



California Regional Water Quality Control Board

San Diego Region



Arnold
Schwarzenegger
Governor

Linda S. Adams
Secretary for
Environmental
Protection

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

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

March 18, 2008

In reply refer to: WPC:08C-012:cmeans

Mr. Carl Savage
Project Manager
Caltrans District 11, MS-333
4050 Taylor Street
San Diego, CA 92110

WDID: 9000001751
CIWQS:
Party No. 7222
Place No. 712903
Reg. M. No. 341176

Dear Mr. Savage:

SUBJECT: Action on Request for Clean Water Act Section 401 Water Quality Certification for the SR-76 Monserate Hill Road Project Water Quality Certification No. 08C-012.

Enclosed is the Clean Water Act Section 401 Water Quality Certification for the SR-78 Emergency Corrugated Pipe Replacement Project. Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that Caltrans has accepted and will comply with all conditions of the Certification. Failure to comply with all conditions of this Certification will result in enforcement actions against Caltrans.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any questions regarding this notification, please contact Christopher Means directly at 858-637-5581 or by email via cmeans@waterboards.ca.gov.

Respectfully,

JOHN H. ROBERTUS
Executive Officer

California Environmental Protection Agency

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

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Mr. Carl Savage, Caltrans District 11
401 Certification 08C-012

- 2 -

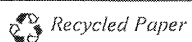
3/17/08

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 08C-012

cc: Refer to Attachment 2 of Certification 08C-012 for Distribution List.

California Environmental Protection Agency





Linda S. Adams
Acting Secretary for
Environmental
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California Regional Water Quality Control Board San Diego Region

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

**PROJECT: SR-76 Monserate Hill Road Project (08C-012),
WDID Number 9000001751**

APPLICANT:

**Mr. Carl Savage
Project Manager
Caltrans District 11, MS-333
4050 Taylor Street
San Diego, CA 92110**

CIWQS
Reg. Mes. ID: 341176
Place ID: 712903
Party ID: 7222

ACTION:

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

The project proposes to remove about 35 cubic yards of sediment, mud and debris for approximately 10-feet upstream and downstream of existing culvert crossed by SR-76. The proposed project also includes the upstream construction of a concrete pad with an area of gravel backfill. A maintenance vehicle pullout would also be constructed with an access ramp leading down to the concrete pad.

STANDARD CONDITIONS:

The following three standard conditions apply to all certification actions, except as noted under Condition 3 for denials (Action 3).

California Environmental Protection Agency

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1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action (Actions 1 and 2) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

ADDITIONAL CONDITIONS:

In addition to the three standard conditions, the California Department of Transportation (Caltrans) must satisfy the following:

A. GENERAL CONDITIONS:

1. Caltrans must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (Regional Board), to support this 401 Water Quality Certification and all subsequent submittals required as part of this certification and as described in Attachment 1. The conditions within this certification must supersede any conflicting provisions within such plans submitted prior to the certification action.
2. During construction, Caltrans must maintain a copy of this certification at the project site so as to be available at all times to site personnel and agencies.
3. Caltrans must permit the Regional 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 certification.
 - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this certification.
 - d. Sampling of any discharge or surface water covered by this Order.

4. Caltrans must notify the Regional Board within 24 hours of any unauthorized discharge, including hazardous or toxic materials, to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional best management practice (BMPs) or other measures that will be implemented to prevent future discharges.
5. Caltrans must, at all times, maintain appropriate types and sufficient quantities of materials onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the U.S. and/or State.
6. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
7. In response to a suspected violation of any condition of this certification, the Regional Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
8. In response to any violation, or anticipated violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

B. PROJECT CONDITIONS:

1. Prior to the start of the project Caltrans must educate all personnel on the requirements in this certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
2. Caltrans must notify the Regional Board in writing at least 5 days prior to the actual commencement of dredge, fill, and discharge activities.
3. Caltrans must comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-06-DWQ, NPDES No. CAS000003, the NPDES Permit for Statewide Storm Water Permit and Waste

Discharge Requirements (WDRs) for the State of California, Department of Transportation (Caltrans), July 1999.

4. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
5. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or the State or placed in locations that may be subjected to storm flows.
6. All surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
7. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.

C. STREAM PHOTO DOCUMENTATION PROCEDURE:

1. Caltrans must conduct photo documentation of the project site, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation areas, including all areas of permanent and temporary impact, prior to and after project construction. Photo-documentation will be submitted to the Regional Board with the report as required by Condition E.3 of this certification.

