

California Regional Water Quality Control Board, San Diego Region

January 25, 2013

In reply refer to:
762043: amonji

Ms. Melody Rocco
City of Poway
13325 Civic Center Drive
Poway, CA 92064

Subject: Amendment No.1 to Water Quality Certification No. 11C-008 for the Ephemeral Tributary to Rattlesnake Creek Streambed Stabilization Project

Ms. Rocco:

You will find enclosed the Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification No. 11C-008 for Ephemeral Tributary to Rattlesnake Creek Streambed Stabilization Project (Project). The Amendment shows changes in redline/strikeout format to indicate added and removed language. Water Quality Certification No. 11C-008 with Attachment 1 has been enclosed for your reference.

On November 15, 2012, the Certification was issued to the City of Poway for the Project. On November 16, 2012, your consultant, Ecorps Consulting, requested the Certification be amended to correct a typographical error in Attachment 1. The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) has amended Attachment 1 to the Certification in accordance with the request.

Any petition for reconsideration of this amended Certification must be filed with the State Water Resources Control Board (State Water Board) within 30 days of certification action (23 CCR § 3867). If a petition is not filed with the State Water Board within 30 days, the City of Poway will have accepted the changes to Certification No. 11C-008 and must comply with all the certification conditions. Failure to comply with all conditions of this certification may result in enforcement actions against the City of Poway.

In the subject line of any response, please include the reference number 762043:amonji. For questions or comments, please contact Alan Monji by phone at (858) 637-7140, or by email at amonji@waterboards.ca.gov.

Respectfully,



David W. Gibson,
Executive Officer
Regional Water Quality Control Board

DG:js:db:kdd:atm

Enclosures:

Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification No. 11C-008.

Clean Water Act Section 401 Water Quality Certification No. 11C-008 for the Ephemeral Tributary to Rattlesnake Creek Streambed Stabilization Project with Attachment 1.

Email dated November 16, 2012 from Ecorps Consulting requesting the San Diego Water Board amend Attachment 1 to the Ephemeral Tributary to Rattlesnake Creek Streambed Stabilization Water Quality Certification 11C-008.

cc: (via email)

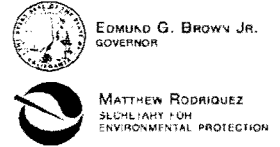
Margaret Bornyasz
ECORP Consulting
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Lanika L Cervantes
U.S. Army Corps of Engineers, Regulatory Branch
[Lanika L Cervantes@usace.army.mil](mailto:Lanika.L.Cervantes@usace.army.mil)

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

U.S. EPA, OWOW, Region 9
75 Hawthorne St.
San Francisco, CA 94105
R9-WTR8-Mailbox@epa.gov

Tech Staff Info & Use	
File No.	11C-008
WDID	9 000002221
Reg. Measure ID	377366
Place ID	762043
Party ID	525683



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

**Amendment No. 1 to Clean Water Act Section 401
Water Quality Certification No. 11C-008**

**PROJECT: Ephemeral Tributary to Rattlesnake Creek Streambed
Stabilization Water Quality Certification No. 11C-008**

APPLICANT: City of Poway
Attention: Ms. Melody Rocco
13325 Civic Center Drive
Poway, CA 92064

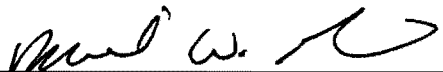
WDID 9 000002221
CIWQS:
Party No. 525683
Place No. 762043
Reg. Mes. No. 377366

The following changes have been made to Clean Water Act Section 401 Water Quality Certification No. 11C-008, Ephemeral Tributary to Rattlesnake Creek Streambed Stabilization Project. Changes below are shown in redline/strikeout format to indicate added and removed language.

**1. ATTACHMENT 1, PROJECT INFORMATION, FEDERAL AGENCY/PERMIT
has been modified as follows:**

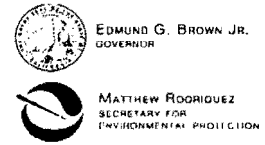
| U.S. Army Corps of Engineers ~~Individual~~ Nationwide 13 404 Permit, Lanika Cervantes

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Amendment No.1 to Certification No. 11C-008 issued on January 25, 2013.



