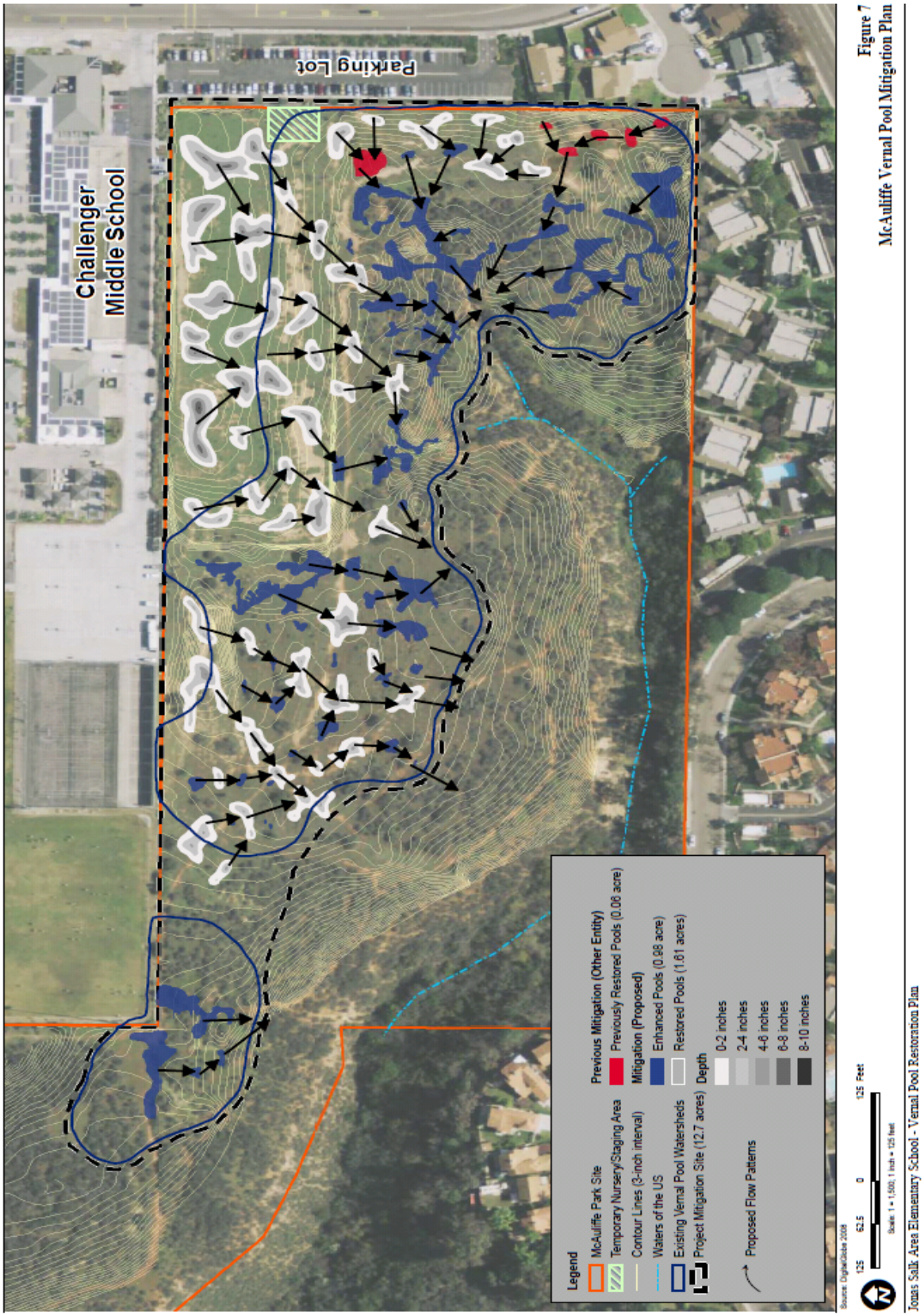
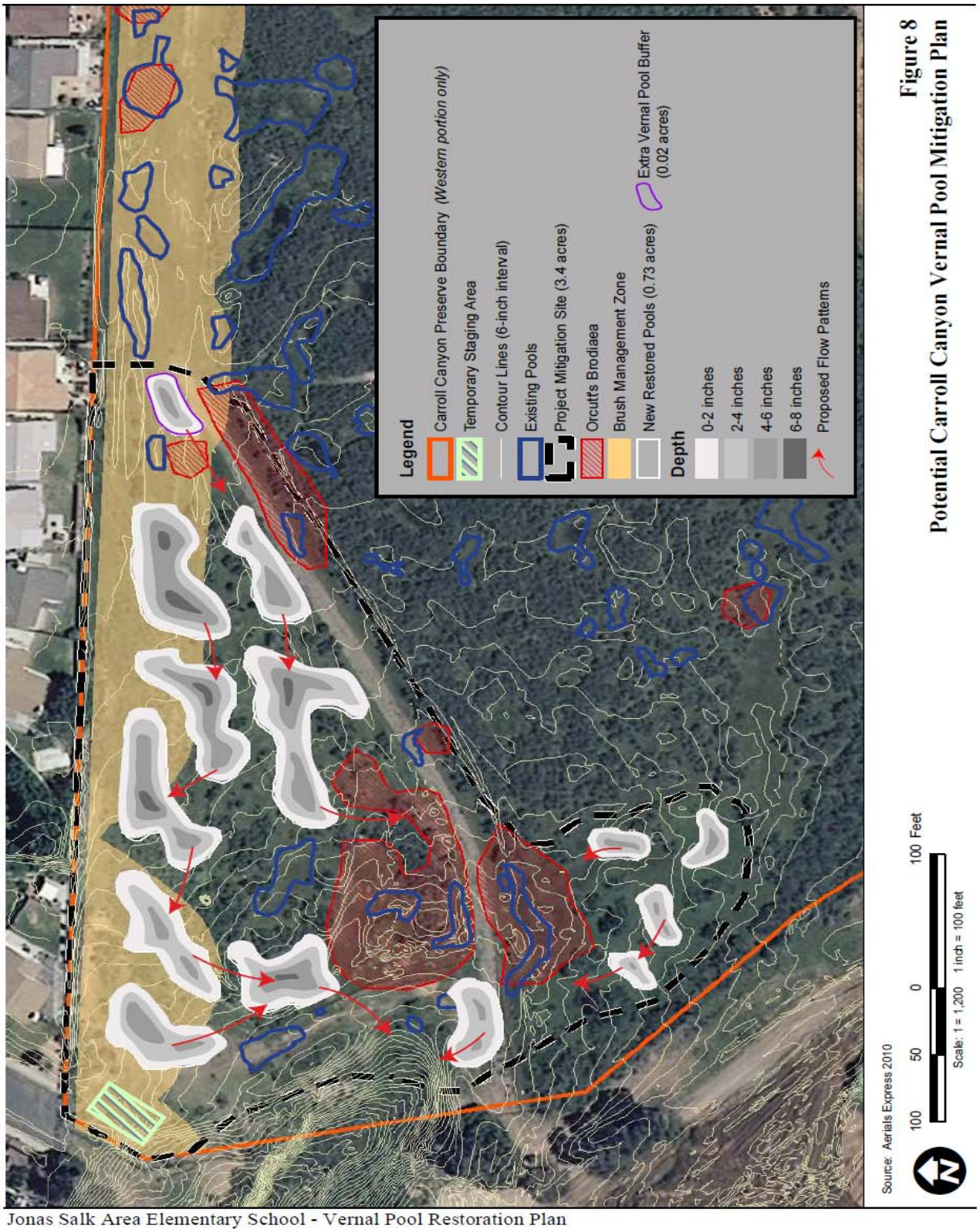
