



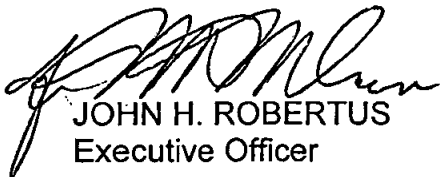
Ronnie Swaim  
Adlai Road/Swaim TM 5356  
401 Certification 08C-020

- 2 -

July 8, 2009

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. If you have any questions regarding this notification, please contact Ms. Jody Ebsen directly at 858-636-3146 or by email via [jebsen@waterboards.ca.gov](mailto:jebsen@waterboards.ca.gov).

Respectfully,

  
JOHN H. ROBERTUS  
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 08C-020 for Adlai Road/Swaim TM 5356, with 6 attachments

cc: Refer to Attachment 2 of Certification for Distribution List.

File No.	08C-020
WDID:	9 000001767
<u>CIWQS</u>	
Reg. Measure ID:	343276
Place ID:	715662
Party ID:	463939



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 RDWS LTD must satisfy the following:

**A. GENERAL CONDITIONS:**

1. RDWS LTD 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 (Certification) and all subsequent submittals required as part of this Certification and as described in Attachment 1. The conditions within this Certification must supersede conflicting provisions within such plans submitted prior to the Certification action. Any modifications thereto, would require notification to the Regional Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.
2. During construction, the RDWS LTD 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. RDWS LTD 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. RDWS LTD 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. RDWS LTD 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. This Certification is not transferable to any person except after notice to the Executive Officer of the Regional Board. RDWS LTD must notify the Regional Board of any change in ownership of the project area. Notification must include, but not be limited to, a statement that the property owner has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands the permit requirements and must implement them; the seller and purchaser must sign and date the notification. The notification for transfer of mitigation responsibility shall include a signed statement from the new party demonstrating acceptance and understanding of the responsibility to meet the mitigation conditions and applicable requirements of the Certification. Notification must be provided within 10 days of the sale of the property.
7. 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.
8. 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.
9. In response to any 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.

10. RDWS LTD and successor owners must submit annual progress reports to the Regional Board prior to **August 1** of each year following the issuance of this Certification until the project has reached completion.

**B. PROJECT CONDITIONS:**

1. Prior to the start of the project, and annually thereafter, RDWS LTD must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
2. RDWS LTD must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, Statewide General Waste Discharge Requirements for discharges of dredged or fill material that have received State Water Quality Certification. These General Waste Discharge Requirement are accessible at:  
[http://www.waterboards.ca.gov/cwa401/docs/generalorders/go\\_wdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf).
3. RDWS LTD must notify the Regional Board in writing at least **5 days** prior to the actual commencement of dredge, fill, and discharge activities.
4. RDWS LTD must comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.
5. The treatment, storage, and disposal of wastewater during the life of the project must be done in accordance with waste discharge requirements established by the Regional Board pursuant to CWC § 13260.
6. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
7. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or the State or placed in locations that may be subjected to storm flows. Pollutants discharged to areas within a stream diversion area must be removed at the end of each work day or sooner if rain is predicted.
8. 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.

9. All areas that will be left in a rough graded state must be revegetated with native species no later than one week after completion of grading. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at <http://www.cal-ipc.org/ip/inventory/weedlist.php>.
10. 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. POST CONSTRUCTION STORM WATER MANAGEMENT:**

1. All storm drain inlet structures within the project boundaries must be stamped and/or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
2. RDWS LTD must acquire a performance bond to ensure implementation of structural Best Management Practices (BMPs) as proposed in the *Revised Stormwater Management Plan and Stormwater Maintenance Plan for Swaim Subdivision, Adlai Road*, prepared by Eilar Associates, dated August 28, 2004, and *Storm Water Management Plan, Adlai Subdivision*, prepared by Snipes-Dye Associates, dated July 23, 2008. Evidence of the acquisition of a performance bond must be submitted to the Regional Board before construction commences.
3. In addition to the BMPs described in the *Revised Stormwater Management Plan and Stormwater Maintenance Plan for Swaim Subdivision, Adlai Road*, prepared by Eilar Associates, dated August 28, 2004, and *Storm Water Management Plan, Adlai Subdivision*, prepared by Snipes-Dye Associates, dated July 23, 2008, referenced in Appendix I in support of the application, the structural BMPs must be sized to comply with the following numeric sizing criteria:
  - a. Volume  
Volume-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:
    - i. The volume of runoff produced from a 24-hour 85<sup>th</sup> percentile storm event, as determined from the local historical rainfall record (0.6 inch approximate average for the San Diego County area); or

- ii. The volume of runoff produced by the 85<sup>th</sup> percentile 24-hour rainfall event, determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or
- iii. The volume of annual runoff based on unit basin storage volume, to achieve 90% or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook – Industrial/Commercial, (1993); or
- iv. The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85<sup>th</sup> percentile 24-hour runoff event; or

b. Flow

Flow-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:

- i. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour; or
  - ii. The maximum flow rate of runoff produced by the 85<sup>th</sup> percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or
  - iii. The maximum flow rate of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85<sup>th</sup> percentile hourly rainfall intensity multiplied by a factor of two.
4. Post-construction BMPs must be installed and functional prior to occupancy and/or planned use of development areas.
  5. All post-construction structural BMPs, including, but not limited to, curb inlet filter inserts, and vegetated swales, must be regularly inspected and maintained for the life of the project per manufacturers' specifications and the Storm Water Management Plan prepared for the project (*Revised Stormwater Management Plan and Stormwater Maintenance Plan for Swaim Subdivision, Adlai Road*, prepared by Eilar Associates, dated August 28, 2004, and *Storm Water Management Plan, Adlai Subdivision*, prepared by Snipes-Dye Associates, dated July 23, 2008).
  6. Prior to project construction, RDWS LTD must submit to the Regional Board a letter accepting full responsibility for the inspection and maintenance of all BMPs installed on all roads that are required to be improved as part of the project, including, but not limited to, the private residential access road that connects to Adlai Road. Alternatively, RDWS LTD may submit a letter with documentation that the County of San Diego accepts full responsibility for the



inspection and maintenance of all BMPs installed on all roads that are required to be improved as part of the project, including, but not limited to, the private residential access road that connects to Adlai Road.