D. COMPENSATORY MITIGATION FOR LOSS OF WATERS OF THE U.S./STATE:

1. Mitigation for permanent discharges to 0.007 acres of jurisdictional unvegetated streambed has been achieved at a ratio of 1:1. Permanent impacts to 0.003 acres of jurisdictional freshwater marsh have been mitigated at a ratio of 3:1. Mitigation has been achieved by deducting an excess of 0.017 acres of wetland creation credits from the Caltrans Marron Mitigation site, adjacent to the SR-76.
2. Mitigation for temporary impacts to 0.10 acre of jurisdictional freshwater marsh and 0.03 acres of CDF&G southern willow scrub have been mitigated

at a ratio of 1:1 by deducting an excess of 0.04 acres of wetland creation credits from the Caltrans Marron Mitigation site, adjacent to the SR-76.

3. Caltrans must additionally restore all areas of temporary impacts to waters of the United States/State and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species. Areas temporarily impacted will be restored within a year of impacts.

E. REPORTING:

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.
2. All reports and information submitted to the Regional Board must be submitted in both hardcopy and electronic format, with a cover referencing the subject project and certification number.
3. Caltrans must submit a report to the Regional Board within 30 days of completion of the project. The report should include as-built drawings no bigger than 11" x 17" and photos of the completed project.
4. All applications, reports, or information must be submitted to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification No. 08C-012, Central Watershed Unit
9174 Sky Park Court, Suite 100
San Diego, California 92123

F. SIGNATORY REQUIREMENT

1. All applications, reports, or information submitted to the Regional Board must be signed as follows:
 - a) For a corporation, by a responsible corporate officer of at least the level of vice president.
 - b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

2. A duly authorized representative of a person designated in Items 1.a. through 1.c. above may sign documents if:
 - a) The authorization is made in writing by a person described in Items 1.a. through 1.c. above.
 - b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c) The written authorization is submitted to the Regional Board Executive Officer.

3. All applications, reports, or information submitted to the Regional Board Executive Officer must be certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On February 14, 2008 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

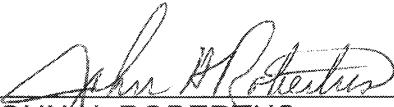
REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Christopher Means
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-637-5581
cmeans@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from **SR-76 Monserate Hill Road Project** (Certification No. 08C-012) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification," which requires compliance with all conditions of this Water Quality Certification. Please note that this certification is conditional and, should new information come to our attention that indicates a water quality problem, the Regional Board may issue waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



JOHN H. ROBERTUS
Executive Officer
Regional Water Quality Control Board

3/18/2008
Date

Attachments: 1. Project Information
 2. Distribution List
 3. Location Map
 4. Construction plans
 5. Site photos

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: Mr. Carl Savage
Project Manager
Caltrans District 11, MS-333
4050 Taylor Street
San Diego, CA 92110

Applicant
Representatives: Mr. Bruce April
Caltrans District 11, MS-242
4050 Taylor Street
San Diego, CA 92110

Project Name: SR-76 Monserate Hill Road Project (08C-012)

Project Location: The project is located in northern San Diego County on State Route 76, about 5.6 miles east of the City of Oceanside and just east of Monserate Hill Road.

Type of Project: Drainage maintenance/improvement project.

Need for Project: The project purpose is to prevent water from overtopping the roadway and to prevent subsequent closure of SR-76.

Project Description: The project proposes to remove about 35 cubic yards of sediment, mud and debris for approximately 10-feet upstream and downstream of existing culvert crossed by SR-76. The proposed project also includes the upstream construction of a concrete pad with an area of gravel backfill. A maintenance vehicle pullout would also be constructed with an access ramp leading down to the concrete pad.

Federal Agency/Permit: U.S. Army Corps of Engineers §404, NWP 3, Stephanie Hall

Other Required
Regulatory Approvals: California Department of Fish and Game Streambed Alteration Agreement, Tamara Spear

California Environmental
Quality Act (CEQA)
Compliance: On August 27, 2007 Caltrans, acting as lead agency, determined that the proposed project was categorically exempt from CEQA (Class 1, PRC 21084; 14 CCR 15300 et seq.)

Receiving Water: Unnamed tributary to San Luis Rey River

Affected Waters of the United States: Temporary:
Wetland: 0.01 acre (10 Linear feet)
Permanent:
Wetland: 0.003 acre
Streambed: 0.007 acre

Dredge Volume: ✓ 35 cubic yards

Related Projects Implemented/to be Implemented by the Applicant(s): Caltrans is proposing to widen State Route 76 from South Mission Road to I-15 in approximately mid-2011.