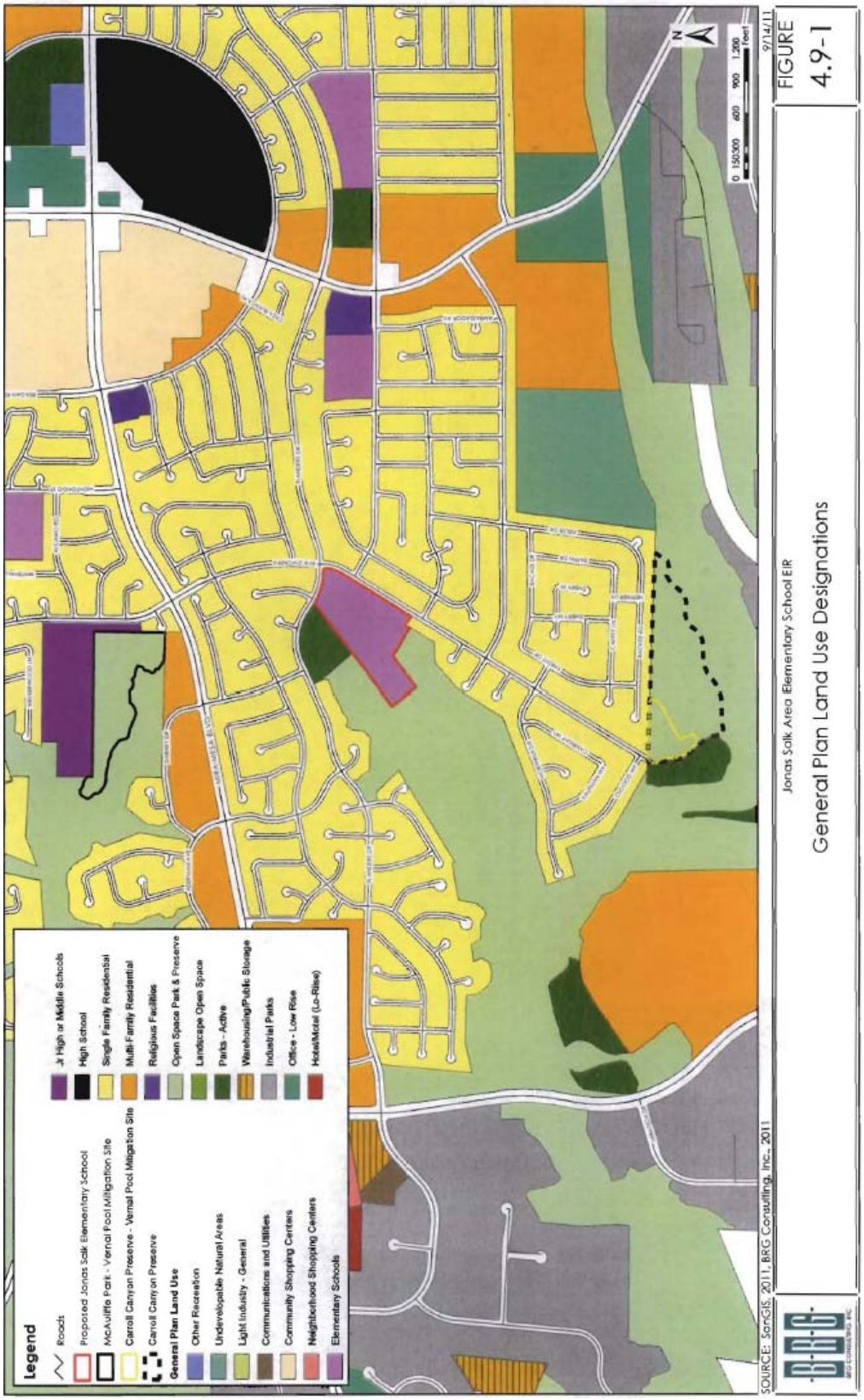