7. RDWS LTD or their designated party must inspect and maintain structural BMPs per the manufacturers' specifications and keep an inspection and maintenance log.
8. RDWS LTD assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity.
9. At the time maintenance responsibility for post-construction BMPs is legally transferred, RDWS LTD must submit to the Regional Board a copy of such documentation.
10. At the time maintenance responsibility for post-construction BMPs is legally transferred, RDWS LTD must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications.
11. RDWS LTD must install and maintain in perpetuity storm drain inlet media filters on all storm drain inlets on the project site and on all roads that are required to be improved as part of the project, including, but not limited to, the private residential access road that connects to Adlai Road.
12. The treatment BMPs will be inspected monthly and after every storm event exceeding 0.5 inches of precipitation.
13. The Regional Board may be requested to review planned that are clearly demonstrated to meet or exceed the performance standards herein. Such requests must be made **30 days** prior to the planned BMP implementation.

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

1. Mitigation for permanent discharges to 0.02 acres (230 linear feet) to ephemeral stream, must be achieved at a 2.7:1 ratio, by on-site establishment of 0.05 acres (620 linear feet) of ephemeral stream and as described in *Notification for use of NWP 39 for the Adlai Road/Swaim Subdivision (TM5356) in the Community of Lakeside, California*, prepared by RC Biological Consulting, Inc., dated March 24, 2008.
2. The RDWS LTD must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the United States/State. Restoration must include grading of disturbed areas to pre-project contours and revegetation.

- with native species. The RDWS LTD must implement all necessary BMPs to control erosion and runoff from areas associated with this project.
3. The RDWS LTD must notify the Regional Board in writing at least **5 days** prior to the actual commencement of mitigation installation, and completion of mitigation installation.
  4. Within **90 days** of the issuance of this Certification, RDWS LTD must provide the Regional Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. Within one year of the issuance of this Certification, the RDWS LTD must submit proof of a completed preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. **Construction of the site must not be initiated until a completed preservation mechanism is received.** The conservation easement, deed restriction, or other legal limitation on the mitigation property must be adequate to demonstrate that the site will be maintained without future development or encroachment on the site which could otherwise reduce the functions and values of the site for the variety of beneficial uses of waters of the U.S. that it supports. The 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 and streambed functions and values of the site. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. 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. RDWS LTD must acquire a performance bond to ensure the implementation of compensatory mitigation, monitoring and maintenance as described in the *Notification four use of NWP 39 for the Adlai Road/Swaim Subdivision (TM5356) in the Community of Lakeside, California*, prepared by RC Biological Consulting, Inc., dated March 24, 2008. Monitoring and maintenance shall continue until success criteria are achieved and confirmed by the Regional Board. Evidence of the acquisition of a performance bond by RDWS LTD must be submitted to the Regional Board before construction commences.
  6. RDWS LTD must submit a report (including topography maps and planting locations) to the Regional Board within **90 days** of completion of mitigation site preparation and planting, describing as-built status of the mitigation project.
  7. The construction of proposed mitigation must be concurrent with project grading and completed no later than **9 months** following the initial discharge of dredge or fill material into on-site waters. Delays in implementing

mitigation must be compensated for by an increased mitigation implementation of **10% of the cumulative compensatory mitigation** for each month of delay.

8. The mitigation site shall be designed and constructed to meet the following conditions:
  - a. Most of the channel through the mitigation site is characterized by equilibrium conditions, with no evidence of severe aggradation or degradation;
  - b. As viewed along cross-sections, the channel and buffer have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope contains physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and
  - c. The mitigation site has a well-developed native plant community characterized by a high degree of horizontal and vertical interspersion among plant zones and layers.
9. Throughout the mitigation monitoring program mitigation areas must be maintained free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the on-site mitigation areas.
10. Regional Board acceptance of the final mitigation plan applies only to the site and plan that mitigates for the Adlai Road/Swaim TM 5356 and must not be construed as approval of the mitigation site or plan for use by other current or future projects that are planning to use the Adlai Road/Swaim TM 5356 for mitigation.
11. Any maintenance activities that do not contribute to the success of the mitigation site and enhancement of beneficial uses and ecological functions and services are prohibited. Maintenance activities are limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species and remedial measures deemed necessary for the success of the restoration program.
12. If at any time during the implementation and establishment of the mitigation area(s), and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation area, RDWS LTD is responsible for repair and replanting of the damaged area(s).
13. Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful. Annual monitoring reports must be submitted prior

to **December 1** of each year. Monitoring reports must include, but not be limited to, the following:

- a. Names, qualifications, and affiliations of the persons contributing to the report;
  - b. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data, including at a minimum;
  - c. Topographic complexity characteristics at each mitigation site;
  - d. Upstream and downstream habitat and hydrologic connectivity;
  - e. Source of hydrology;
  - f. Width of native vegetation buffer around the entire mitigation site;
  - g. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
  - h. Photodocumentation from established reference points;
  - i. A Survey report documenting boundaries of mitigation area; and
  - j. Other items specified in the final *Notification for use of NWP 39 for the Adlai Road/Swaim Subdivision (TM5356) in the Community of Lakeside, California*, prepared by RC Biological Consulting, Inc., dated March 24, 2008.
14. RDWS LTD must provide the name and contact information of any third party accepting responsibility for implementing the mitigation requirements of this Certification. The notification must be submitted to the Regional Board within 30 days of the transfer of responsibility. The notification must include a signed statement from the new party demonstrating acceptance and understanding of the responsibility to meet the mitigation conditions and applicable requirements of the Certification:
15. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the U.S./State where the resource has never previously existed (e.g. conversion of nonnative grassland to a freshwater marsh). Restoration is divided into two activities, re-establishment and rehabilitation. Re-establishment is defined as the return of natural/historic functions to a site where vegetated or unvegetated waters of the U.S./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 U.S./State (e.g., removal of a heavy infestation or monoculture of exotic plant species from jurisdictional areas and replacing with native species). Enhancement is defined as the improvement to one or two functions of existing vegetated or unvegetated waters of the U.S./State (e.g., removal of small patches of exotic plant species from an area containing predominantly natural plant species). Preservation is defined as the acquisition and legal protection from future impacts in perpetuity of existing vegetated or unvegetated waters of the U.S./State (e.g., conservation easement).