David W. Gibson
Executive Officer
Regional Water Quality Control Board

25 Jan. 2013
Date



California Regional Water Quality Control Board, San Diego Region

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: Ephemeral Tributary to Rattlesnake Creek Streambed
Stabilization, Certification Number 11C-008, WDID: 9
00002221

APPLICANT: City of Poway
13325 Civic Center Drive
Poway, CA 92064

CIWQS
Reg. Meas. ID: 377366
Place ID: 762043
Party ID: 525683

ACTION:

Table with 2 columns and 3 rows of certification options, including checkboxes for Low Impact Certification, Denial of Certification, Technically-conditioned Certification, Waiver of Waste Discharge Requirements, Enrollment in SWRCB GWDR, and Enrollment in Isolated Waters Order No.

PROJECT DESCRIPTION

The Ephemeral Tributary to the Rattlesnake Creek Streambed Stabilization Project (Project) is located in a tributary to Rattlesnake Creek in the City of Poway (Applicant) at the intersection of Kentfield Drive and Midland Road within the Poway Hydrologic Area. In the winters of 2009 and 2010, temporary emergency action and emergency permits were granted to temporarily stabilize erosion areas of the proposed Project area. Erosion damage has since occurred throughout the Rattlesnake Creek area and permanent stabilization is necessary.

The Applicant has proposed to implement streambed and bank reinforcements and enhancements along a tributary to Rattlesnake Creek to reduce erosive velocities, increase soil strength, and eliminate the potential for erosion damage during future storm events. Proposed measures include installation of Turf Reinforced Mats (TRMs) planted with native vegetation. Rip rap and filter fabric will be installed at the toe of the slope to keyed-in with the TRMs. The Applicant will also widen the channel bottom with minor grading in a portion of the stream bottom and contour the banks to a 2:1 slope where allowed by easement boundaries. After Project construction, the Project area will be revegetated with native riparian species. If

possible, grading work will be done under the canopy of native trees and will not involve the removal of those trees.

During construction, the Applicant will apply four temporary Best Management Practices (BMPs):

- TRMs and Erosion Control Blankets (ECBs) to stabilize side slopes;
- Sediment control BMPs (such as weighted fiber rolls) along the toe-of-slope;
- A temporary diversion system, as needed, to convey nuisance water within the channel upstream of work areas to the downstream end of work areas; and
- A concrete washout (for construction of the headwall).

Permanent BMPs includes:

- TRM;
- Rock Slope Protection; and
- Vegetation along the full reach of the TRM that includes hydroseeding, container plants, and trees.

Approximately 410 cubic yards of material will be removed from the site. Approximately 1,200 square yards of slope reinforcement mat and 72 cubic yards of rock slope protection will be installed downstream of the existing triple box culvert. Approximately 70 cubic yards of riprap toe protection will be provided at the toe of the slope.

The Project will temporarily impact 0.034 acres (195 linear feet) of waters of the United States and/or State and permanently impact 0.007 acres (44 linear feet) waters of the United States and/or State.

The Project provides permanent bank stabilization and erosion control in the Project area. The Project will avoid impacts to existing native riparian trees and the Project site will be revegetated with native riparian plant species. No mitigation is required for this Project because the permanent impacts are minimal, the Project provides permanent bank stabilization and erosion control, and the native vegetation plantings are expected to enhance the riparian habitat.

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I. STANDARD CONDITIONS

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

- A. 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).
- B. 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.
- C. 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.