Compensatory Mitigation: Mitigation for ratios for impacts associated with the project are as follows:

Temporary Impacts:
Wetland: 0.01 acre (10 Linear feet): 1:1
CDFG Southern Willow Scrub: 1:1
Permanent:
✓ Wetland: 0.003 acre: 3:1
Streambed: 0.007 acre: 1:1

Mitigation has been achieved by deducting excess 0.057 acres of excess wetland creation credits from the Caltrans Marron Mitigation site, adjacent to the SR-76. The final report for the Marron Mitigation Site was submitted as part of the application materials, and is awaiting final signoff from the ACOE and CDF&G.

Best Management Practices (BMPs): Construction based best management practices will be employed during construction in accordance with Caltrans Statewide Stormwater permit requirements. BMPs will include, but not be limited to, portable concrete washout areas, temporary fencing, fiber rolls, and gravel bag barriers.

Construction activities will commence during the dry season.

Public Notice: On February 14, 2008, receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public

Fees: Total Due: \$524.30
Total Paid: \$524.30 (check No. 082-189046)

CIWQS: Regulatory Measure ID: 341176
Place ID: 712903
Party ID: 7222

**ATTACHMENT 2
DISTRIBUTION LIST**

Ms. Tamara Spear
California Department of Fish and Game
South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123

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

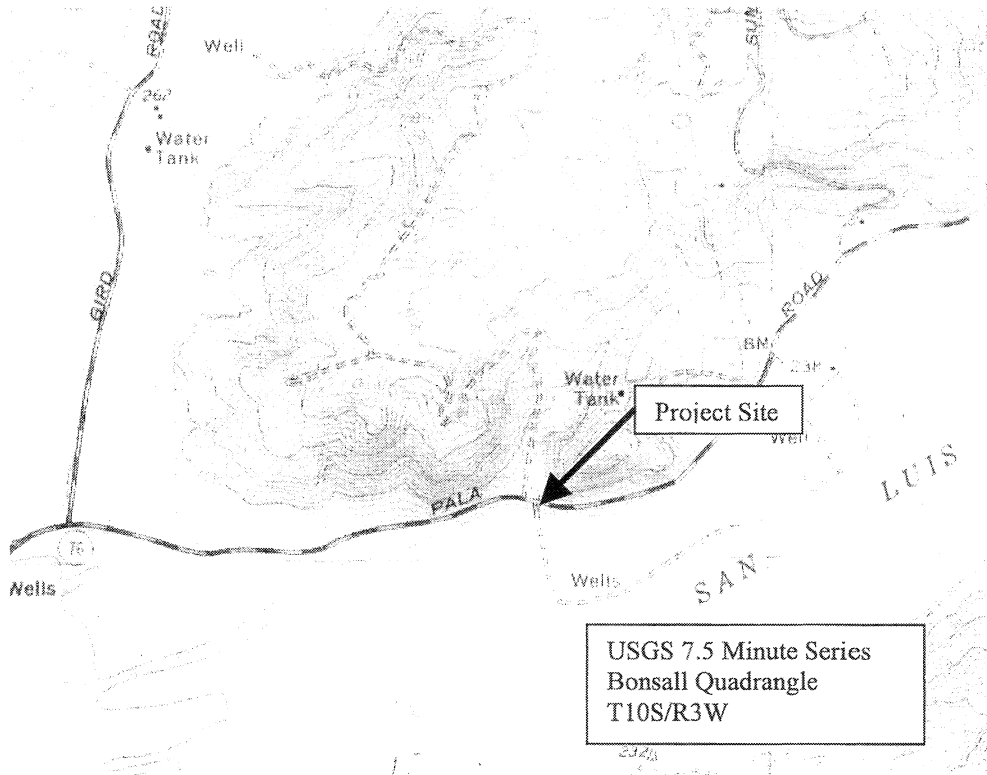
Mr. Bruce April
Chief, Environmental Stewardship
Caltrans District 11, MS-242
4050 Taylor Street
San Diego, CA 92110

Ms. Stephanie Hall
U.S. Army Corps of Engineers, Regulatory Branch
P.O. Box 532711
Los Angeles, CA 90053-2325

