



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)

April 19, 2010

Certified Mail – Return Receipt Requested
Article Number: 7009 1410 0002 2000 0842

San Diego Gas and Electric
Attn: Jason Kapchinske
8315 Century Park Ct, CP12E
San Diego, CA 92123

In reply refer to:
745167: jebsen

Dear Mr. Kapchinske:

Subject: Action on Request for Clean Water Act Section 401 Water Quality Certification for the Spring Valley Access Road Regrading Project, No. 09C-071

Enclosed find Clean Water Act Section 401 Water Quality Certification (Certification), with acknowledgment 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 Spring Valley Access Road Regrading Project, No. 09C-071. A description of the project and location can be found in the project information sheet and on location and site maps compiled by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), which are included as Attachments 1 through 5

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 San Diego Water Board, 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; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

California Environmental Protection Agency

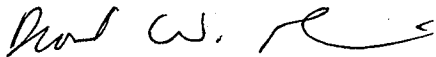
Jason Kapchinske
Spring Valley Access Road
Regrading Project, 09C-071

Page 2 of 2

April 19, 2010

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 Ms. Jody Ebsen at (858) 636-3146 or jebsen@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosures:

Clean Water Act Section 401 Water Quality Certification No. 09C-071 for Spring Valley Access Road Regrading Project, with 5 attachments

cc: Refer to Attachment 2 of Certification 09C-071 for Distribution List.

Tech Staff Info & Use	
File No.	09C-071
WDID	9000001970
Reg. Measure ID	371595
Place ID	745167
Party ID	43008



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 92123-4340
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

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 Access Road Regrading Project
Certification No. 09C-071
WDID: 9 000001970

APPLICANT: San Diego Gas and Electric
Attn: Jason Kapchinske
8315 Century Park Ct., CP21E
San Diego, CA 92123

CIWQS Reg. Meas. ID: 371595 Place ID745167 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 regrade and repair the existing utility access road located near Spring Valley in the Jamacha hydrologic sub-area of the Sweetwater Watershed. The work to be done includes some vegetation removal and the installation of turf block concrete grid paving units at three separate road sections. Turf block was chosen as an alternative to placement of traditional solid concrete and to avoid culverting of streams which could have significant impacts on water quality.

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 (SDGE) must satisfy the following:

A. GENERAL CONDITIONS:

1. Water Quality Certification No. 09C-071 (Certification) is only valid if the project begins no later than 5 (five) years from the date of issuance of Certification. If the project has not begun within five years from the date of issuance, then this Certification expires.
2. SDGE 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 (San Diego Water Board), to support this 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 San Diego Water Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.
3. During construction, SDGE must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.
4. SDGE must permit the San Diego Water 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.
5. SDGE must notify the San Diego Water 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.
 6. SDGE 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.
 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 San Diego Water 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 San Diego Water 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 San Diego Water 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, SDGE must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
2. SDGE 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 Requirements are accessible at:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/general_orders/go_wdr401regulated_projects.pdf.
3. 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 San Diego Water Board pursuant to CWC § 13260.
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. 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.
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.

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 San Diego Water Board for failure to furnish requested information pursuant to CWC section 13268.

2. All reports and information submitted to the San Diego Water 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. SDGE must submit a report to the San Diego Water Board within **30 days** of completion of the project. The report should include as-built drawings no bigger than 11" x 17" and photographs of the completed project.
4. All applications, reports, or information submitted to the San Diego Water 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 San Diego Water Board Executive Officer.
6. All applications, reports, or information submitted to the San Diego Water 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. SDGE must submit reports required under this Certification, or other information required by the San Diego Water Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification; Project No. 09C-088
9174 Sky Park Court, Suite 100
San Diego, California 92123

6. Required Reports: The following list summarizes the reports required per the conditions of this Certification to be submitted to the San Diego Water Board.

Report Topic	Certification Condition	Due Date(s)
Final Report	C.3	Within 30 days of project completion

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On September 17, 2009 receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No comments were received during the public notification period.

