



# California Regional Water Quality Control Board San Diego Region



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Governor

Linda S. Adams  
Secretary for  
Environmental  
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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)

May 29, 2009

In reply refer to: WPS:09C-031:jebesen

Mr. Thomas Duffy  
Environmental Planning Manager  
Department of Public Works  
County of San Diego  
5469 Kearny Villa Road, Suite 305  
San Diego, CA 92103

WDID: 9000001920  
CIWQS:  
Party No. 148361  
Place No. 736696  
Reg. M. No. 364316

Dear Mr. Duffy:

**SUBJECT:** Action on Request for Clean Water Act Section 401 Water Quality Certification for the Spring Valley Sewer Outfall Project (File number 09C-031).

Enclosed is the Clean Water Act Section 401 Water Quality Certification (Certification) for the Spring Valley Sewer Outfall Project. A description of the project and project location can be found in the project information sheet, project location map, and project site maps which are included as 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 County of San Diego 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 the County of San Diego.

The heading portion of this letter includes a California Regional Water Quality Control Board, San Diego Region (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.

## 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 Duffy, County of San Diego  
401 Certification 09C-031

- 2 -

5/29/09

If you have any questions regarding this notification, please contact 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. 09C-031

cc: Refer to Attachment 2 of Certification 09C-031 for Distribution List.



Linda S. Adams  
Acting Secretary for  
Environmental  
Protection

# 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 Waste Discharge Requirements for Discharge of Dredged and/or Fill Materials

**PROJECT: Spring Valley Sewer Outfall Project (Project No. 09C-031),  
WDID No. 9000001920**

**APPLICANT:**

Mr. Thomas Duffy  
Environmental Planning Manager  
Department of Public Works  
County of San Diego  
5469 Kearny Villa Road, Suite 305  
San Diego, CA 92103

CIWQS Reg. Mes. ID: 364316 Place ID: 736696 Party ID: 148361
---

**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 SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

**PROJECT DESCRIPTION:**

The project proposes to install a cured in place (CIPP) liner inside 4,524 linear feet of pipe. Installation of CIPP will require the creation of staging areas at the points of liner installation. A sewer bypass system will be installed during the process consisting of pumps and HDPE piping able to handle the 18 million gallons per day. Four additional manholes will need to be constructed to accommodate the bypass. The project will temporarily impact 0.49 acres of wetland/riparian habitat within the Sweetwater River.

**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 County of San Diego must satisfy the following:

**A. GENERAL CONDITIONS:**

1. The County of San Diego 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 County of San Diego 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. The County of San Diego 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. The County of San Diego 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. The County of San Diego 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 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, and annually thereafter, the County of San Diego must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.

2. The County of San Diego 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. The County of San Diego must notify the Regional Board in writing at least **5 days** prior to the actual commencement of dredge, fill, and discharge activities.
4. 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.
5. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
6. 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.
7. 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.
8. 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. CONSTRUCTION STORM WATER MANAGEMENT:**

1. During construction of the project, the County will implement construction stormwater BMPs in accordance with the requirements of Regional Board Order No. 2001-01. These BMPs include, but are not limited to:

- a. Bonded Fiber Matrix or Stabilized Fiber Matrix for erosion control,
- b. Straw Wattles,
- c. Gravel Bags,
- d. Dewatering Filtration,
- e. Storm Drain Inlet Protection, and
- f. Stabilized Construction Entrances.

These BMPs will be implemented in accordance with the February 26, 2009, Storm Water Management Plan (SWMP) prepared for the Project by the County of San Diego.

2. Preventive and corrective maintenance procedures will be performed as outlined in the SWMP.
3. Records must be kept regarding inspections and maintenance in order to assess the performance of the BMPs and determine whether adaptations are necessary to protect receiving waters.

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

1. Mitigation for temporary impacts to 0.49 acres (1381 - linear feet) will be achieved at a 1:1 ratio, consisting of onsite restoration and enhancement of all areas of impact. Non-native and exotic species encountered in the impact area will be removed and restored with native vegetation in accordance with the April 24, 2009 *Conceptual Restoration Plan, Spring Valley Sewer Outfall Project, Bonita, CA* (prepared by URS).
2. The County of San Diego must notify the Regional Board in writing at least **5 days** prior to the actual commencement of mitigation installation, and completion of mitigation installation.
3. The County of San Diego 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.
4. 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 onsite or offsite mitigation areas.
5. 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.

6. 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, The County of San Diego is responsible for repair and replanting of the damaged area(s).
7. 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 Restoration Plan.

#### **E. STREAM PHOTO DOCUMENTATION PROCEDURE:**

1. The County of San Diego must conduct photo documentation of the project site, including all 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 must be conducted in accordance with Section 6.2.3 of the conceptual Restoration Plan. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced. The County of San Diego 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. GEOGRAPHIC INFORMATION SYSTEM REPORTING:**

1. The County of San Diego must submit Geographic Information System (GIS) shape files of the impact and mitigation areas 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.