Ms. Elizabeth Goldman
Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

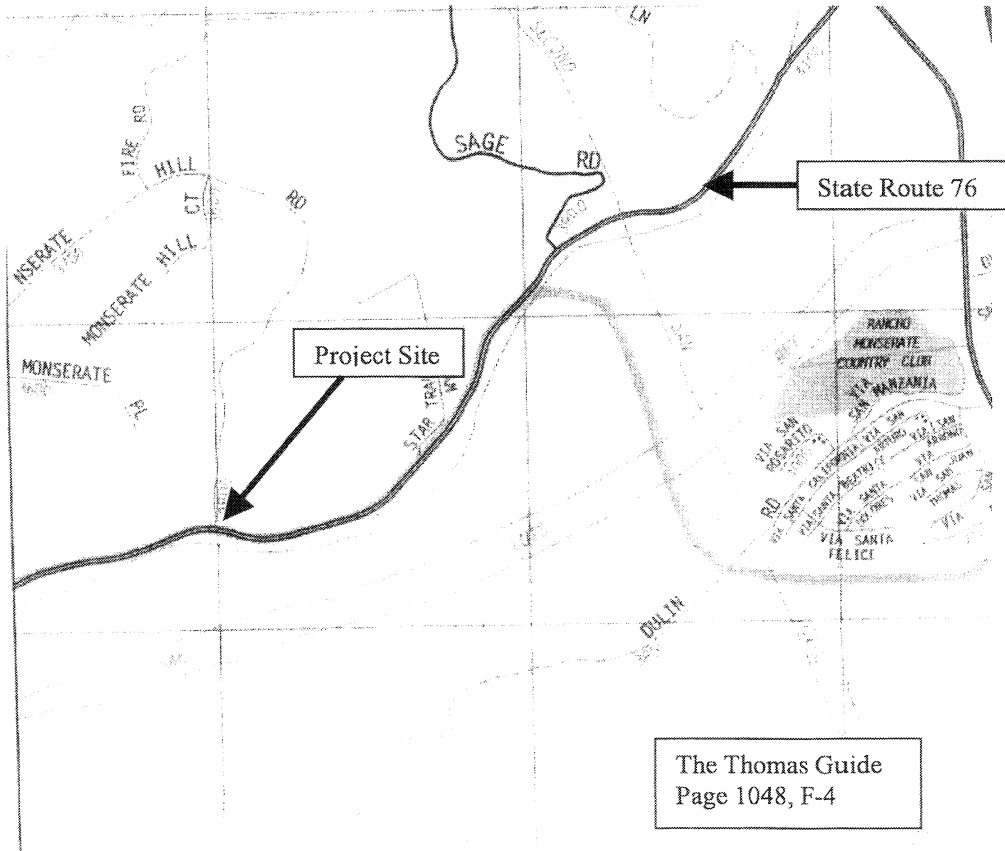
U.S. Department of the Interior
Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011

ATTACHMENT 3
LOCATION MAP



California Department of Transportation
 11-SD-76, PM 15.5, Monserate Hill
 LOCATION MAP

06/13/07



ATTACHMENT 4
CONSTRUCTION PLANS

REGISTERED CIVIL ENGINEER DATE

PLANS APPROVAL DATE

REGISTERED PROFESSIONAL ENGINEER
M. J. KHATIB
 No. **663411**
 Exp. **9/30/09**
 CIVIL
 STATE OF CALIFORNIA

THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS OR FOR THE CONSEQUENCES OF ELECTRONIC COPIES OF THIS PLAN SHEET.