II. ADDITIONAL CONDITIONS: GENERAL

- A. This Clean Water Act Section 401 Water Quality Certification No. 11C-008 (Certification) is only valid if the Project begins no later than 5 (five) years from the date of issuance. If the Project has not begun within 5 years from the date of issuance, then this Certification shall expire 5 years from the date of issuance.
- B. If applicable, the Applicant 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/generalorders/go_wdr401regulated_projects.pdf.
- C. The Applicant must, at all times fully comply with the engineering plans, specifications, and technical reports submitted to the 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.
- D. During construction, the Applicant must maintain a copy of this Certification at the Project site so as to be available at all times to site personnel and agencies.
- E. Upon presentation of credentials, the Applicant must permit the San Diego Water Board or its authorized representative(s) to:
1. Enter onto Project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 2. Access and/or copy any records required to be kept under the terms and conditions of this Certification.
 3. Inspect any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
 4. Sample any discharge or surface water covered by this Order.
- F. 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.
- G. 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.
- H. 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.

III. ADDITIONAL CONDITIONS: CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. Prior to the start of the Project, and annually thereafter, the Applicant must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and Best Management Practices (BMPs) implementation and maintenance.

- B. The Applicant must, at all times, maintain appropriate types and sufficient quantities of materials on-site 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 United States and/or State.
- C. If applicable, the Applicant must enroll in and comply with the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, NPDES No. CAS000002, *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*, and any subsequent reissuance as applicable.
- D. If applicable, the Applicant must enroll in and comply with the requirements of San Diego Water Board Order No. 2008-0002, *General Waste Discharge Requirements and NPDES Permit for Discharges from Groundwater Extraction waste to Surface waters within the San Diego Region except for San Diego Bay*, and any subsequent reissuance as applicable.
- E. 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.
- F. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
- G. 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.
- H. All surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity that 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 cofferdam or other artificial obstruction constructed must only be built from materials such as steel or fiberglass sheet pile which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location. If storm discharges through the Project area threaten to exceed the capacity of flow bypass systems to effectively manage the flow rate, the Applicant shall direct the removal of equipment, construction materials, and all suspendable debris from within the dewatered construction cofferdam area and stabilization of areas within and downstream of the cofferdam by laying a temporary geosynthetic discharge apron to avoid spillway scour of sediments. The Project is to be constructed in the dry season to avoid high flow

conditions; however, the Applicant shall prepare and maintain a contingency plan to address high flow conditions should they occur during construction.

- I. All areas that will be left in a rough graded state must be stabilized no later than seven days after completion of grading. The Applicant, and subsequent owners, are responsible for implementing and maintaining BMPs to prevent erosion of the rough graded areas to prevent flow from this area from causing negative impacts to beneficial uses. After completion of grading, all areas must be revegetated with native species appropriate for the area. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at <http://www.cal-ipc.org/ip/inventory/weedlist.php>.
- J. Where riprap is replaced at the channel crest to stabilize areas around the abutments, care shall be taken not to discharge rip rap down the channel slopes to the channel floor.
- K. 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.
- L. Removal of vegetation must occur by hand, mechanically, or using United States Environmental Protection Agency approved herbicides deployed using applicable BMPs to prevent impacts to beneficial uses of waters of the United States and/or State. Use of aquatic pesticides must be done in accordance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, and any subsequent reissuance as applicable.

IV. ADDITIONAL CONDITIONS: POST-CONSTRUCTION CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. The Applicant is prohibited from allowing post-construction discharges to cause onsite or offsite erosion, damage to properties or damage to habitats in receiving waters that will receive post-construction discharges from the Project site.
- B. Any storm drain inlet structures within the Project boundaries must be stamped and/or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
- C. Post-construction BMPs must be installed and functional prior to occupancy and/or planned use of development areas.
- D. The applicant must comply with the current (as of the issuance date of this Certification) requirements in *California Regional Water Quality Control Board, San Diego Region*

Order No. R9-2007-0001, NPDES No. CAS0108758, Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego.

1. Volume

Volume-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:

- a. The volume of runoff produced from a 24-hour 85th percentile storm event, as determined from the local historical rainfall record; or
- b. The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile 24-hour runoff event; or

2. Flow

Flow-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:

- a. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour; or
- b. The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or
- c. The maximum flow rate of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.

E. All post-construction treatment BMPs and storm water discharge points must:

1. Be regularly inspected and maintained for the life of the Project per manufactures' specifications and industry standards;
2. Have all preventive and corrective maintenance performed;
3. Be inspected no less than one time per year, immediately prior to the commencement of the rainy season (October 1) and after every storm event exceeding 0.5 inches of precipitation; and
4. BMP inspection, maintenance, and corrective measures implemented must be recorded and logged.

