



# 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

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)



Arnold  
Schwarzenegger  
Governor

June 16, 2009

In reply refer to: WPC:09C-047:cmeans

Mr. Hasaan Daabas  
Project Manager  
California Department of Transportation  
District 11, MS-221  
4050 Taylor Street  
San Diego, CA 92110-2737

WDID: 9000001938  
CIWQS:  
Party No. 7222  
Place No. 739724  
Reg. M. No. 367299

Dear Mr. Daabas:

**SUBJECT:** Action on Request for Clean Water Act Section 401 Water Quality Certification for State Route 76 – Via Monserate Culvert Replacement, Project Number 09C-047.

Enclosed is the Clean Water Act Section 401 Water Quality Certification for the State Route 76 – Via Monserate Culvert Replacement 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 expected that Caltrans has accepted and will comply with all conditions of the Certification. Failure to comply with all conditions of this Certification will result in enforcement actions against Caltrans.

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

### *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. Hasaan Daabas, Caltrans District 11  
401 Certification 09C-047

- 2 -

7/16/09

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

Respectfully,



JOHN H. ROBERTUS  
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 09C-047

cc: Refer to Attachment 2 of Certification 09C-047 for Distribution List.



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

**PROJECT: SR-76 Via Monserate Culvert Replacement Project  
(09C-047), WDID Number 9000001938**

**APPLICANT:**

**Mr. Hasan Daabas**  
Project Manager  
Caltrans District 11, MS-221  
4050 Taylor Street  
San Diego, CA 92110

CIWQS Reg. Mes. ID: 367299 Place ID: 739724 Party ID: 7222
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**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 Order No. 2003-017 DWQ | <input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ |

The project proposes to remove an existing 18-inch cross culvert which conveys flow from an un-named stream across State Route 76 to the San Luis Rey River, and replace it with a 36-inch by 90-inch reinforced concrete pipe (RCP) to improve capacity and reduce or eliminate flooding. Approximately 0.014 acres of permanent impacts to wetlands and 0.0008 acres of unvegetated waters of the US/State will result from the implementation of this project. Mitigation will be achieved by the deduction of excess creation credits at a 2:1 ratio from the existing Marron Mitigation Site, located on the San Luis Rey River.

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Recycled Paper



**STANDARD CONDITIONS:**

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

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

**ADDITIONAL CONDITIONS:**

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

**A. GENERAL CONDITIONS:**

1. Caltrans must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (Regional Board), to support this 401 Water Quality Certification and all subsequent submittals required as part of this certification and as described in Attachment 1. The conditions within this certification must supersede any conflicting provisions within such plans submitted prior to the certification action.
2. During construction, Caltrans must maintain a copy of this certification at the project site so as to be available at all times to site personnel and agencies.
3. Caltrans must permit the Regional Board or its authorized representative at all times, upon presentation of credentials:
  - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.

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

**B. PROJECT CONDITIONS:**

1. Prior to the start of the project Caltrans must educate all personnel on the requirements in this certification, pollution prevention measures, spill response, and BMP implementation and maintenance.

2. Caltrans must notify the Regional Board in writing at least 5 days prior to the actual commencement of dredge, fill, and discharge activities.
3. Caltrans must comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-06-DWQ, NPDES No. CAS000003, the NPDES Permit for Statewide Storm Water Permit and Waste Discharge Requirements (WDRs) for the State of California, Department of Transportation (Caltrans), July 1999.
4. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
5. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or the State or placed in locations that may be subjected to storm flows.
6. All surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
7. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.

**C. MITIGATION:**

1. Mitigation for permanent impacts to 0.014 acre of jurisdictional wetland and 0.008 acre of unvegetated streambed is achieved at a 2:1 ration by the deduction of 0.044 acres of excess wetland creation credits from the Caltrans Marron Mitigation site, adjacent to the SR-76.

**D. STREAM PHOTO DOCUMENTATION PROCEDURE:**

1. Caltrans must conduct photo documentation of the project site, including all areas of permanent impact, prior to and after project construction, and

mitigation areas, including all areas of permanent and temporary impact, prior to and after project construction.