**G. 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. 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.
4. 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.
5. 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."*

6. The County of San Diego 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. 09C-031  
9174 Sky Park Court, Suite 100  
San Diego, California 92123

**PUBLIC NOTIFICATION OF PROJECT APPLICATION:**

On April 23, 2009 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

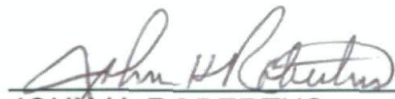
**REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:**

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

**WATER QUALITY CERTIFICATION:**

I hereby certify that the proposed discharge from the Spring Valley Sewer Outfall Project (Project No. 09C-031 ) 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

29 May 2009  
Date

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

**ATTACHMENT 1  
PROJECT INFORMATION**

Applicant:  Mr. Thomas Duffy  
 County of San Diego  
5469 Kearny Villa Road, Suite 305  
San Diego,, CA 92123  
Phone: 858-874-4039  
Email: Thomas.Duffy@sdcounty.ca.gov

Applicant Representatives:  Same

Project Name:  Spring Valley Sewer Outfall Project

Project Location: Latitude: 32.6534441 N Longitude: 117.0502044 W  
 The project is located on the north side of Bonita Road, east of I 805, south of SR 54 in the City of Bonita, County of San Diego

Type of Project:  Sewer line rehabilitation project

Need for Project:  The gravity fed sewer line was constructed in 1962-63 and is need of retrofitting to maintain essential sewer services to the community of Bonita.

Project Description:  The project proposes to install a Cured In Place (CIPP) liner inside 4,524 linear feet of pipe. Installation of CIPP will require the creation of staging areas at the points of liner installation. A sewer bypass system will be installed during the process consisting of pumps and HDPE piping able to handle the 18 million gallons per day. Four additional manholes will need to be constructed to accommodate the bypass.

Federal Agency/Permit: U.S. Army Corps of Engineers §404, NWP No. 3, Terry Dean

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

California Environmental Quality Act (CEQA) Compliance:  On April 22, 2009, the San Diego County Board of Supervisors adopted the Mitigated Negative Declaration prepared for the project (State Clearing House Number 2009031038)

Receiving Water:  Sweetwater River, Lower Sweetwater HA 909.10

Affected Waters of the United States:  Temporary:  
Wetland/ Riparian: 0.49 acre (1381 linear feet)

Affected Waters of the State:	Temporary: Wetland/ Riparian: 0.62 acre (1503 linear feet)
Dredge Volume:	n/a
Related Projects Implemented/to be Implemented by the Applicant(s):	none
Compensatory Mitigation:	✓ Temporary impacts to waters of the US/State will be mitigated at a 1:1 ratio consisting of onsite restoration and enhancement of all areas of impact. Non-native and exotic species encountered in the impact area will be removed and restored with native vegetation in accordance with the April 24, 2009 <i>Conceptual Restoration Plan, Spring Valley Sewer Outfall Project, Bonita, CA</i> (prepared by URS).
Best Management Practices (BMPs):	✓ During construction of the project, the County will implement construction stormwater BMPs in accordance with the requirements of SDRWQCB Order No. 2001-01. These BMPs include, but are not limited to, bonded fiber matrix or stabilized fiber matrix for erosion control, straw wattles, gravel bags, dewatering filtration, storm drain inlet protection, and stabilized construction entrances. BMPs will be implemented in accordance with the February 26, 2009, Storm Water Management Plan (SWMP) prepared for the Project by the County.
Public Notice:	✓ On April 23, 2009, receipt of the project application was posted on the SDRWQCB web site to serve as appropriate notification to the public.
Fees:	Total Due: \$1998.00 Total Paid: \$1998.00 (check No. 3056620 )
CIWQS:	✓ Regulatory Measure ID: 364316 Place ID: 736696 Party ID: 148361

**ATTACHMENT 2  
DISTRIBUTION LIST****Electronic Distribution via Email:**

Ms. Kelly Fisher  
California Department of Fish and Game  
South Coast Region  
4949 Viewridge Avenue  
San Diego, CA 92123  
[kfisher@dfg.ca.gov](mailto:kfisher@dfg.ca.gov)