V. ADDITIONAL CONDITIONS: REVEGATION PLAN

- A. The Applicant must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the United States and/or State. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant must

implement all necessary BMPs to control erosion and runoff from areas associated with the Project.

- B. If feasible, the Applicant must salvage leaf litter, coarse woody debris, and upper soil horizons from impacted jurisdictional water sites that are relatively free of invasive exotic species for use in on-site restoration areas. If available, large cuttings from appropriate native tree species at the impact site should be used as pole plantings for the restoration of temporary impacts.
- C. If at any time during the mitigation implementation, a catastrophic natural event (e.g., fire, flood) occurs and impacts the restoration area, the Applicant is responsible for repair and replanting of the damaged area(s).
- D. The Applicant must monitor the Project area to ensure that the Project meets requirements detailed in the revised *Streambank Stabilization and Revegetation Monitoring Plan for Ephemeral Tributary to Rattlesnake Creek Streambank Stabilization Project* (November 2, 2011) and any subsequent version submitted to the San Diego Water Board.
- E. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the United States and/or State where the resource has never previously existed (e.g. conversion of nonnative grassland to a freshwater marsh). Restoration is divided into two activities, re-establishment and rehabilitation. Re-establishment is defined as the return of natural/historic functions to a site where vegetated or unvegetated waters of the United States and/or State previously existed (e.g., removal of fill material to restore a drainage). Rehabilitation is defined as the improvement of the general suite of functions of degraded vegetated or unvegetated waters of the United States and/or State (e.g., removal of a heavy infestation or monoculture of exotic plant species from jurisdictional areas and replacing with native species). Enhancement is defined as the improvement to one or two functions of existing vegetated or unvegetated waters of the United States and/or State (e.g., removal of small patches of exotic plant species from an area containing predominantly natural plant species). Preservation is defined as the acquisition and legal protection from future impacts in perpetuity of existing vegetated or unvegetated waters of the United States and/or State (e.g., conservation easement).

VI. NOTIFICATION REQUIREMENTS

- A. The Applicant must report to the San Diego Water Board any noncompliance that may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a written description of the incident and its cause, the period of the noncompliance including

exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The San Diego Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours.

- B. The Applicant must notify the San Diego Water Board in writing **at least 5 days prior to** the actual commencement of dredge, fill, and discharge activities.
- C. The Applicant must submit an Annual Monitoring Report within **60 days** of completion of the Project. The Annual Monitoring Report must include:
 - 1. Stream photo documentation in accordance with:
http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf
 - 2. GIS shapefiles of the project site.
- D. Annual monitoring reports, summarizing the results of monitoring and maintenance efforts, shall be submitted to the San Diego Water Board by May 31 of each monitoring year for a minimum of three years. If success criteria are not met within three years, monitoring and reporting will continue on a yearly basis until success criteria is achieved.
- E. This Certification is not transferable in its entirety or in part to any person or organization except after notice to the California Regional Water Quality Control Board – San Diego Region (San Diego Water Board) in accordance with the following terms.
 - a. Transfer of Property Ownership: the Applicant 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 the Applicant 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 San Diego Water Board within **10 days** of the transfer of ownership.
 - b. Transfer of Post-Construction BMP Maintenance Responsibility: The Applicant assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred, the Applicant must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer

specifications. The Applicant must provide such notification to the San Diego Water Board within **10 days** of the transfer of BMP maintenance responsibility.

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the Applicant will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Applicant of this Certification in the event that a transferee fails to comply.

VII. REPORTING REQUIREMENTS

- A. The submittal of information under this Certification is required pursuant to California Water Code (CWC) sections 13267. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit required information pursuant to CWC section 13268.
- B. 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.
- C. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:
 1. For a corporation, by a responsible corporate officer of at least the level of vice president.
 2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 3. 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 may sign applications, reports, or information if:
 - a. The authorization is made in writing by a person described 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.

