



# 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 Schwarzenegger  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353  
(858) 467-2952 • Fax (858) 571-6972  
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

June 29, 2009

**Certified Mail – Return Receipt Requested**  
Article Number: 7008 1140 0002 8455 9800

Mr. Jason Kapchinske  
San Diego Gas and Electric  
8315 Century Park Court, CP21J  
San Diego, CA 92123-1548

**In reply refer to:**  
737068: jebesen

Dear Mr. Kapchinske:

**SUBJECT: Action on Request for Clean Water Act Section 401 Water Quality Certification for the ETS 7527 H-Frame Pole Replacement in Campo Water Quality Certification No. 09C-035.**

Enclosed find Clean Water Act Section 401 Water Quality Certification (Certification) with acknowledgement of enrollment under State Water Resources Control Board Order No. 2003-017 DWQ for Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have received State Water Quality Certification for the ETS 7527 H-Frame Pole Replacement in Campo project. A description of the project and project location can be found in the information sheet, location map, and site maps, which are included as Attachments 1 through 3.

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 you have accepted and will comply with all the conditions of this Certification.

Failure to comply with all conditions of this Certification may subject you to enforcement actions by the California Regional Water Quality Control Board, San Diego Region, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

**California Environmental Protection Agency**

Recycled Paper



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San Diego Gas and Electric  
ETS 7527 H-Frame Pole  
Replacement in Campo

09C-035

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

Respectfully,



JOHN H. ROBERTUS  
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 09C-035 for ETS 7527 H-Frame Pole Replacement in Campo project, with 3 attachments

cc: Refer to Attachment 2 of Certification 09C-035 for Distribution List.

Tech Staff Info & Use	
File No.	09C-035
WDID	9000001924
Reg. Measure ID	364740
Place ID	737068
Party ID	43008
Person ID	506039



# California Regional Water Quality Control Board San Diego Region



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(858) 467-2952 • Fax (858) 571-6972  
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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:** ETS 7527 H-Frame Pole Replacement in  
Campo, Certification No. (09C-035),  
WDID No. 9000001924

**APPLICANT:** Jason Kapchinske  
San Diego Gas and Electric  
8315 Century Park Court, CP21J  
San Diego, CA 92123

CIWQS Reg. Mes. ID: 364740 Place ID: 737068 Party ID: 43008
--

**ACTION:**

<input checked="" type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input 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 is to replace the existing H-frame wooden structure. The two existing poles will be cut at ground level. Two new holes approximately 8 feet deep will be dug with a shovel directly adjacent to the existing pole locations, and new poles will be installed. A helicopter will be used to remove the existing poles and set the new poles. In addition, minor digging (less than 2 feet deep) will occur so that new guy wire anchors can be attached to the new poles. The proposed project is located approximately 50 feet north of Campo Creek and will result in 0.00005 acre of permanent impacts to jurisdictional wetlands.

**STANDARD CONDITIONS:**

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

*California Environmental Protection Agency*

*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>.*

*Recycled Paper*



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, San Diego Gas and Electric must satisfy the following:

**A. GENERAL CONDITIONS:**

1. San Diego Gas and Electric 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, San Diego Gas and Electric 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. San Diego Gas and Electric 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. San Diego Gas and Electric 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. San Diego Gas and Electric 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. San Diego Gas and Electric 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.

**B. PROJECT CONDITIONS:**

1. Prior to the start of the project, and annually thereafter, San Diego Gas and Electric must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
2. San Diego Gas and Electric 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. San Diego Gas and Electric must notify the Regional Board in writing at least **5 days** prior to the actual commencement of dredge, fill, and discharge activities.
4. 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. 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. San Diego Gas and Electric 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.
3. 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.