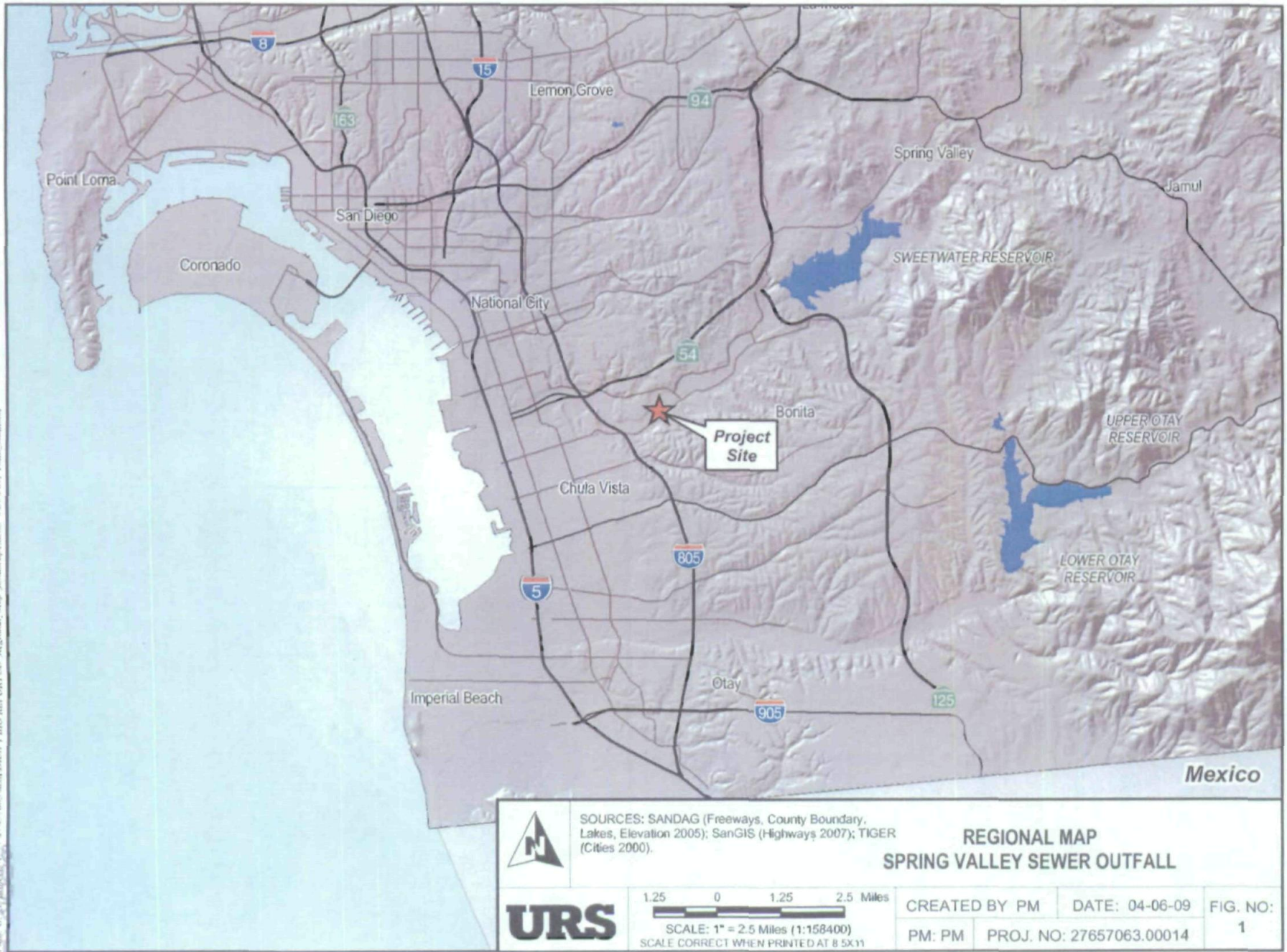
State Water Resources Control Board  
Division of Water Quality  
401 Water Quality Certification and Wetlands Unit  
P.O. Box 100  
Sacramento, CA 95812-0100  
[Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov)

Mr. Terry Dean  
U.S. Army Corps of Engineers, Regulatory Branch  
San Diego Section  
6010 Hidden Valley Road, Suite 105  
Carlsbad, CA 92011  
[terrence.dean@usace.army.mil](mailto:terrence.dean@usace.army.mil)

Mr. Dave Smith  
Wetlands Regulatory Office  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105  
[R9-WTR8-Mailbox@epa.gov](mailto:R9-WTR8-Mailbox@epa.gov)

**ATTACHMENT 3**

**PROJECT LOCATION**



**SOURCES:** SANDAG (Freeways, County Boundary, Lakes, Elevation 2005); SanGIS (Highways 2007); TIGER (Cities 2000).

**REGIONAL MAP  
SPRING VALLEY SEWER OUTFALL**

<b>URS</b>	1.25 0 1.25 2.5 Miles	CREATED BY PM	DATE: 04-06-09	FIG. NO:
	SCALE: 1" = 2.5 Miles (1:158400) SCALE CORRECT WHEN PRINTED AT 8.5X11	PM: PM	PROJ. NO: 27657063.00014	1

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**ATTACHMENT 4**


**SITE MAP**

Path: G:\gis\projects\157727657063\mxd\DRIFT BID REPORT\Project Impact Area.mxd, 04/07/09, colin\_mattison



Design Assumes Impact Avoidance Along These Two Segments

**LEGEND**

-  Project Impact Area
-  Manhole



SOURCES: Digital Globe (2007 aerial);  
SanGIS (roads Jan. 2008);

**VICINITY MAP  
SPRING VALLEY SEWER OUTFALL**



150 0 150 300 Feet  
SCALE: 1" = 300' (1:3,600)  
SCALE CORRECT WHEN PRINTED AT 11X17

CREATED BY: PM	DATE: 04-06-09	FIG. NO:
PM: PM	PROJ. NO: 27657063.00014	

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