- D. 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."

- E. The Applicant 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 No. 11C-008,
Place ID No. 762043
9174 Sky Park Court, Suite 100
San Diego, California 92123

VIII. CEQA FINDINGS:

- A. City of Poway is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and filed a Notice of Determination on July 19, 2011. The City of Poway has determined the project will not have a significant effect on the environment.
- B. The San Diego Water Board has reviewed the lead agency's Notice of Determination and also finds that the Project as proposed will not have a significant effect on the environment and issuance of this Certification is consistent with the Notice of Determination.

IX. PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On January 28, 2011, receipt of the Project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

X. WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the Rattlesnake Creek Streambed Stabilization Project (Project No. 11C-008) 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 individual 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 Water Quality Control Plan for the San Diego Basin Region (9) (Basin Plan).

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. 11C-008 issued on November 15, 2012.



DAVID W. GIBSON
Executive Officer
Regional Water Quality Control Board

11-15-2012
Date

Attachments:

- 1. Project information
- 2. Project location
- 3. Project plans
- 4. Distribution list

Tech Staff Info & Use	
File No.	11C-008
WDID	9 000002221
Reg. Measure ID	377366
Place ID	762043
Party ID	525683
Person ID	525684

**ATTACHMENT 1
 PROJECT INFORMATION**

Applicant:	City of Poway Attention: Melody Rocco 13325 Civic Center Drive, Poway, CA 92064 Telephone: 858-668-4668 Email: mrocco@poway.org
Applicant Representatives:	ECORP Consulting, Inc Attention: Margaret Bornyasz 3914 Murphy Canyon Road, San Diego, CA, 92123 Telephone: 858-279-4040 Email: mbornyasz@ecorpconsulting.com
Project Name:	Ephemeral Tributary to Rattlesnake Creek Streambed Stabilization
Project Location:	Project is within the boundaries of the City of Poway, San Diego County, CA, on Kentfield Drive and Midland Street. Latitude: 32.975992° N Longitude: -117.037150° W
Type of Project:	Stabilization of a streambed and bank.
Need for Project:	Permanent streambed and bank stabilization.
Project Description:	<p>The Ephemeral Tributary to Rattlesnake Creek Streambed Stabilization project (Project) is located in a tributary to Rattlesnake Creek in the City of Poway (Applicant) at the intersection of Kentfield Drive and Midland Road within the Poway Hydrologic Area. In the winters of 2009 and 2010, temporary emergency action and emergency permits were granted to temporarily stabilize erosion areas of the proposed Project area. Erosion damage has since occurred throughout the Rattlesnake Creek area and permanent stabilization is necessary.</p> <p>The Applicant has proposed to implement streambed and bank reinforcements and enhancements along the tributary to Rattlesnake Creek to reduce erosive velocities, increase soil strength, and eliminate the potential for erosion damage during future storm events. Proposed measures include installation of Turf Reinforced Mats (TRMs) planted with native vegetation. Rip rap and filter fabric will be installed at</p>

	<p>the toe of the slope to keyed-in with the TRMs. The Applicant will also widen the channel bottom with minor grading in a portion of the stream bottom and contour the banks to a 2:1 slope where allowed by easement boundaries. After Project construction, the Project area will be revegetated with native riparian species. If possible, grading work will be done under the canopy of native trees and will not involve the removal of those trees.</p> <p>Approximately 410 cubic yards of material will be removed from the site. Approximately 1,200 square yards of slope reinforcement mat and 72 cubic yards of rock slope protection will be installed downstream of the existing triple box culvert. Approximately 70 cubic yards of riprap toe protection will be provided at the toe of the slope.</p> <p>The Project will temporarily impact 0.034 acres (195 linear feet) of waters of the United States and/or State and permanently impact 0.007 acres (44 linear feet) waters of the United States and/or State.</p>
Federal Agency/Permit:	U.S. Army Corps of Engineers Individual 404 Permit, Lanika Cervantes
Other Required Regulatory Approvals:	California Department of Fish and Game Streambed Alteration Agreement, Kelly Fisher
California Environmental Quality Act (CEQA) Compliance:	Ephemeral Tributary to Rattlesnake Creek Streambed Stabilization, Notice of Determination July 19, 2011, City of Poway.
Receiving Water:	Poway HA, 906.20
Affected Waters of the United States/State:	<p>Temporary: Streambed; 0.034 acre, 195 linear feet</p> <p>Permanent: Streambed; 0.007 acres, 44 linear feet</p>
Dredge Volume:	None