CEQA

As the lead agency, the San Diego Water Board has submitted a Notice of Exemption with the Office on Planning and Research dated April 19, 2010 for the Spring Valley Access Road Regrading Project. The CEQA determination is a Categorical Exemption, Class 1, Section 15301, for the repair and maintenance of existing facilities involving negligible or no expansion beyond the existing use.

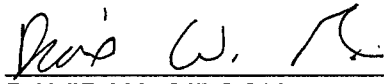
REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

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 Spring Valley Access Road Regrading Project No. 09C-071 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 San Diego Water 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 San Diego Water Board's Water Quality Control Plan (Basin Plan).



DAVID W. GIBSON
Executive Officer
Regional Water Quality Control Board

4-19-2010
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Maps, a and b
 4. Site Map
 5. Site Designs, a, b and c

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: San Diego Gas and Electric
Attn: Jason Kapchinske
8315 Century Park Ct, CP21E
San Diego, CA 92123
Telephone: 858-637-3756
Email:JKapchinske@semprautilities.com

Project Name: Spring Valley Access Road Regrading Project

Project Location: Near Spring Valley in east San Diego County
Latitude: 32.726216N Longitude: 116.928287W

Type of Project: Utility access road grading and repair.

Need for Project: The existing transmission access road became significantly eroded and overgrown with vegetation. Repair is necessary so that maintenance trucks can reach existing utility infrastructures.

Project Description: The project is to regrade and repair the existing utility access road located near Spring Valley in the Jamacha hydrologic sub-area of the Sweetwater Watershed. The work to be done includes some vegetation removal and the installation of turf block concrete grid paving units at three separate road sections. Turf block was chosen as an alternative to placement of traditional solid concrete and to avoid culverting of streams which could have significant impacts on water quality.

Federal Agency/Permit: U.S. Army Corps of Engineers §404, NWP 12, Peggy Bartels

California Environmental Quality Act (CEQA) Compliance: Notice of Exemption, Spring Valley Access Road Regrading Project, California Regional Water Quality Control Board, San Diego Region, filed April 19, 2010 with Office of Planning and Research.

Receiving Water: An unnamed tributary to Sweetwater River in the Sweetwater Hydrologic Unit, Middle Sweetwater Hydrologic Area, Jamacha Hydrologic Sub-Area (909.21).

Affected Waters of the United States: Permanent: 0.03 acres (246 linear feet) of wetlands
Permanent: 0.005 acres (18 linear feet) of streambed
Temporary: 0.001 acres (2.5 linear feet) of streambed

Dredge Volume: N/A

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

Compensatory Mitigation: The anticipated impacts to the environment are considered less than significant. Use of turf block provides water quality benefits that traditional solid concrete or culverts do not, therefore additional mitigation is not proposed.

Best Management Practices (BMPs): BMPs will be used to prevent sediment and any materials that could be deleterious to aquatic life from entering waters of the U.S. and/or State in accordance with SDG&E's Subregional NCCP Section 7.1 Operational Protocols.

Public Notice: On September 17, 2009 receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public.

Fees: Total Due: \$640.00
Total Paid: \$640.00 (check No. 752567)