**E. STREAM PHOTO DOCUMENTATION PROCEDURE:**

1. RDWS LTD, and its successors, 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 must be conducted in accordance with the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure, included as Attachment Number 6. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced. RDWS LTD must submit this information in a photo documentation report to the Regional Board with the Mitigation Maintenance and Monitoring reports. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

**F. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES PHOTO DOCUMENTATION PROCEDURE:**

1. RDWS LTD must conduct photo documentation of implemented post-construction BMPs. Photo-documentation must be modeled after the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure, included as Attachment 6. In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced. RDWS LTD must submit this information in a photo documentation report to the Regional Board with the Mitigation Maintenance and Monitoring reports. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

**G. GEOGRAPHIC INFORMATION SYSTEM REPORTING:**

1. RDWS LTD must submit Geographic Information System (GIS) shape files of the impact and mitigation areas within **30 days** of project impacts and the mitigation area within **30 days** of mitigation installation. All impact and mitigation areas shapefiles 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.

**H. 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. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.
3. RDWS LTD 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 including post-construction BMPs.
4. All applications, reports, or information submitted to the Regional Board must be signed and certified 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.
5. A duly authorized representative of a person designated in Items 4.a. through 4.c. above may sign documents if:
  - a. The authorization is made in writing by a person described in Items 4.a. through 4.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.
6. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:

*"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."*
7. RDWS LTD must submit reports required under this Certification, or other information required by the Regional Board, to:

Executive Officer  
California Regional Water Quality Control Board  
San Diego Region

Attn: 401 Certification; Project No. 08C-020  
 9174 Sky Park Court, Suite 100  
 San Diego, California 92123

6. Required Reports: The following list summarizes the reports, excluding spill notifications and emergency situations, required per the conditions of this Certification to be submitted to the Regional Board.

Report Topic	Certification Condition	Due Date(s)
Annual Progress Report	A10	Annually on August 1 until project completion.
Dredge/Fill/Discharge Notification	B3	At least 5 days prior to dredge/fill/discharge commencement.
Evidence of BMP Performance Bond	C2	Prior to project construction.
BMP Responsibility Designation	C6	Prior to project construction.
Notification of Mitigation Installation	C6	Prior to mitigation installation.
Draft/Final Mitigation Preservation Mechanism	D4	Draft within 90 days of certification issuance. Final within 1 year of certification issuance.
Evidence of Mitigation Performance Bond	D5	Prior to project construction.
Completion of Mitigation	D6	Within 90 days of mitigation installation.
Mitigation Monitoring Report	D13	Annually on December 1.
Stream Photograph Documentation	E1	With mitigation monitoring reports.
Post-Construction BMP	F1	With mitigation monitoring reports.
GPS Reporting	G1	Within 30 days of project impacts and within 30 days of mitigation installation
Project Completion Report	H3	Within 30 days of project completion

**PUBLIC NOTIFICATION OF PROJECT APPLICATION:**

On **April 22, 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:**

Jody Ebsen  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123  
858-636-3146  
Jebsen@waterboards.ca.gov

**WATER QUALITY CERTIFICATION:**

I hereby certify that the proposed discharge from the Adlai Road/Swaim TM 5356 (08C-020) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017 DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the 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 Board's Water Quality Control Plan (Basin Plan).

  
\_\_\_\_\_  
JOHN H. ROBERTUS  
Executive Officer  
Regional Water Quality Control Board

7/8/09  
Date

- Attachments:
1. Project Information
  2. Distribution List
  3. Location Map
  4. Site Map
  5. Mitigation and BMP Maps
  6. Stream Photo-Documentation Procedure



**ATTACHMENT 1  
PROJECT INFORMATION**

**Applicant:** RDWS LTD  
Attention: Ronnie Swaim  
P.O. Box 21066  
El Cajon, CA 92019  
Telephone: (619).443-0221

**Applicant  
Representatives:** RC Biological Consulting, Inc.  
Attention: Robin Church  
4215 Spring Street, Suite 321  
La Mesa, CA 91941  
Telephone: (619) 463-1072  
Facsimile: (619) 463- 0859  
Email: [robin@rcbio.com](mailto:robin@rcbio.com)

**Project Name:** Adlai Road/Swaim TM 5356

**Project Location:** Latitude: 32 50' 45.91"N      Longitude: 116 53' 48.14"W

**Type of Project:** Subdivision for 9 single-family residence lots.

**Need for Project:** Provide single residence housing.

**Project Description:** The proposed project is the subdivision of 4.54 acres into 9 lots for single family residences including an open space easement in the community of Lakeside, San Diego County. The project will impact 0.02 acres (230 linear feet) of ephemeral stream, which will be mitigated by on-site establishment of 0.05 acres (620 feet) of ephemeral streams.

**Federal Agency/Permit:** U.S. Army Corps of Engineers §404, NWP 39, Robert Smith

**Other Required  
Regulatory Approvals:** California Department of Fish and Game Streambed Alteration Agreement, Kelly Fisher

**California Environmental  
Quality Act (CEQA)  
Compliance:** Mitigated Negative Declaration, April 6, 2007, County of San Diego

**Receiving Water:** Los Coches Creek in the San Diego Hydrologic Unit, Lower San Diego Hydrologic Area, Coches Hydrologic Sub-Area

**Affected Waters of the  
United States:** Permanent: 0.02 acres (230 linear feet) of ephemeral stream

**Dredge Volume:** N/A

Compensatory Mitigation: On-site establishment of 0.05 acres (620 linear feet) of ephemeral stream.

*Notification for use of NWP 39 for the Adlai Road/Swaim Subdivision (TM5356) in the Community of Lakeside, California, prepared by RC Biological Consulting, Inc., dated March 24, 2008.*

Mitigation Location: Latitude: 32 50' 45.91"N Longitude: 116 53' 48.14"W

Best Management Practices (BMPs): Filter inserts, and vegetated swales.