Related Projects Implemented/to be Implemented by the Applicant(s):	NA
Compensatory Mitigation:	The project is considered a stream bank restoration and stabilization project with minimal permanent impacts. No mitigation is required.
Best Management Practices (BMPs):	<p>During construction, the City will apply four temporary Best Management Practices (BMPs):</p> <ul style="list-style-type: none"> • TRMs and Erosion Control Blankets (ECBs) to stabilize side slopes. • Sediment control BMPs (such as weighted fiber rolls) along the toe-of-slope. • A temporary diversion system, as needed, to convey nuisance water within the channel upstream of work areas to the downstream end of work areas. • A concrete washout (for construction of the headwall). <p>Permanent BMPs include:</p> <ul style="list-style-type: none"> • TRM; • Rock Slope Protection; • Vegetation along the full reach of the TRM that includes hydroseeding, container plants, and trees.
Public Notice:	On January 28, 2011, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.
Inspection:	NA
Fees:	Total Due:\$0 Total Paid:\$1,888.00 (check no. 226966, 00196651)
CIWQS:	Regulatory Measure ID: 377366 Place ID: 762043 Party ID: 525683

City of Poway
Rattlesnake Creek Streambed Stabilization
Certification No. 11C-008

November 15, 2012

**ATTACHMENT 2
DISTRIBUTION LIST**

Lanika L Cervantes
U.S. Army Corps of Engineers, Regulatory Branch
Lanika.L.Cervantes@usace.army.mil

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

U.S. Department of the Interior
Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011

U.S. EPA, OWOW, Region 9
75 Hawthorne St.,
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R9-WTR8-Mailbox@epa.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

Margaret Bornyasz
ECORP Consulting
mbornyasz@ecorpconsulting.com

Monji, Alan@Waterboards

From: Margaret Bornyasz <mbornyasz@ecorpconsulting.com>
Sent: Friday, November 16, 2012 5:32 PM
To: Monji, Alan@Waterboards; Melody Rocco
Cc: Lanika Cervantes
Subject: RE: 401 Water Quality Certification for Ephemeral Drainage to Rattlesnake Creek, 11C-008

Hi Alan,
We noticed an error on the Certification, in Attachment 1 under Federal Agency/Permit.

Reads:
U.S. Army Corps of Engineers Individual 404 Permit, Lanika Cervantes

Should read:
U.S. Army Corps of Engineers Nationwide 404 Permit, Lanika Cervantes

Margaret Bornyasz

Ph: 858.279.4040 ♦ Cell: 858.232.3872 ♦ Fax: 858.279.4040
mbornyasz@ecorpconsulting.com

From: Monji, Alan@Waterboards [<mailto:Alan.Monji@waterboards.ca.gov>]
Sent: Thursday, November 15, 2012 5:36 PM
To: Melody Rocco
Cc: Margaret Bornyasz; Lanika Cervantes; Polis, Andreas@Waterboards; Dorsey, Kelly@Waterboards; Lanika Cervantes; WB-DWQ-Stateboard401; USEPA OWOWR9
Subject: 401 Water Quality Certification for Ephemeral Drainage to Rattlesnake Creek, 11C-008

Good Evening Melody:

Attached is the 401 Water Quality Certification for the ephemeral Drainage to Rattlesnake Creek Project, 11C-008 with attachments 1-3. Attachment 4 may be too large to email but I am going to give it a try following this email tonight. Hard copy will go out certified mail tomorrow with all the attachments. Let me know if you get Attachment 4. Good Evening.

Alan T. Monji
Environmental Scientist
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123
Phone: 858-637-7140
FAX: 858-571-6972

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