Figure 7
McAuliffe Vernal Pool Mitigation Plan
Jonas Salk Area Elementary School - Vernal Pool Restoration Plan



Jonas Salk Area Elementary School - Vernal Pool Restoration Plan

Path: P:\2007\07080150 Salk Elem School Vernal Pool\5GIS\MXD\Bio\Salk\VP_RestorationPlan\Figure8_CarrollCanyon.mxd, 3/21/2012, AugelloP


Legend
Roads
Proposed Jonas Salk Elementary School
McAuliffe Park - Vernal Pool Mitigation Site
Carroll Canyon Preserve - Vernal Pool Mitigation Site
Carroll Canyon Preserve
General Plan Land Use
Other Recreation
Undevelopable Natural Areas
Light Industry - General
Communications and Utilities
Community Shopping Centers
Neighborhood Shopping Centers
Elementary Schools
Jr High or Middle Schools
High School
Single Family Residential
Multi-Family Residential
Religious Facilities
Open Space Park & Preserve
Landscape Open Space
Parks - Active
Warehousing/Public Storage
Industrial Parks
Office - Low Rise
Hotel/Motel (Lo-Rise)
SOURCE: SanGIS, 2011, BRG Consulting, Inc., 2011
Jonas Salk Area Elementary School EIR
General Plan Land Use Designations
FIGURE
4.9-1
9/14/11
N
0 150 300 600 900 1,200 Feet