*Revised Stormwater Management Plan and Stormwater Maintenance Plan for Swaim Subdivision, Adlai Road, prepared by Eilar Associates, dated August 28, 2004, and Storm Water Management Plan, Adlai Subdivision, prepared by Snipes-Dye Associates, dated July 23, 2008.*

Public Notice: On April 22, 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: \$1,650  
Total Paid: \$1,650 (check No. 1045 )

CIWQS: Regulatory Measure ID: 343276  
Place ID: 715662  
Party ID: 463945

**ATTACHMENT 2  
DISTRIBUTION LIST**

Ms. Therese O'Rourke  
U.S. Army Corps of Engineers, Regulatory Branch  
San Diego Field Office  
6010 Hidden Valley Rd, Ste 105  
Carlsbad, California 92011

Via email:

State Water Resources Control Board, Division of Water Quality  
401 Water Quality Certification and Wetlands Unit  
[Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov)

U.S. Environmental Protection Agency, Region 9  
Wetlands Regulatory Office  
[R9-WTR8-Mailbox@epa.gov](mailto:R9-WTR8-Mailbox@epa.gov)

Ms. Sally Brown  
U.S. Department of the Interior  
Fish and Wildlife Service  
[Sally\\_Brown@fws.gov](mailto:Sally_Brown@fws.gov)

Ms. Robin Church, RC Biological Consulting, Inc  
[Robin@rcbio.com](mailto:Robin@rcbio.com)

**ATTACHMENT 3  
LOCATION MAP**

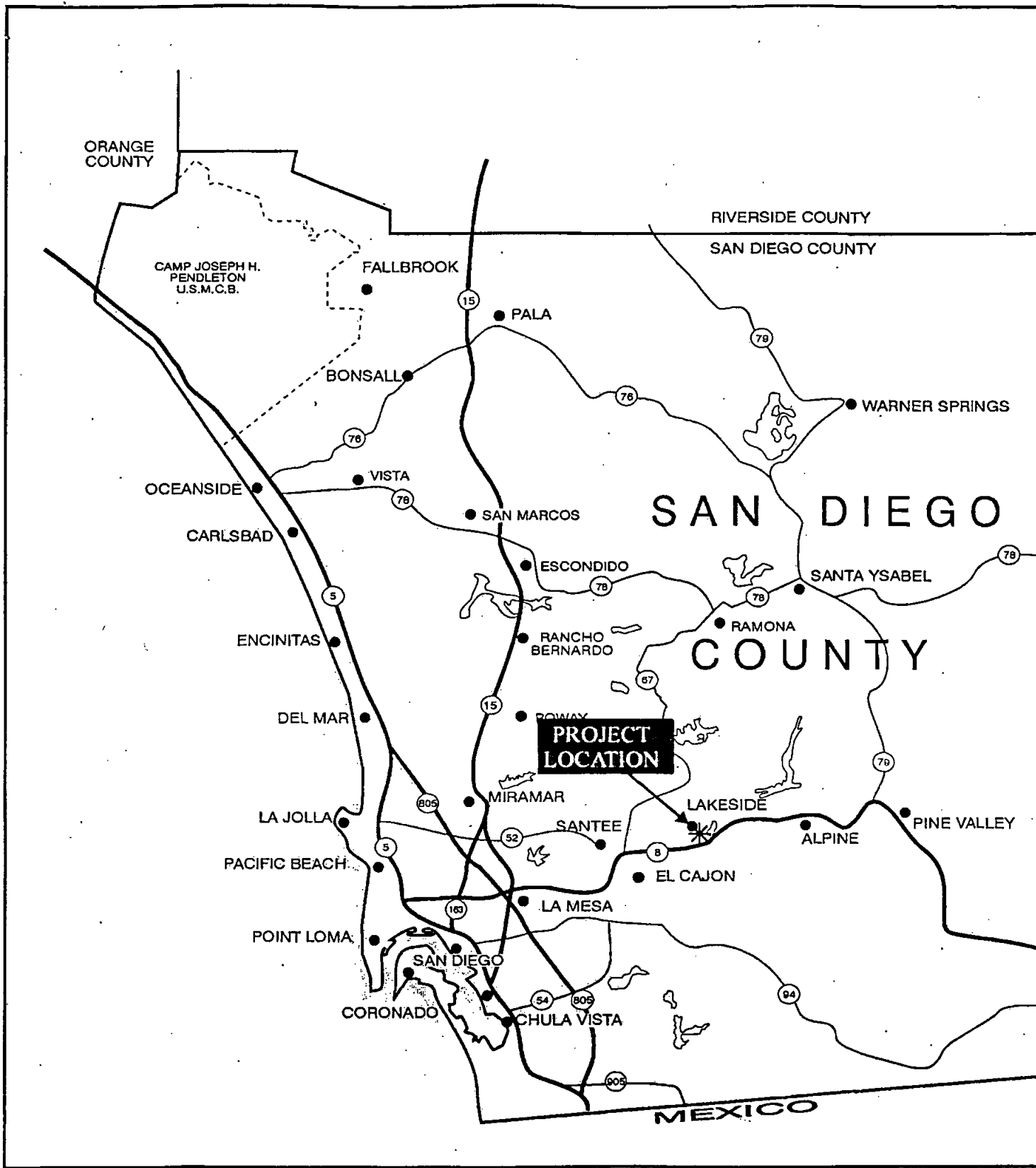
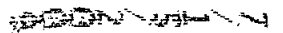