CIWQS: Regulatory Measure ID: 371595
Place ID: 745167
Party ID: 43008

**ATTACHMENT 2
DISTRIBUTION LIST**

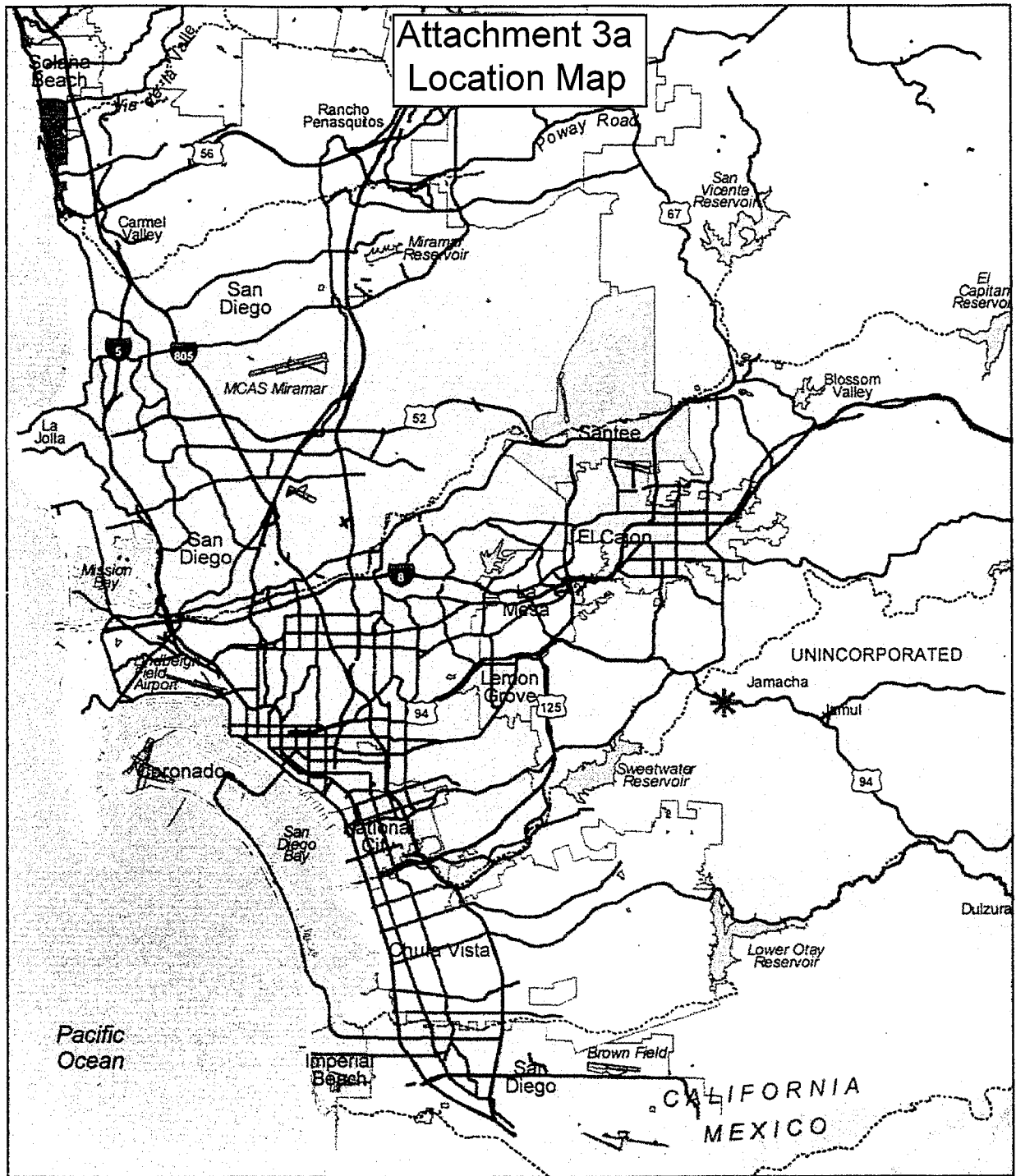
cc via email:

Peggy Bartels
U.S. Army Corps of Engineers, Regulatory Branch
Peggy.J.Bartels@usace.army.mil

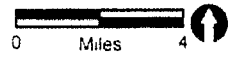
State Water Resources Control Board, Division of Water Quality
401 Water Quality Certification and Wetlands Unit
Stateboard401@waterboards.ca.gov

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

David Zoutendyk
U.S. Department of the Interior
Fish and Wildlife Service
david_zoutendyk@fws.gov