ATTACHMENT 5
LETTERS FOR THE CARROLL CANYON PRESERVE

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011

In Reply Refer To:
FWS-SDG-08B0402-11TA0538

AUG 25 2011

Mr. Kelly Broughton, Director
Development Services Department
1222 First Street, M.S. #501
San Diego, California 92101

Subject: Use of the City of San Diego's Carroll Canyon Vernal Pool Preserve as Mitigation for the Jonas Salk Elementary School Habitat Conservation Plan, City of San Diego, California.

Dear Mr. Broughton:

As part of the required mitigation for the Jonas Salk Elementary School Habitat Conservation Plan (HCP), the San Diego Unified School District (District) proposes to restore vernal pools on City of San Diego's (City) Carroll Canyon Vernal Pool Preserve which is in the Mira Mesa community in the City of San Diego. The U.S. Fish and Wildlife Service (Service) supports the District's proposed mitigation and the agreement between the City and the District that allows the District to restore vernal pools on the Carroll Canyon Vernal Pool Preserve.

The Service acknowledges that an active park is approved by the City to be built adjacent to the proposed mitigation site and less than a 100-foot buffer would be provided between the park and restored vernal pools. Furthermore, there is residential development immediately to the north of the preserve and we acknowledge that City regulations require brush management to extend 100 feet from the development into the preserve where vernal pool restoration may occur.

As discussed with the City, the Service intends to cover construction/operation of the park and brush management at the Carroll Canyon Vernal Pool Preserve in the City's Vernal Pool HCP which is currently under development. If the HCP is not completed, the Service will work with the City to develop appropriate measures to avoid and minimize potential impacts to federally listed species from construction/operation of the park and brush management [e.g., installing barrier vegetation and/or fencing between the park and preserve; avoiding the restored vernal pool basins (as marked by the District) during brush management].

If you have any questions please contact David Zoutendyk of my staff at (760) 431-9440.

Sincerely,

Karen A. Goebel
Assistant Field Supervisor

cc:
Scott Reese, Assistant Director, Park & Recreation Department
Chris Zirkle, Deputy Director Open Space, Park & Recreation Department
Deborah Sharpe, Project Officer II, Park Planning, DSD
Jeanne Krosch, Senior Planner, MSCP, DSD

THE CITY OF SAN DIEGO

September 7, 2011

San Diego Unified School District
Facilities Planning and Construction
4860 Ruffner Street. Building #4
San Diego, CA 92111
Attn: John Stokes

Dear Mr. Stokes,

Being in receipt of the attached August 25, 2011 letter from the U.S. Fish and Wildlife Service, City of San Diego staff is in a position to advise the District of its conceptual support for the District's proposed vernal pool mitigation program on City land (see attached Figure 1). At this point, staff has been assured that its responsibilities regarding new park construction, water/sewer operations and maintenance, and brush management responsibilities can co-exist with the proposal. However, in that the proposal involves the District providing funding for long-term maintenance of the site, City Council approval of the proposal would be required. An amendment to the Memorandum of Understanding that the City and District have entered into regarding construction of Jonas Salk Elementary is the vehicle that is currently expected to be used for City Council approval.

As an alternative to the City maintaining the mitigation in perpetuity, given the costs associated with having the City do so, I understand that the District would also like to consider purchasing the site. However, it has since been determined that has been dedicated, meaning that sale of the site would require a 2/3 affirmative vote of the citizenry.

There are a number of as-yet-unknown details that must be identified and agreed upon prior to final approval by the City Council of the District's proposal. Known details that we have discussed are:

1. The district will conduct all required brush management on the City property within and adjacent to its mitigation site for the period of time that the District is in its [5-year] maintenance and monitoring period. The District will provide detailed documentation on access and individual plants to be removed/pruned in pre- and post-work reports.
2. The District will, for review by City staff, survey and monument areas within which access for brush management activities (including dragging of vegetation) is prohibited.
3. The District will not make the existing access road impassible to City vehicles.
4. No work shall occur within 30 feet of the sewer.
5. The District will provide for review and approval by City staff, a draft conceptual restoration plan and habitat management plan.