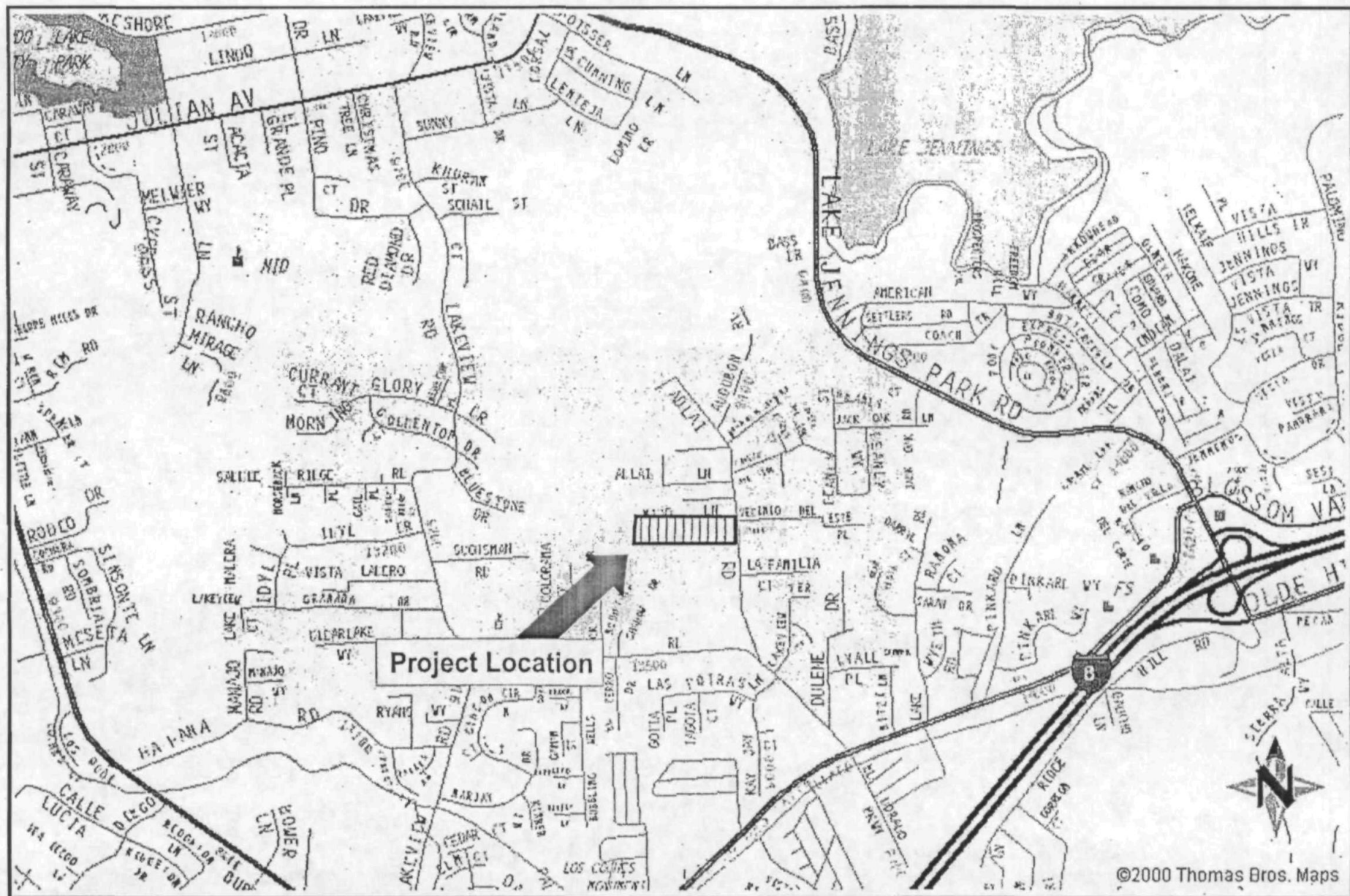
Figure 1  
Regional Location Map



COGNITION  
COGNITION

**ATTACHMENT 4  
SITE MAP**





©2000 Thomas Bros. Maps

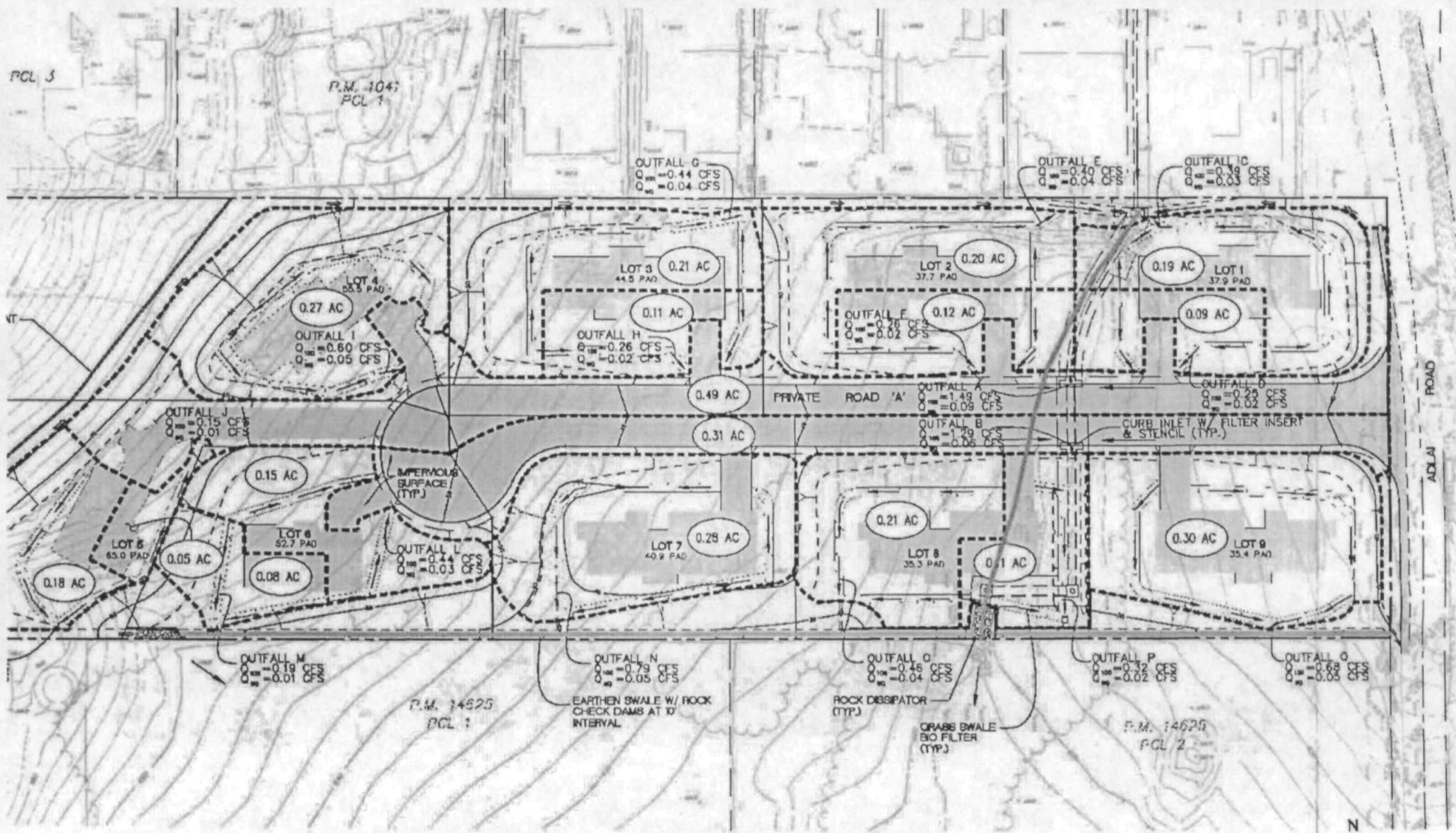
Eilar Associates  
 539 Encinitas Boulevard, Suite 206  
 Encinitas, California 92024  
 760-753-1865

