



California Regional Water Quality Control Board

San Diego Region

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



Arnold
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Governor

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)

November 21, 2008

In reply refer to: WPC:18-2008088:cmeans

Mr. Chris M. Thomas
California Department of Transportation
District 11, MS-333
4050 Taylor Street
San Diego, CA 92110

WDID No.	9 000001863
CIWQS:	
Party No	7222
Place No	729419
Reg. Measure. No.	355651

SUBJECT: Action on Request for Clean Water Act Section 401 Water Quality Certification for Removal of Exotic Plants from Alvarado Creek Channel & Repair of Rock Slope Protection Project Water Quality Certification No. 08C-088

Dear Mr. Thomas:

Enclosed is the Clean Water Act Section 401 Water Quality Certification for the Alvarado Creek Exotic Removal Project. A description of the project, and location can be found in the project information sheet, location map, and site maps which are included within Attachments 1 through 4. 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 the 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 call 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. Thomas
401 Certification 07C-048

- 2 -

November 21, 2008

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 08C-088 for the for
Removal of Exotic Plants from Alvarado Creek Channel & Repair of Rock Slope
Protection Project.

CC: Refer to Attachment 2 of Certification 08C-088 for Distribution List.

California Environmental Protection Agency



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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: Alvarado Creek Exotic Plant Removal & Repair of Rock
Slope Protection (File No. 08C-088, WDID No. 9000001863)

APPLICANT:

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

CIWQS
Reg. Mes. ID: 355651
Place ID: 729419
Party ID: 7222

ACTION:

- | | |
|---|---|
| <input type="checkbox"/> Order for Low Impact Certification | <input type="checkbox"/> Order for Denial of Certification |
| <input checked="" type="checkbox"/> Order for Technically-conditioned Certification | <input type="checkbox"/> Waiver of Waste Discharge Requirements |
| <input checked="" type="checkbox"/> Enrollment in Order No. 2003-017 DWQ | <input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ |

The project proposes to remove exotic plants (primarily Mexican Fan Palms) from a 2.6 acre section of Alvarado Creek which parallels I-8 in the City of La Mesa. Temporary impacts will be mitigated by the revegetation of the channel with native vegetation. The project will alleviate the periodic flooding of Alvarado Road, adjacent businesses and a trailer park. Additionally, the project will repair and replace of existing rock slope protection in the channel.

STANDARD CONDITIONS:

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

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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. 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.
5. 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.
6. 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 areas of 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 required by Condition E.3 of this certification.

D. COMPENSATORY MITIGATION FOR TEMPORARY IMPACTS TO WATERS OF THE U.S./STATE:

1. Mitigation for temporary impacts to 2.6 acres of ACOE vegetated waters of the U.S. will be achieved at a ratio of 1:1 in accordance with the November 12, 2008 *Conceptual Planting Plan for Interstate 8 & Alvarado Creek Proposed Maintenance Project*. Temporary impacts will be revegetated with native wetland plants.
2. Caltrans will maintain the native plantings for two years post-installation by weeding and watering. The mitigation area will be monitored quarterly.

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 shall submit annual monitoring reports during the five year monitoring period after plant establishment. The reports will contain photo-documentation from four established reference points, and an estimation of the cover and success of native vegetation on site.
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-088, 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."

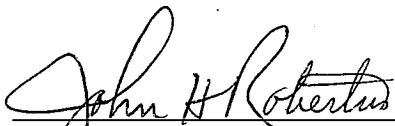
REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

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 **Alvarado Creek Exotic Removal Project** (Certification No. 08C-088) 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

21 Nov 2008
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map
 4. Site photos

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: ✓ Mr. Chris Thomas
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: ✓ Alvarado Creek Exotic Plant Removal & Repair of Rock Slope Protection (08C-088)

Project Location: The project is located between 70th Street and Fletcher Parkway along the south side Interstate 8 Freeway, in the City of La Mesa.