4. 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."*

5. San Diego Gas and Electric 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-035  
9174 Sky Park Court, Suite 100  
San Diego, California 92123

Report Topic	Certification Condition	Due Date(s)
Project Completion Report	C2	Within 30 days of project completion

**PUBLIC NOTIFICATION OF PROJECT APPLICATION:**

On May 4, 2009, receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

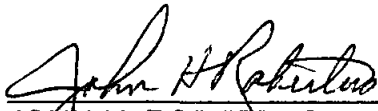
**REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:**

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

**WATER QUALITY CERTIFICATION:**

I hereby certify that the proposed discharge from **the ETS 7527 H-Frame Pole Replacement in Campo** (Project No. 09C-035) 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 June 2009*  
Date

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



**ATTACHMENT 1  
PROJECT INFORMATION**

Applicant: San Diego Gas and Electric  
✓ Attention: Jason Kapchinske  
8315 Century Park Court, CP21J  
San Diego, CA 92123-1548  
Telephone: 858-637-3756  
Email: JKapchinske@semprautilities.com

Project Name: ✓ ETS 7527 H-Frame Pole Replacement in Campo

Project Location: ✓ Latitude: 32.6446, Longitude: -116.4026

Type of Project: Pole Replacement

Need for Project: ✓ The existing wooden H-frame structure was installed many years ago, and the below-ground portion is rotting. The poles need to be replaced to ensure structural integrity. If the poles are not replaced the structure will present a safety concern, fire hazard, and power reliability problem in the future.

Project Description: ✓ The project is to replace the existing H-frame wooden structure. The two existing poles will be cut at ground level. Two new holes approximately 8 feet deep will be dug with a shovel directly adjacent to the existing pole locations, and new poles will be installed. A helicopter will be used to remove the existing poles and set the new poles. In addition, minor digging (less than 2 feet deep) will occur so that new guy wire anchors can be attached to the new poles. The proposed project is located approximately 50 feet north of Campo Creek and will result in 0.00005 acre of permanent impacts to jurisdictional wetlands.

Federal Agency/Permit: ✓ U.S. Army Corps of Engineers §404, NWP 12, Robert Smith

California Environmental Quality Act (CEQA) Compliance: ✓ Notice of Exemption, June 18, 2009, RWQCB

Receiving Water: ✓ Campo Creek, Tijuana HU, Campo HA, Clover Flat HSA

Affected Waters of the United States: ✓ Temporary Impacts:  
Wetland – 0.0001 acre (4 sq. ft)  
Permanent Impacts:  
Wetland – 0.00005 acre (2 sq. ft)

Dredge Volume: N/A

Compensatory Mitigation: No mitigation is proposed or required for this project.

Public Notice: May 4, 2009

Fees: Total Due: \$640.00  
Total Paid: \$640.00 (check No. 732063)

CIWQS: Regulatory Measure ID: 364740  
Place ID: 737068  
Party ID: 43008

**ATTACHMENT 2  
DISTRIBUTION LIST**

cc via email:

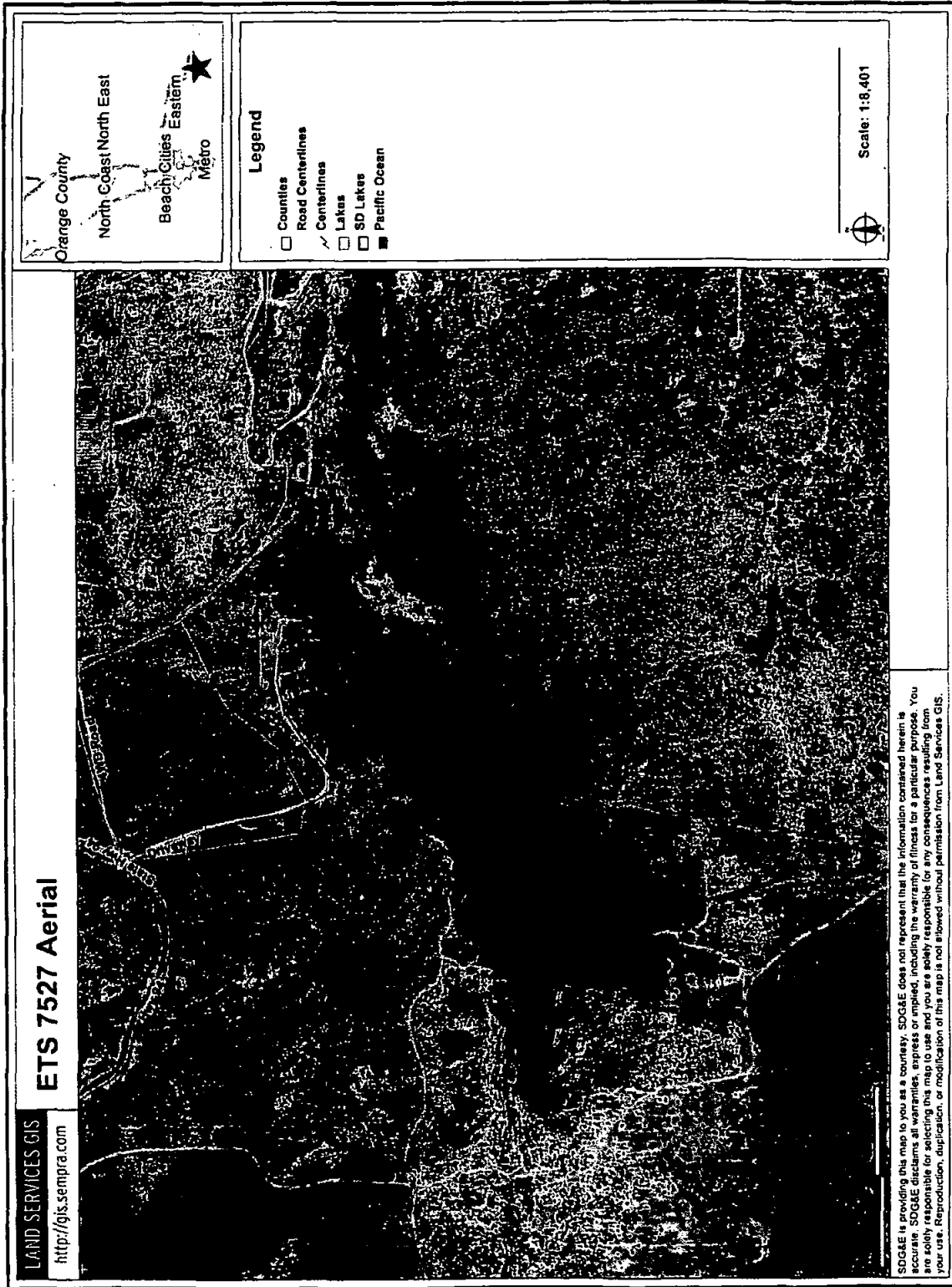
Robert Smith  
U.S. Army Corps of Engineers, Regulatory Branch  
Robert.r.smith@usace.army.mil

Kelly Fisher  
California Department of Fish and Game  
kfisher@dfg.ca.gov

David Smith  
Wetlands Regulatory Office  
U.S. Environmental Protection Agency, Region 9  
R9-WTR8-Mailbox@epa.gov

Bill Orme  
State Water Resources Control Board, Division of Water Quality  
Stateboard401@waterboards.ca.gov

### ATTACHMENT 3 PROJECT LOCATION





**COMPLETE THIS SECTION**

Items 1, 2, and 3. Also complete Restricted Delivery if desired. Name and address on the reverse can return the card to you. Paste card to the back of the mailpiece, front if space permits.

Addressed to:

*Kapchinske  
 4E  
 Century Park Ct CP215  
 San Diego, CA 92123-1548*

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
**X**  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

Number (from service label)

7008 1140 0002 8455 9800

11, February 2004

Domestic Return Receipt

*Robertus*

102595-02-M-1540

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE  
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 7008 1140 0002 8455 9800  
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Total Postage & Fees		\$5.88

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Sent To: *Jason Kapchinske, SD/6+E*  
 Street, Apt. No., or PO Box No.: *8315 Century Park Ct, CP215*  
 City, State, ZIP+4: *San Diego CA 92123-1548*

PS Form 3800, August 2006

See Reverse for Instructions