Thomas Guide Map  
 Job # A40808W1

Figure 2

**ATTACHMENT 5  
MITIGATION AND BMP MAPS**

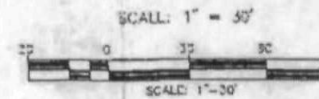




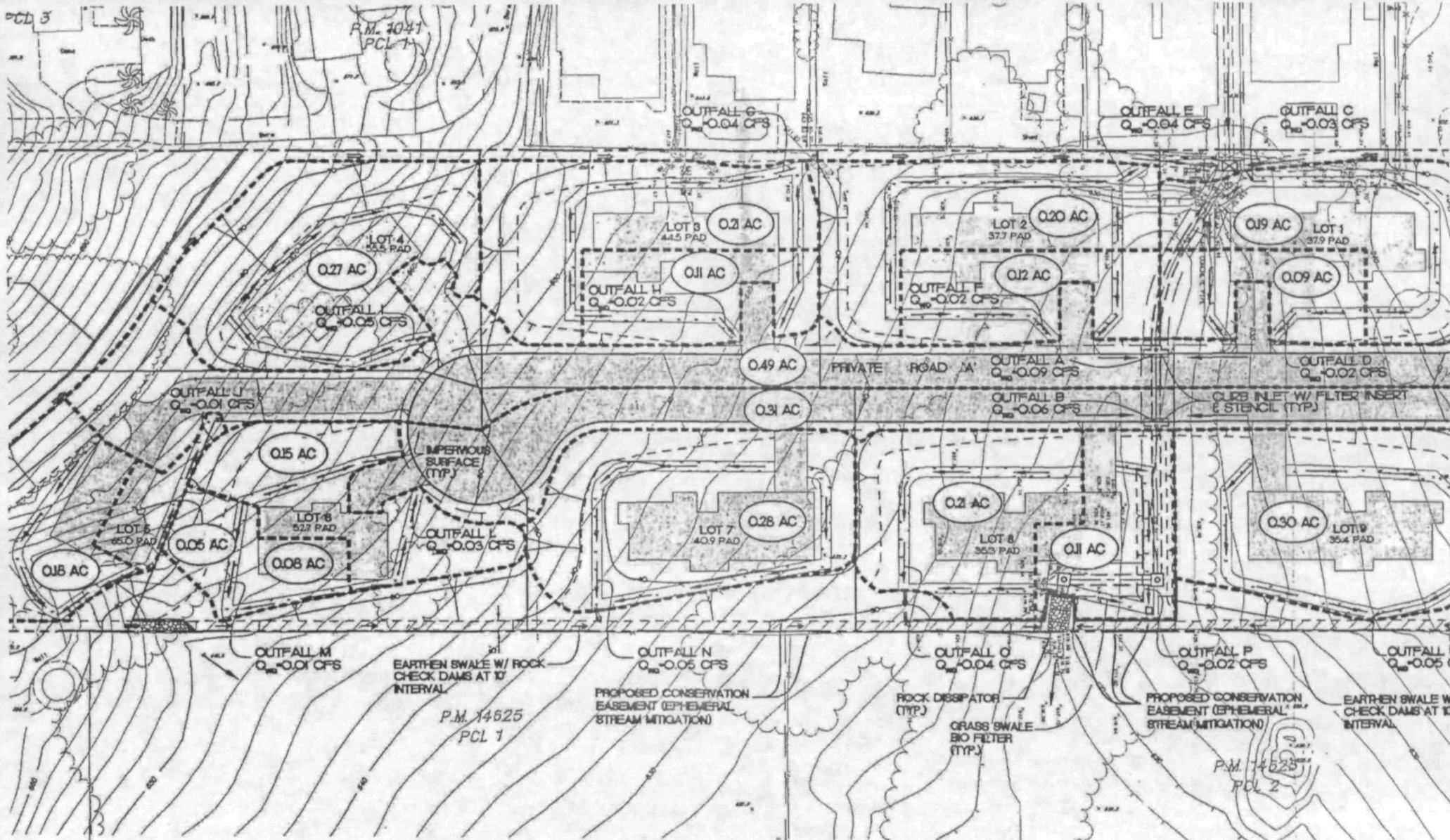
near feet/0.02 acres ——— Drainage Creation - 620 linear feet/~0.05 acre of open drainage

- BMP STENCIL PLACEMENT NOTES**
- THE PROPOSED CURB INLETS SHALL HAVE A STENCIL OR TILE PLACED WITH PROHIBITIVE LANGUAGE "NO DUMPING THIS DRAINS TO OCEAN" AND/OR GRAPHICAL ICONS TO DISCOURAGE ILLEGAL DUMPING.
  - LEGIBILITY OF STENCILS, TILES AND SIGNS MUST BE MAINTAINED AND TILES MUST BE PLACED FLUSH WITH THE TOP OF CONCRETE TO REDUCE TRIPPING BY PEDESTRIANS.

- POST-CONSTRUCTION BMP LEGEND**
- CURB INLET WITH FILTER INSERT AND STENCIL
  - GRASS SWALE (NO FILTER)



**Figure 4 -- Swaim Project (TM 5356)**



TO BE MAINTAINED  
MAY BE

**BMP STENCIL PLACEMENT NOTES**

- A) THE PROPOSED CURB INLETS SHALL HAVE A STENCIL OR TILE PLACED WITH PROHIBITIVE LANGUAGE "NO DUMPING THIS DRAINS TO OCEAN AND/OR GRAPHICAL ICONS TO DISCOURAGE ILLEGAL DUMPING.
- B) LEGIBILITY OF STENCILS, TILES AND SIGNS MUST BE MAINTAINED AND TILES MUST BE PLACED FLUSH WITH THE TOP OF CONCRETE TO REDUCE TRIPPING BY PEDESTRIANS.