Type of Project: ✓ Exotic Removal, Restoration and Flood Prevention Project

Need for Project: ✓ Restore section of Alvarado Creek to native vegetation and alleviate flood concerns

Project Description: The project proposes to remove exotic plants (primarily Mexican Fan Palms) from a 2.6 acre section of Alvarado Creek which parallels I-8 in the City of La Mesa. Temporary impacts will be mitigated by the revegetation of the channel with native vegetation. The project will alleviate the periodic flooding of Alvarado Road, adjacent businesses and a trailer park. Additionally, the project will repair and replace of existing rock slope protection in the channel.

Federal Agency/Permit: ✓ U.S. Army Corps of Engineers §404, NWP 3 & 27 , Stephanie Hall

Other Required Regulatory Approvals: ✓ California Department of Fish and Game Streambed Alteration Agreement, Pam Beare

California Environmental Quality Act (CEQA) Compliance: ✓ On October 24, 2008 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: ✓ Alvarado Creek, tributary to San Diego River

Affected Waters of the United States: ✓ Temporary: ACOE vegetated waters of the US: 2.6 acre

Dredge Volume: n/a

Related Projects
Implemented/to be
Implemented by the
Applicant(s):

none

Compensatory
Mitigation:

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

Mitigation for temporary impacts to 2.6 acres of ACOE vegetated waters of the U.S. will be achieved at a ratio of 1:1 in accordance with the November 12, 2008 *Conceptual Planting Plan for Interstate 8 & Alvarado Creek Proposed Maintenance Project*. Temporary impacts will be revegetated with native wetland plants.

Best Management
Practices (BMPs):

Construction based best management practices will be employed during construction in accordance with Caltrans Statewide Stormwater permit requirements

Fees:

Total Due: \$640.00

Total Paid: \$640.00 (check No. 082-189046, 082-291096)

CIWQS:

Regulatory Measure ID: 355651

Place ID: 729419

Party ID: 7222

**ATTACHMENT 2
DISTRIBUTION LIST**

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

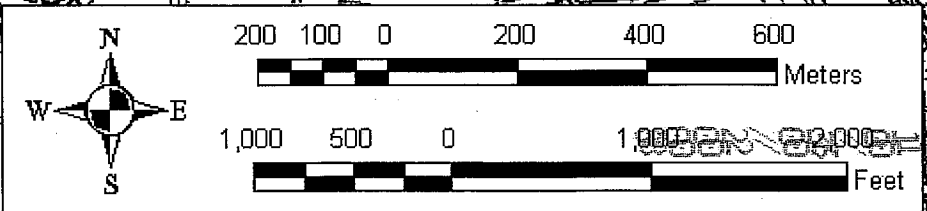
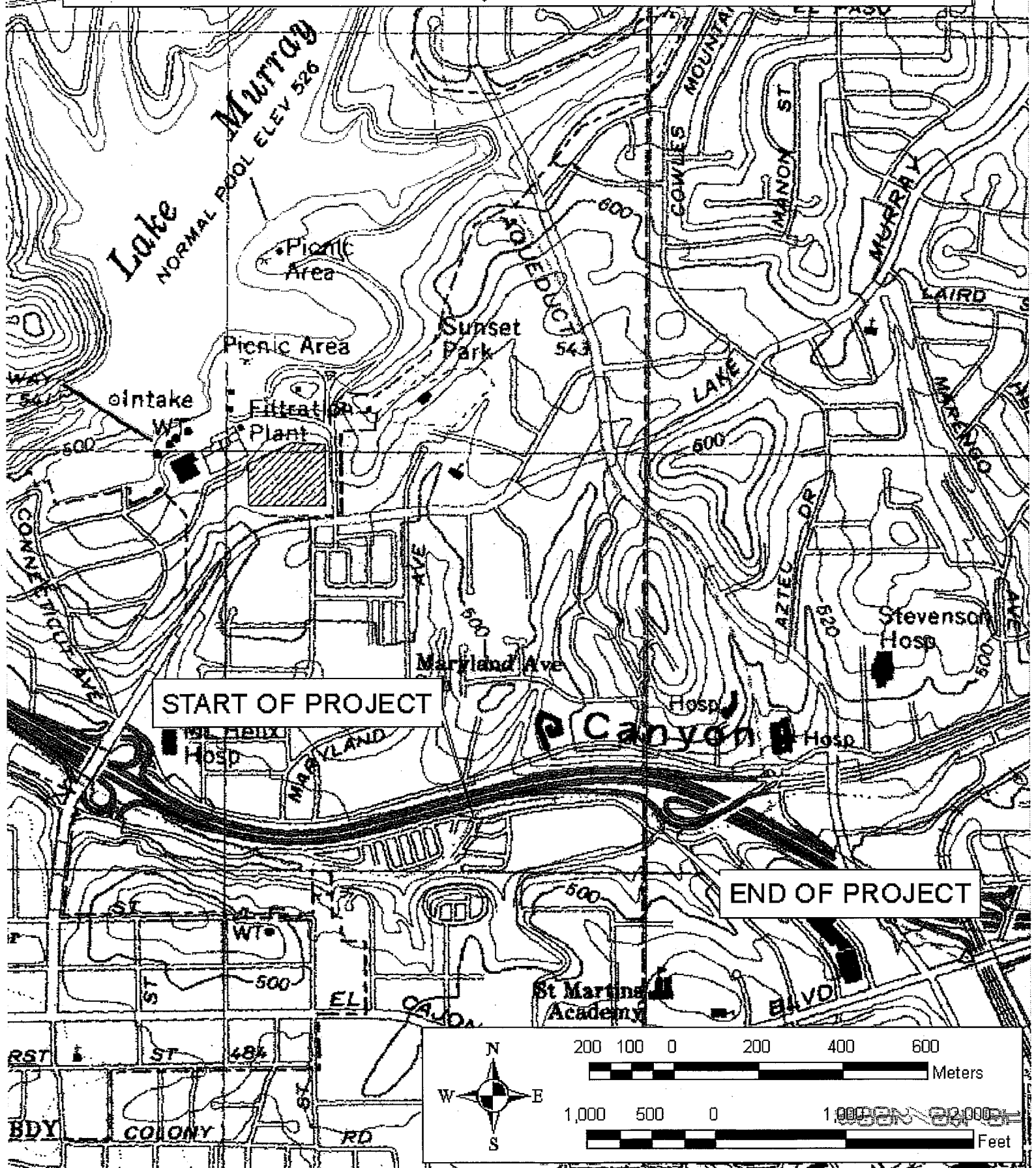
State Water Resources Control Board
Division of Water Quality
401 Water Quality Certification and Wetlands Unit
P.O. Box 100
Sacramento, CA 95812-0100