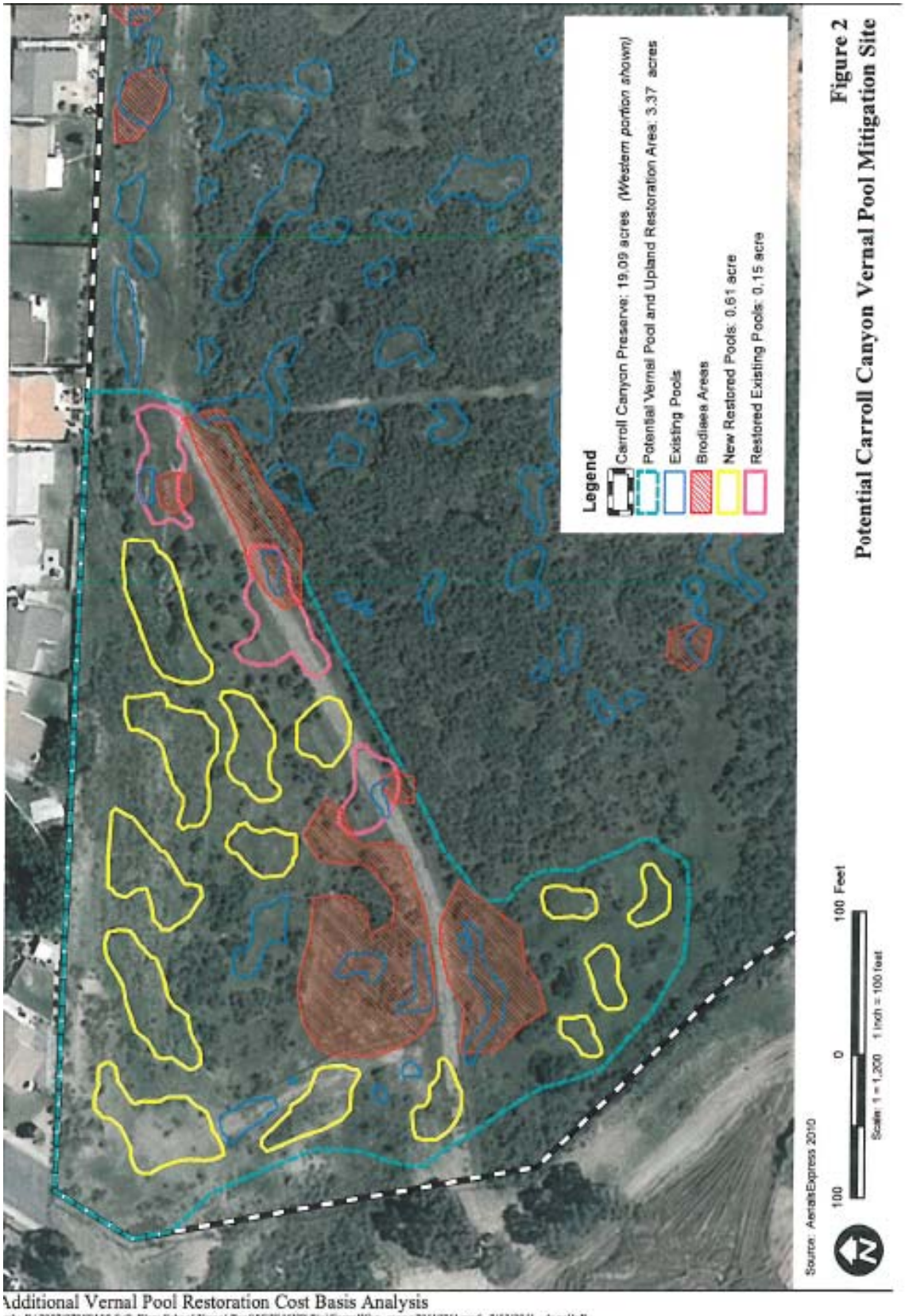


Figure 2
Potential Carroll Canyon Vernal Pool Mitigation Site

Additional Vernal Pool Restoration Cost Basis Analysis
ath: P:\2007\07080150 Salk Elem School Vernal Pool\SGIS\MXD\Bio\CarrollC\n_memo20110711.mxd, 7/12/2011, AngelloP

ATTACHMENT 6
TREATMENT CONTROL BMP
PLANS