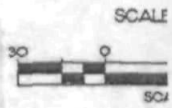
**POST - CONSTRUCTION BMP LEGEND**

- CURB INLET WITH FILTER INSERT AND STENCIL
- GRASS SWALE BIO FILTER

**NOTE:**  
SITE AREA = 4.53 AC  
IMPERVIOUS SURFACE = 1.20 AC

**LEGEND**

- BASIN BOUNDARY
- BASIN AREA
- DIRECTION OF FLOW
- IMPERVIOUS SURFACE
- PROPOSED CONSERVATION EASEMENT
- CONCRETE DRAINAGE DITCH
- EARTHEN SWALE



**ATTACHMENT 6  
STREAM PHOTO-DOCUMENTATION PROCEDURES**

**Standard Operating Procedure (SOP)****Stream Photo Documentation Procedure**

(CARCD 2001, Written by TAC Visual Assessments work group)

**Introduction:**

Photographs provide a qualitative, and potentially semi-quantitative, record of conditions in a watershed or on a water body. Photographs can be used to document general conditions on a reach of a stream during a stream walk, pollution events or other impacts, assess resource conditions over time, or can be used to document temporal progress for restoration efforts or other projects designed to benefit water quality. Photographic technology is available to anyone and it does not require a large degree of training or expensive equipment. Photos can be used in reports, presentations, or uploaded onto a computer website or GIS program. This approach is useful in providing a visual portrait of water resources to those who may never have the opportunity to actually visit a monitoring site.

**Equipment:**

Use the same camera to the extent possible for each photo throughout the duration of the project. Either 35 mm color or digital color cameras are recommended, accompanied by a telephoto lens. If you must change cameras during the program, replace the original camera with a similar one comparable in terms of media (digital vs. 35 mm) and other characteristics. A complete equipment list is suggested as follows:

**Required:**

- Camera and backup camera
- Folder with copies of previous photos (do not carry original photos in the field)
- Topographic and/or road map
- Aerial photos if available
- Compass
- Timepiece
- Extra film or digital disk capacity (whichever is applicable)
- Extra batteries for camera (if applicable)
- Photo-log data sheets or, alternatively, a bound notebook dedicated to the project
- Yellow photo sign form and black marker, or, alternatively, a small black board and chalk

**Optional:**

- GPS unit
- Stadia rod (for scale on landscape shots)
- Ruler (for scale on close up views of streams and vegetation)
- Steel fence posts for dedicating fixed photo points in the absence of available fixed landmarks

### **How to Access Aerial Photographs:**

Aerial Photos can be obtained from the following federal agencies:

USGS Earth Science Information Center  
507 National Center  
12201 Sunrise Valley Drive  
Reston, VA 22092  
800-USA-MAPS

USDA Consolidated Farm Service Agencies  
Aerial Photography Field Office  
222 West 2300 South  
P.O. Box 30010  
Salt Lake City, UT 84103-0010  
801-524-5856

Cartographic and Architectural Branch  
National Archives and Records Administration  
8601 Adelphi Road  
College park, MD 20740-6001  
301-713-7040

### **Roles and Duties of Team:**

The team should be comprised of a minimum of two people, and preferably three people for restoration or other water quality improvement projects, as follows:

1. Primary Photographer
2. Subject, target for centering the photo and providing scale
3. Person responsible for determining geographic position and holding the photo sign forms or blackboard.

One of these people is also responsible for taking field notes to describe and record photos and photo points.

### **Safety Concerns:**

Persons involved in photo monitoring should **ALWAYS** put safety first. For safety reasons, always have at least two 2 volunteers for the survey. Make sure that the

area(s) you are surveying either are accessible to the public or that you have obtained permission from the landowner prior to the survey.

Some safety concerns that may be encountered during the survey include, but are not limited to:

- Inclement weather
- Flood conditions, fast flowing water, or very cold water
- Poisonous plants (e.g.: poison oak)
- Dangerous insects and animals (e.g.: bees, rattlesnakes, range animals such as cattle, etc.)
- Harmful or hazardous trash (e.g.: broken glass, hypodermic needles, human feces)

We recommend that the volunteer coordinator or leader discuss the potential hazards with all volunteers prior to any fieldwork.

### **General Instructions:**

From the inception of any photo documentation project until it is completed, always take each photo from the same position (photo point), and at the same bearing and vertical angle at that photo point. Photo point positions should be thoroughly documented, including photographs taken of the photo point. Refer to copies of previous photos when arriving at the photo point. Try to maintain a level (horizontal) camera view unless the terrain is sloped. (If the photo can not be horizontal due to the slope, then record the angle for that photo.) When photo points are first being selected, consider the type of project (meadow or stream restoration, vegetation management for fire control, ambient or event monitoring as part of a stream walk, etc.) and refer to the guidance listed on *Suggestions for Photo Points by Type of Project*.

When taking photographs, try to include landscape features that are unlikely to change over several years (buildings, other structures, and landscape features such as peaks, rock outcrops, large trees, etc.) so that repeat photos will be easy to position. Lighting is, of course, a key ingredient so give consideration to the angle of light, cloud cover, background, shadows, and contrasts. Close view photographs taken from the north (i.e., facing south) will minimize shadows. Medium and long view photos are best shot with the sun at the photographer's back. Some artistic expression is encouraged as some photos may be used on websites and in slide shows (early morning and late evening shots may be useful for this purpose). Seasonal changes can be used to advantage as foliage, stream flow, cloud cover, and site access fluctuate. It is often important to include a ruler, stadia rod, person, farm animal, or automobile in photos to convey the scale of the image. Of particular concern is the angle from which the photo is taken. Oftentimes an overhead or elevated shot from a bridge, cliff, peak, tree, etc. will be instrumental in conveying the full dimensions of the

project. Of most importance overall, however, is being aware of the goal(s) of the project and capturing images that clearly demonstrate progress towards achieving those goal(s). Again, reference to *Suggestions for Photo Points by Type of Project* may be helpful.

If possible, try to include a black board or yellow photo sign in the view, marked at a minimum with the location, subject, time and date of the photograph. A blank photo sign form is included in this document.

### **Recording Information:**

Use a systematic method of recording information about each project, photo point, and photo. The following information should be entered on the photo-log forms (blank form included in this document) or in a dedicated notebook:

- Project or group name, and contract number (if applicable, e.g., for funded restoration projects)
- General location (stream, beach, city, etc.), and short narrative description of project's habitat type, goals, etc.
- Photographer and other team members
- Photo number
- Date
- Time (for each photograph)
- Photo point information, including:
  - Name or other unique identifier (abbreviated name and/or ID number)
  - Narrative description of location including proximity to and direction from notable landscape features like roads, fence lines, creeks, rock outcrops, large trees, buildings, previous photo points, etc. – sufficient for future photographers who have never visited the project to locate the photo point
  - Latitude, longitude, and altitude from map or GPS unit
- Magnetic compass bearing from the photo point to the subject
- Specific information about the subject of the photo
- Optional additional information: a true compass bearing (corrected for declination) from photo point to subject, time of sunrise and sunset (check newspaper or almanac), and cloud cover.