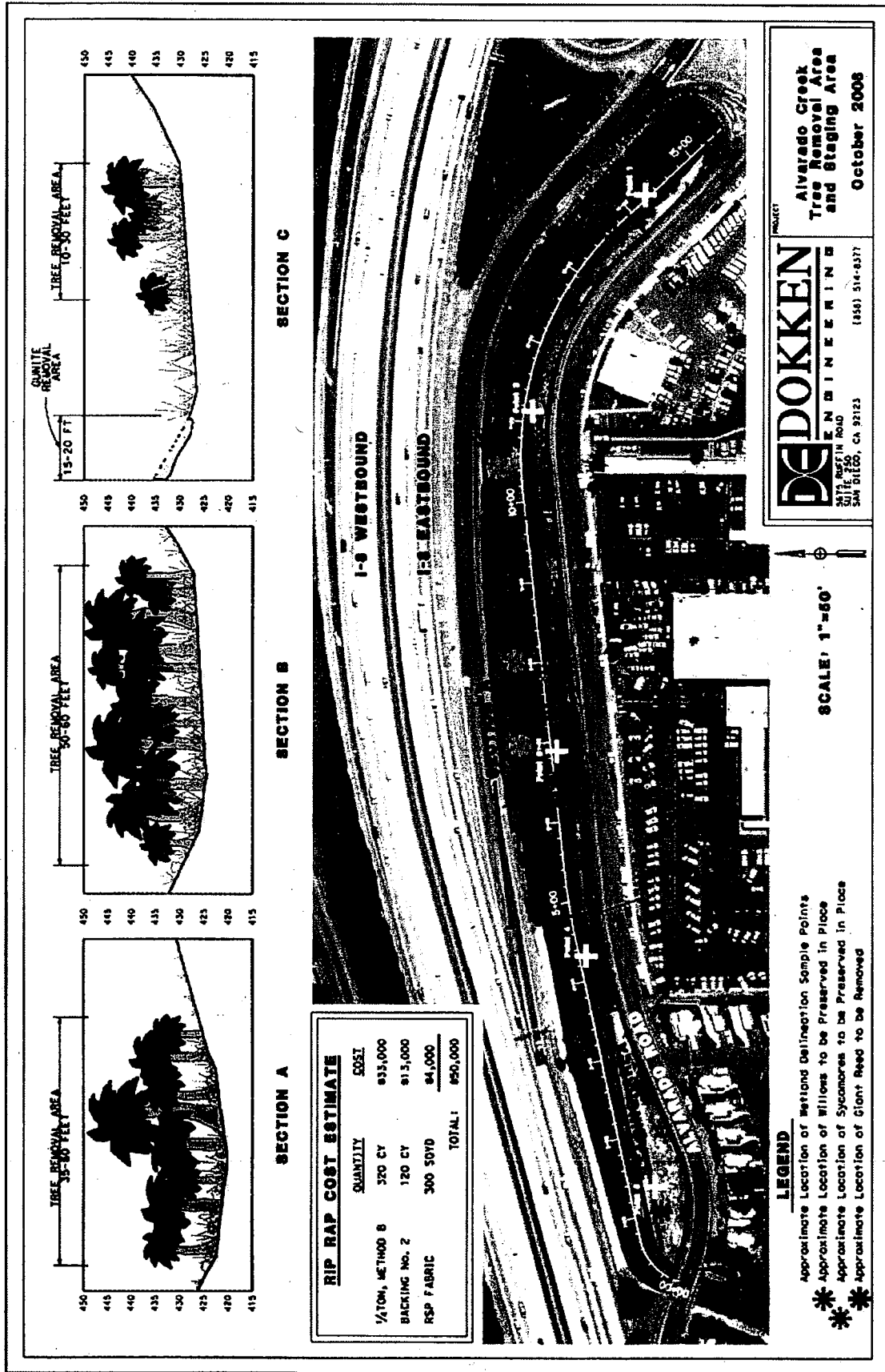
Mr. Bruce April
Chief, Environmental Stewardship
Caltrans District 11, MS-242
4050 Taylor Street
San Diego, CA 92110

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

CALIFORNIA DEPARTMENT OF TRANSPORTATION
EA 296200, 11-SD-8, PM 9.6-10.6, ALVARADO CREEK
USGS LA MESA QUADRANGLE, 7.5 MINUTE SERIES
T 16S, R 2W/1W





1746_Staging_Exhibit.dgn 10/15/2008 1:54:19 PM

Figure 1. Aerial view of the proposed maintenance project in Alvarado Creek near Interstate 8 with cross sections, wetland delineation sample points, native vegetation to be preserved, and the proposed staging area.

10/15/2008 1:54:19 PM



Figure 2. Photo of the southern bank of the eastern end of Alvarado Creek showing the existing gunnite rock slope protection. Photo taken on September 30, 2008 by Pauline Lamphere.



Figure 3. Photo of the eastern end of Alvarado Creek and the approximate location of wetland delineation sample point #1 taken within the channel. Photo taken on September 30, 2008 by Pauline Lamphere.



Figure 4. Photo of the middle section of Alvarado Creek and the approximate location of wetland delineation sample point #3 taken within the channel. Photo taken on September 30, 2008 by Pauline Lamphere.



Figure 5. Photo of the western end of Alvarado Creek and the approximate location of wetland delineation sample point #5 taken within the channel. Photo taken on September 30, 2008 by Pauline Lamphere.