**Attachment 3a
Location Map**

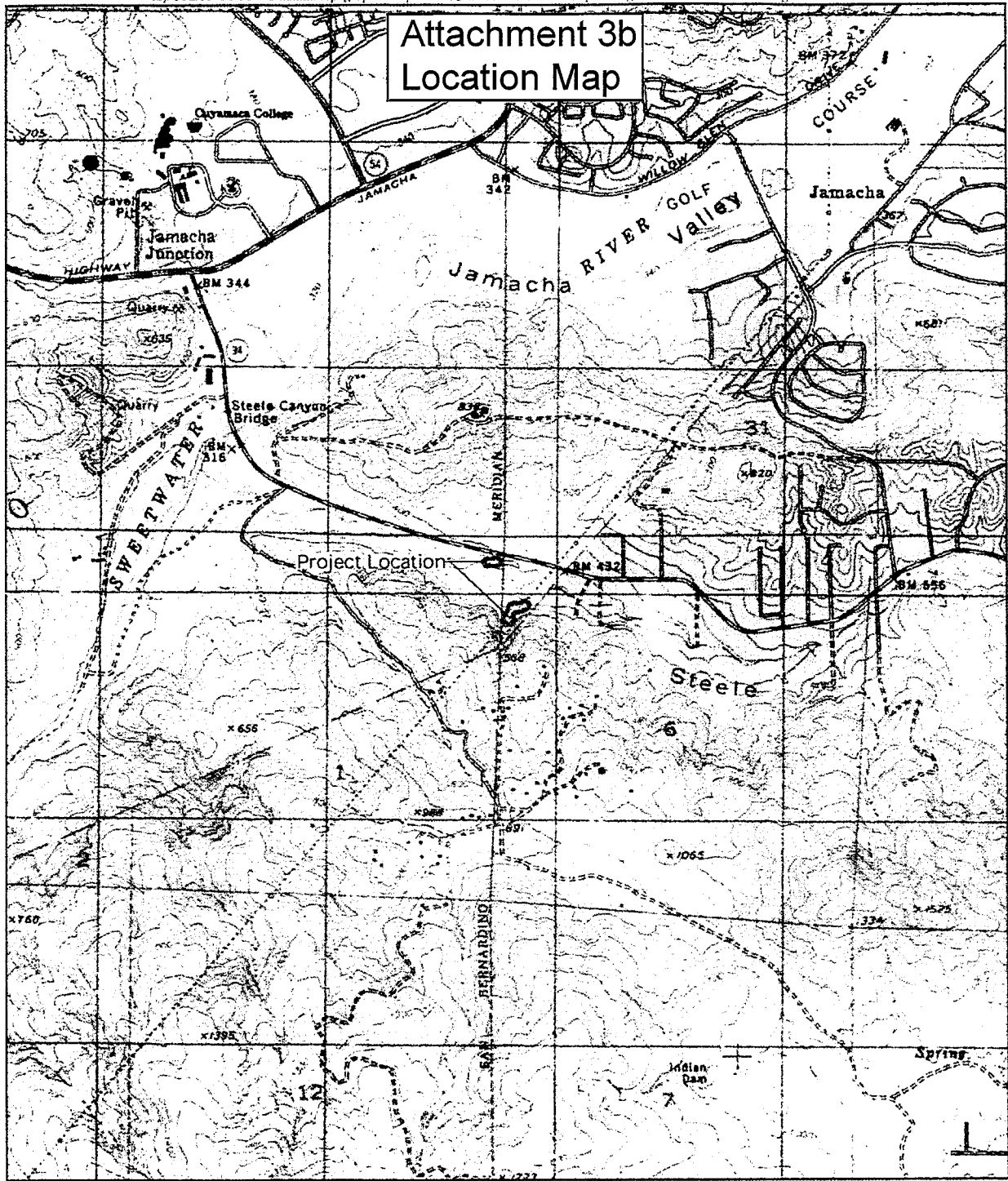


* Project Location

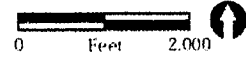
RECON

FIGURE 1
Regional Location

Map Source USGS 7.5 minute topographic map series, JAMUL MOUNTAINS quadrangle, 1994, JAMACHO Landgrant



Attachment 3b Location Map



 Project Location

RECON

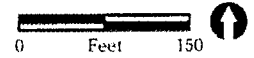
M:\jobs\3\5347\common_gis\fig2.mxd 07/29/09

FIGURE 2
Project Location on USGS Map

Attachment 4 Site Map



Survey Area Jurisdictional Resources
Project Impacts Wetland
Non-wetland Waters



RECON

M:\jobs\10341\commen-us-fig7.mxd 07.29.09

FIGURE 7
Impacts to Existing Jurisdictional Resources