For ambient monitoring, the stream and shore walk form should be attached or referenced in the photo-log.

When monitoring the implementation of restoration, fuel reduction, or Best Management Practices (BMP) projects, include or attach to the photo-log a narrative description of observable progress in achieving the goals of the project. Provide supplementary information along with the photo, such as noticeable changes in habitat, wildlife, and water quality and quantity.

Archive all photos, along with the associated photo-log information, in a protected environment.

### **The Photo Point: Establishing Position of Photographer:**

1. Have available a variety of methods for establishing position: maps, aerial photos, GPS, permanent markers and landmarks, etc. If the primary method fails (e.g., a GPS or lost marker post) then have an alternate method (map, aerial photo, copy of an original photograph of the photo-point, etc).
2. Select an existing structure or landmark (mailbox, telephone pole, benchmark, large rock, etc.), identify its latitude and longitude, and choose (and record for future use) the permanent position of the photographer relative to that landmark. Alternatively, choose the procedure described in *Monitoring California's Annual Rangeland Vegetation* (UC/DANR Leaflet 21486, Dec. 1990). This procedure involves placing a permanently marked steel fence post to establish the position of the photographer.
3. For restoration, fuel reduction, and BMP projects, photograph the photo-points and carry copies of those photographs on subsequent field visits.

### **Determining the Compass Bearing:**

1. Select and record the permanent magnetic bearing of the photo center view. You can also record the true compass bearing (corrected for declination) but do not substitute this for the magnetic bearing. Include a prominent landmark in a set position within the view. If possible, have an assistant stand at a fixed distance from both the photographer and the center of the view, holding a stadia rod if available, within the view of the camera; preferably position the stadia rod on one established, consistent side of the view for each photo (right or left side).
2. Alternatively, use the procedure described in *Monitoring California's Annual Rangeland Vegetation* (UC/DANR Leaflet 21486, Dec. 1990). This procedure involves placing a permanently marked steel fence post to establish the position of the focal point (photo center).
3. When performing ambient or event photo monitoring, and when a compass is not available, then refer to a map and record the approximate bearing as north, south, east or west.

**Suggestions for Photo Points by Type of Project:****Ambient or Event Monitoring, Including Photography Associated with Narrative Visual Assessments:**

1. When first beginning an ambient monitoring program take representative long and/or medium view photos of stream reaches and segments of shoreline being monitored. Show the positions of these photos on a map, preferably on the stream/shore walk form. Subjects to be photographed include a representative view of the stream or shore condition at the beginning and ending positions of the segment being monitored, storm drain outfalls, confluence of tributaries, structures (e.g., bridges, dams, pipelines, etc.).
2. If possible, take a close view photograph of the substrate (streambed), algae, or submerged aquatic vegetation.
3. Time series: Photographs of these subjects at the same photo points should be repeated annually during the same season or month if possible.
4. Event monitoring refers to any unusual or sporadic conditions encountered during a stream or shore walk, such as trash dumps, turbidity events, oil spills, etc. Photograph and record information on your photo-log and on your Stream and Shore Walk Visual Assessment form. Report pollution events to the Regional Board. Report trash dumps to local authorities.

**All Restoration and Fuel Reduction Projects – Time Series:**

Take photos immediately before and after construction, planting, or vegetation removal. Long term monitoring should allow for at least annual photography for a minimum of three years after the project, and thereafter at 5 years and ten years.

**Meadow Restoration:**

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long view showing an overlapping sequence of photos illustrating a long reach of stream and meadow (satellite photos, or hill close by, fly-over, etc.)
3. Long view up or down the longitudinal dimension of the creek showing riparian vegetation growth bounded on each side by grasses, sedges, or whatever that is lower in height
4. Long view of conversion of sage and other upland species back to meadow vegetation



5. Long view and medium view of streambed changes (straightened back to meandering, sediment back to gravel, etc.)
6. Medium and close views of structures, plantings, etc. intended to induce these changes

**Stream Restoration/stabilization:**

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long-view showing all or representative sections of the project (bluff, bridge, etc.)
3. Long view up or down the stream (from stream level) showing changes in the stream bank, vegetation, etc.
4. Long view and medium view of streambed changes (thalweg, gravel, meanders, etc.)
5. Medium and close views of structures, plantings, etc. intended to induce these changes.
6. Optional: Use a tape set perpendicular across the stream channel at fixed points and include this tape in your photos described in 3 and 4 above. For specific procedures refer to Harrelson, Cheryl C., C.L. Rawlins, and John P. Potyondy, *Stream Channel Reference Sites: An Illustrated Guide to Field Techniques*, United States Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station, General Technical Report RM-245.

**Vegetation Management for Fire Prevention ("fuel reduction"):**

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long view showing all or representative sections of the project (bluff, bridge, etc.)
3. Long view (wide angle if possible) showing the project area or areas. Preferably these long views should be from an elevated vantage point.
4. Medium view photos showing examples of vegetation changes, and plantings if included in the project. It is recommended that a person (preferably holding a stadia rod) be included in the view for scale

5. To the extent possible include medium and long view photos that include adjacent stream channels.

**Stream Sediment Load or Erosion Monitoring:**

1. Long views from bridge or other elevated position.
2. Medium views of bars and banks, with a person (preferably holding a stadia rod) in view for scale.
3. Close views of streambed with ruler or other common object in the view for scale.
4. Time series: Photograph during the dry season (low flow) once per year or after a significant flood event when streambed is visible. The flood events may be episodic in the south and seasonal in the north.
5. Optional: Use a tape set perpendicular across the stream channel at fixed points and include this tape in your photos described in 1 and 2 above. For specific procedures refer to Harrelson, Cheryl C., C.L. Rawlins, and John P. Potyondy, *Stream Channel Reference Sites: An Illustrated Guide to Field Techniques*, United States Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station, General Technical Report RM-245.



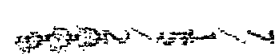
PHOTO SIGN FORM: Print this form on yellow paper. Complete the following information for each photograph. Include in the photographic view so that it will be legible in the finished photo.

Location:

Subject Description:

Date:

Time:



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