SAN DIEGO COUNTY

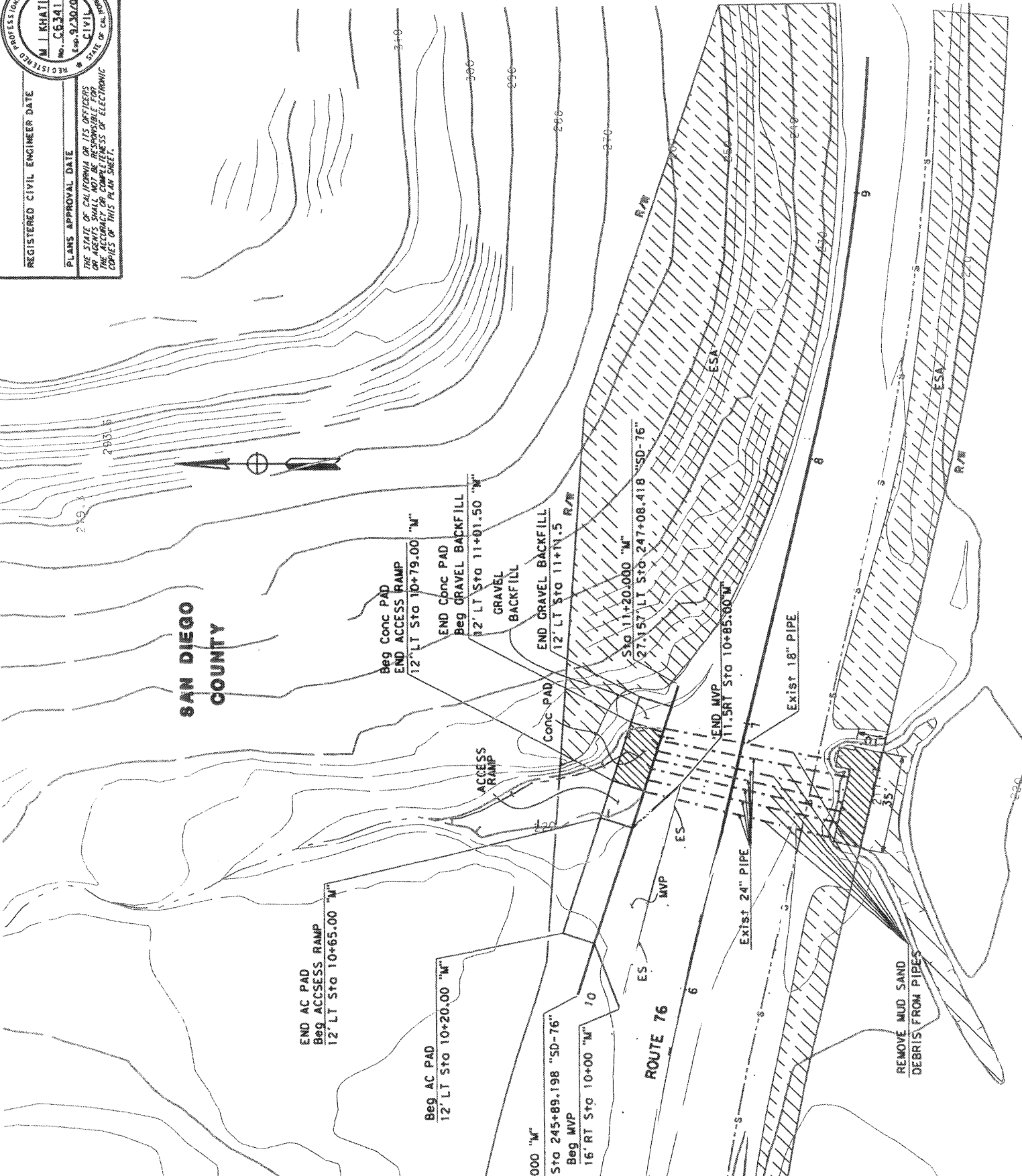
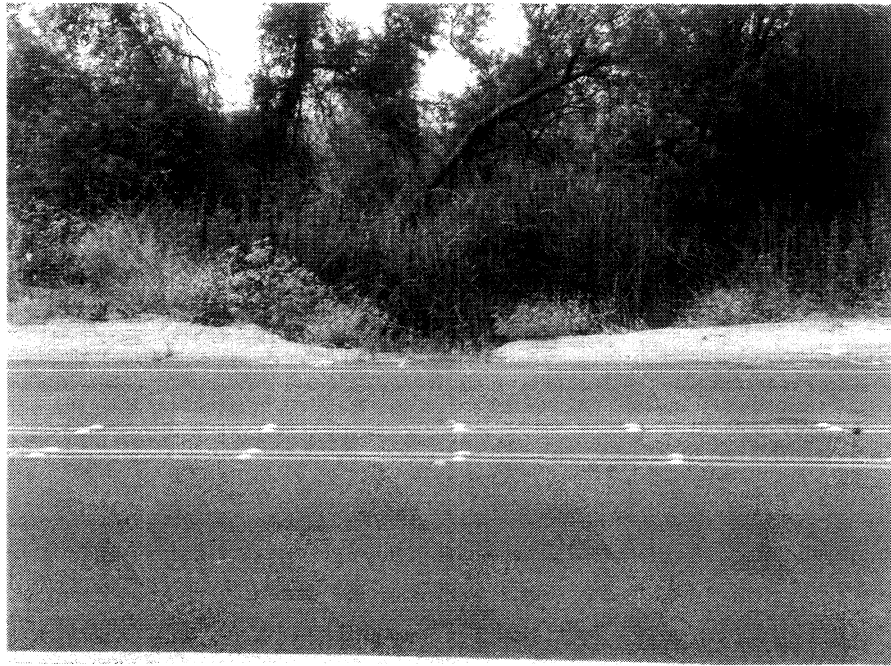


FIGURE 2

ATTACHMENT 5

SITE PHOTOS



Photograph 5
State Route 76, Monserate Hill Road
South side looking south
May 30, 2007



Photograph 6
State Route 76, Monserate Hill Road
South side looking southeast
May 30, 2007