**E. REPORTING:**

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

Executive Officer  
California Regional Water Quality Control Board  
San Diego Region  
Attn: 401 Certification No. 08C-007, Central Watershed Unit  
9174 Sky Park Court, Suite 100  
San Diego, California 92123

**F. SIGNATORY REQUIREMENT:**

1. All applications, reports, or information submitted to the Regional Board must be signed as follows:
  - a) For a corporation, by a responsible corporate officer of at least the level of vice president.
  - b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  - c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in Items 1.a. through 1.c. above may sign documents if:
  - a) The authorization is made in writing by a person described in Items 1.a. through 1.c. above.
  - b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.

- c) The written authorization is submitted to the Regional Board Executive Officer.
3. All applications, reports, or information submitted to the Regional Board Executive Officer must be certified as follows:

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

**PUBLIC NOTIFICATION OF PROJECT APPLICATION:**

On June 22, 2009 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public. Due to the emergency nature of the project the Regional Board is waiving the 21-day public comment period for this certification.

**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 the **SR-76 Via Monserate Culvert Replacement Project** (Certification No. 09C-047) 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).

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

*16 July 2009*  
Date

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

**ATTACHMENT 1  
PROJECT INFORMATION**

Applicant: Mr. Hasan Daabas  
Project Manager  
Caltrans District 11, MS-221  
4050 Taylor Street  
San Diego, CA 92110

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

Project Name: SR-76 Via Monserate Culvert Replacement Project (09C-047)

Project Location: The project is located in northern unincorporated San Diego County on State Route 76, at the intersection of Via Monserate Road and SR-76.

Type of Project: Culvert improvement project.

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

Project Description: The project proposes to remove an existing 18-inch cross culvert which conveys flow from an un-named stream across State Route 76 to the San Luis Rey River, and replace it with a 36-inch by 90-inch reinforced concrete pipe (RCP) to improve capacity and reduce or eliminate flooding.

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

Other Required Regulatory Approvals: California Department of Fish and Game Section 1602 Streambed Alteration Agreement

California Environmental Quality Act (CEQA) Compliance: On June 17, 2009 Caltrans, acting as lead agency, determined that the proposed project was categorically exempt from CEQA (Class 1, PRC 21084; 14 CCR 15300 et seq.).

Receiving Water: Unnamed tributary to San Luis Rey River

Affected Waters of the United States: Permanent:  
Wetland: 0.014 acre  
Unvegetated Streambed: 0.008 acre

Dredge Volume: n/a

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

✓ Caltrans is proposing to widen State Route 76 from South Mission Road to I-15 in approximately mid-2011.

Compensatory  
Mitigation:

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

Permanent:

Wetland & unvegetated streambed: 0.022 acre: 2:1

is DM  
✓ Mitigation has been achieved by deducting 0.044 acres of excess wetland creation credits from the Caltrans Marron Mitigation site, adjacent to the SR-76.

Best Management  
Practices (BMPs):

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

✓ Construction activities will commence during the dry season.

Public Notice:

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

Fees:

✓ Total Due: \$701.00  
✓ Total Paid: \$701.00 (check No. 082-320729)

CIWQS:

✓ Regulatory Measure ID: 367299  
Place ID: 739724  
Party ID: 7222

**ATTACHMENT 2  
DISTRIBUTION LIST**

CC by email:

Mr. Bruce April, Chief  
Environmental Stewardship Branch  
Caltrans District 11, MS-242  
4050 Taylor Street  
San Diego, CA 92110  
[bruce\\_april@dot.ca.gov](mailto:bruce_april@dot.ca.gov)

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

Ms. Stephanie Hall  
U.S. Army Corps of Engineers, Regulatory Branch  
P.O. Box 532711  
Los Angeles, CA 90053-2325  
[stephanie.j.hall@usace.army.mil](mailto:stephanie.j.hall@usace.army.mil)

Mr. Eric Raffini  
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**

# SR 76 Via Monserate



Existing 18-inch pipe

Temporary Impact Area

Permanent Impact Area

## Habitat Communities

Cottonwood Willow Riparian Forest

Cottonwood Willow Scrub

Developed

Eucalyptus Woodland

Mexican Elderberry Scrub

Non-native Grassland

Orchard

Southern Willow Scrub

Disturbed Habitat

Disturbed Wetland

**FIGURE 2**

**ATTACHMENT 4  
SITE PHOTOS**



Photograph 1. North side of SR 76, looking at the disturbed wetland. Photo taken facing north.



Photograph 2. North side of SR 76, looking at the inlet pipe. Photo taken facing south.

**FIGURE 5**  
**Photographs 1 and 2**

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