



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
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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)

March 3, 2010

Certified Mail – Return Receipt Requested
Article Number: 7008 1140 0002 4060 6951

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

In reply refer to:
745168: jebsen

Dear Mr. Kapchinske:

Subject: Action on Request for Clean Water Act Section 401 Water Quality Certification for the Access Road Regrading Project (ETS 5779), No. 09C-072

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 Access Road Regrading Project (ETS 5779), No. 09C-072. 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 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 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 in amounts of up to \$5,000 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

Jason Kapchinske
 Access Road Regrading Project (ETS 5779)
 09C-072

March 3, 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-072 for Access Road Regrading Project (ETS 5779), with 4 attachments

cc: Refer to Attachment 2 of Certification 09C-072 for Distribution List.

| Tech Staff Info & Use | |
|-----------------------|------------|
| File No. | 09C-072 |
| WDID | 9000001971 |
| Reg. Measure ID | 371597 |
| Place ID | 745168 |
| Party ID | 43008 |



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(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: Access Road Regrading Project (ETS 5779)
Certification No. 09C-072,
WDID: 9 000001971

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

| |
|---|
| CIWQS Reg. Meas. ID: 371597 Place ID745168 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 transmission access road located near Crest in the Dehesa hydrologic sub-area of the Sweetwater Watershed. The portion of the access road to be regraded is approximately 665 feet in length and approximately 12 feet in width. The proposed repairs include installation of a concrete v-ditch along the edge of portions of the road, and two culverts with associated energy dissipaters

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

California Environmental Protection Agency

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Recycled Paper*



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-072 (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. This Certification is not transferable in its entirety or in part to any person except after notice to the Executive Officer of the San Diego Water Board in accordance with the following terms.
 - a. **Transfer of Property Ownership:** SDGE must notify the San Diego Water Board of any change in ownership of the project area. Notification of change in ownership must include, but not be limited to, a statement that SDGE has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the Executive officer of the San Diego Water Board within **10 days** of the transfer of ownership.
8. 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.
9. 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.

10. 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 photos 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.

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
 jebsen@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from Access Road Regrading Project (ETS 5779) Project No. 09C-072 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

3/3/2016
Date

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

**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: Access Road Regrading Project (ETS 5779)

Project Location: Near Crest in east San Diego County
Latitude: 32.8335N Longitude: 116.8387W

Type of Project: Road grading and repair.

Need for Project: The existing transmission access road became heavily eroded from heavy rainfall events following the 2003 wildfires. The road is currently not passable and crews can no longer reach portions of the utility infrastructure.

Project Description: The project is to regrade and repair the existing transmission access road located near Crest in the Dehesa hydrologic sub-area of the Sweetwater Watershed. The portion of the access road to be regraded is approximately 665 feet in length and approximately 12 feet in width. The proposed repairs include installation of a concrete v-ditch along the edge of portions of the road, and two culverts with associated energy dissipaters

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

California Environmental Quality Act (CEQA) Compliance: Notice of Exemption, ETS 5779 – Access Road Regrade, Near Crest, California Regional Water Quality Control Board, San Diego Region.

Receiving Water: An unnamed tributary to Harbison Creek in Sweetwater Hydrologic Unit, Middle Sweetwater Hydrologic Area, Dehesa Hydrologic Sub-Area (909.23).

Affected Waters of the United States: Permanent: 0.04 acres (116 linear feet) of streambed
Temporary: 0.05 acres (145 linear feet) of streambed

Dredge Volume: N/A

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

N/A

Compensatory
Mitigation:

Impacts to environment that are considered less than
significant are anticipated therefore no mitigation is required

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. 752566)

CIWQS:

Regulatory Measure ID: 371597
Place ID: 745168
Party ID: 43008

**ATTACHMENT 2
DISTRIBUTION LIST**

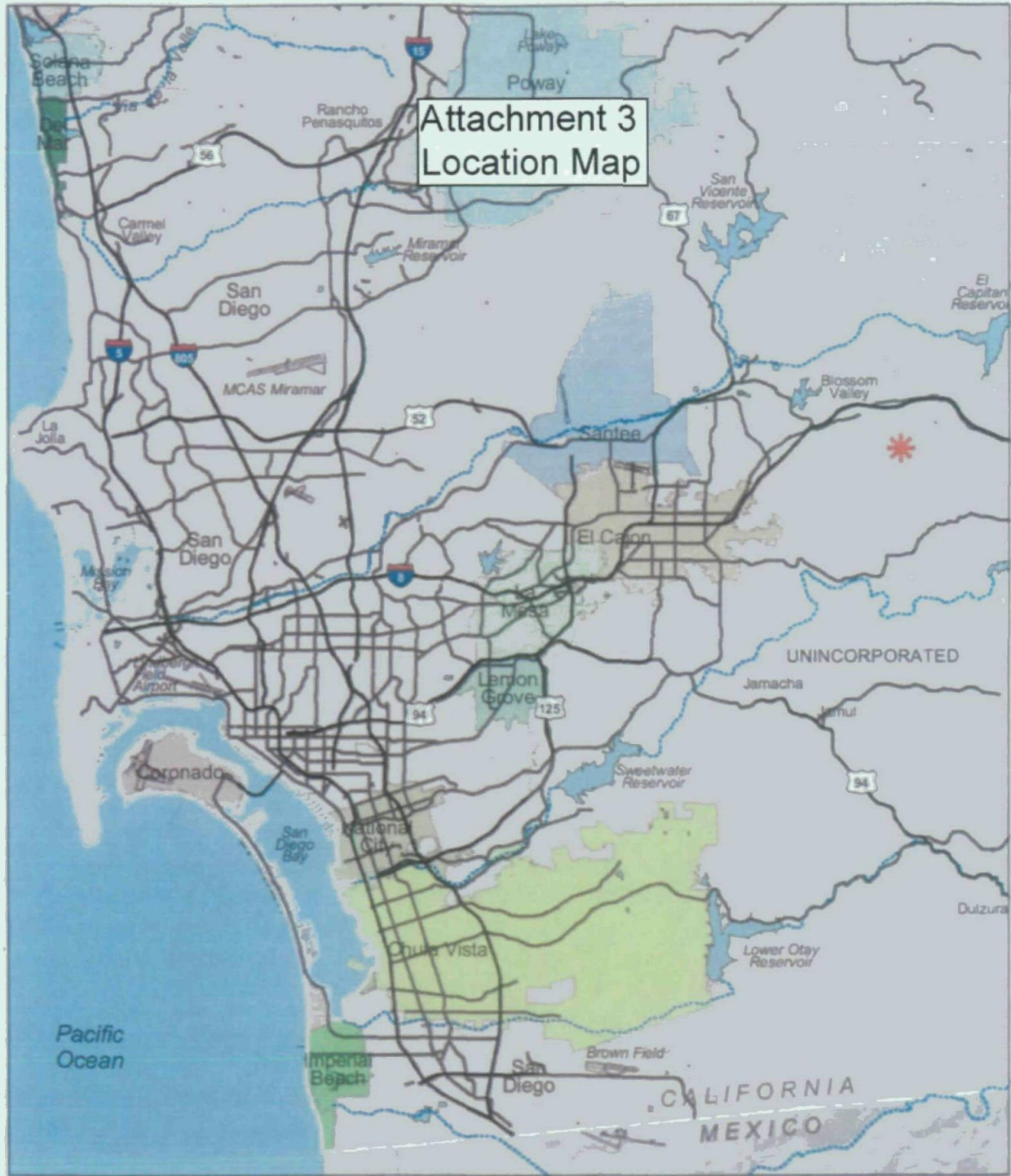
cc via email:

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 3
Location Map

 Project Location

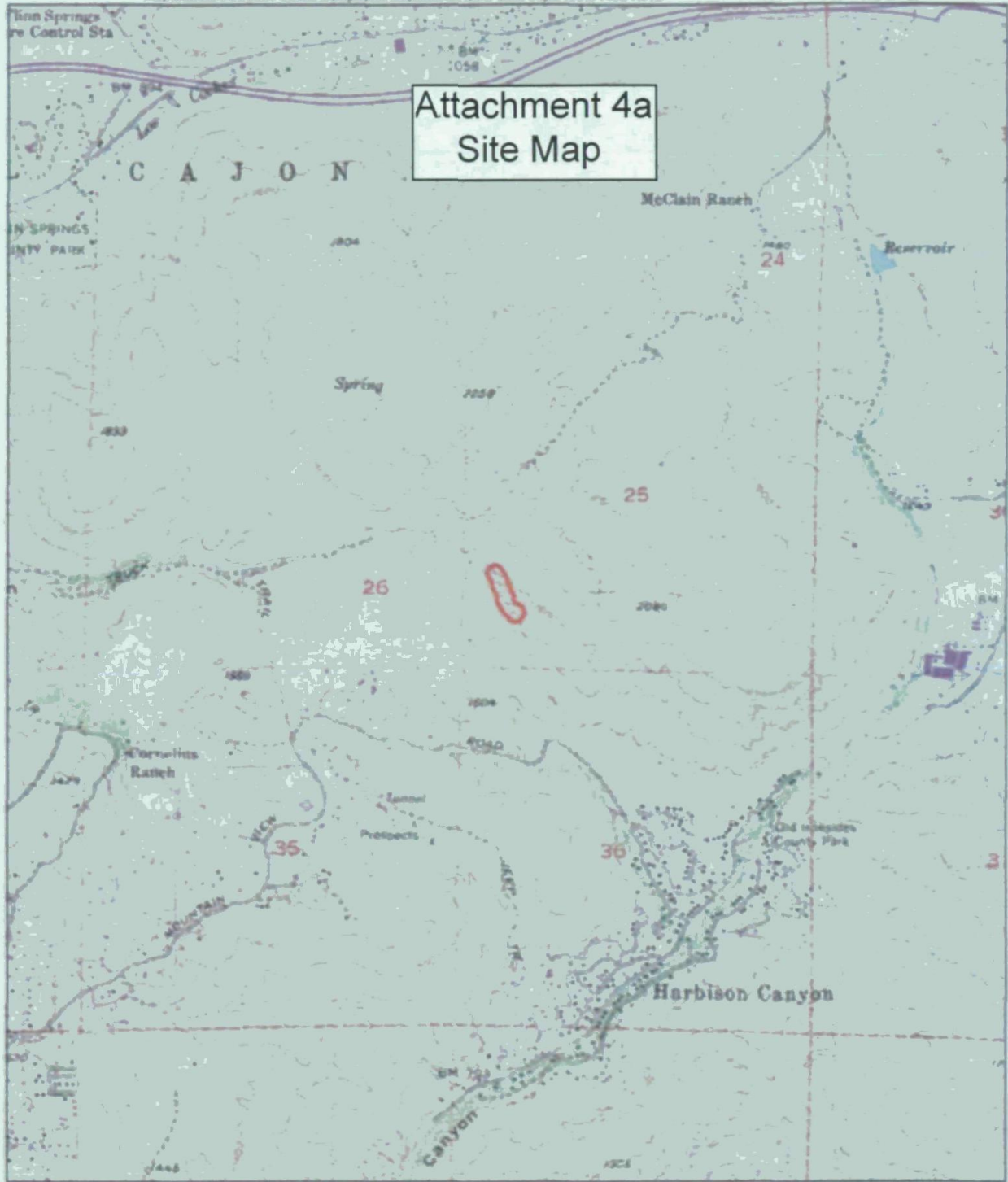
0 Miles 4

RECON

M:\jbs\36157\common_gis\fig1.mxd 05/26/09

FIGURE 1
Regional Location

Map Source: USGS 7.5 minute topographic map series, Alpine quadrangle T988, T15S R01E



Attachment 4a
Site Map



Survey Area

RECON

M:\jobs\315137\common_gis\fig2.mxd 05/28/09

FIGURE 2
Project Location on USGS Map

Image source: Copyright GlobeXplorer, All Rights Reserved (flown January 2008)



Survey Area

RECON

M:\jbs35137\common_gis\fig3.mxd 08/04/09

FIGURE 3

Aerial Photograph of Project Site Plan

M 4 28 40

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: 61C-012 74516E

JASON KAPCHINSKE
 SDGE
 8315 Century Park Ct, CP12E
 SAN DIEGO CA 92123

2. Article Number (Transfer from service label) 7008 1140 0002 4060 6951

COMPLETE THIS SECTION ON DELIVERY

A. Signature X Agent Addressee

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

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

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

4. Restricted Delivery? (Extra Fee) Yes

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
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Sent To JASON KAPCHINSKE, SDGE
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 City, State, ZIP+4 SAN DIEGO, CA 92123