

California Regional Water Quality Control Board, San Diego Region

April 11, 2014

Certified Mail – Return Receipt Requested
Article Number: 7011 0470 0002 8952 6000

Ed Hajj
State of California,
Department of Transportation
District 11
4050 Taylor Street
M.S. 340
San Diego, CA 92110

In reply/refer to:
802201:mporter

**Subject: Clean Water Act Section 401 Water Quality Certification No. R9-2013-0193
for the Chollas Creek BMP Retrofit Project – Phase II**

Mr. Hajj:

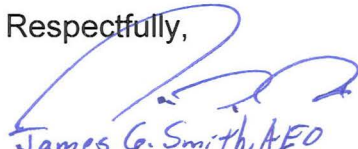
Enclosed find Clean Water Act Section 401 Water Quality Certification No. R9-2013-0193 (Certification) issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) in response to the application submitted by State of California, Department of Transportation (Caltrans) for the Chollas Creek BMP Retrofit Project – Phase II (Project). A description of the Project and Project location can be found in the Certification and site maps which are included as attachments to the Certification.

Caltrans is enrolled under State Water Resources Control Board Order No. 2003-017-DWQ as a condition of the Certification and is required to implement and comply with all terms and conditions of the Certification in order to ensure that water quality standards are met for the protection of wetlands and other aquatic resources. Failure to comply with this Certification may subject Caltrans to enforcement actions by the San Diego Water Board including administrative enforcement orders requiring Caltrans to cease and desist from violations or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action pursuant to section 3867 of Title 23 of the California Code of Regulations (23 CCR). If no petition is received, it will be assumed that Caltrans has accepted and will comply with all terms and conditions of the Certification.

In the subject line of any response, please include reference number 802201:mporter. For questions or comments, please contact Mike Porter by telephone at (619) 521-3967 or by email at mike.porter@waterboards.ca.gov.

Respectfully,


for *James G. Smith, AEO*
DAVID W. GIBSON
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. R9-2013-0193 for the Chollas Creek BMP Retrofit Project – Phase II.

DWG:jgs:db:kd:mgp

cc:

U.S. Army Corps of Engineers, Regulatory Branch
Los Angeles District
Ms. Stephanie J. Hall
Senior Project Manager
Caltrans Liaison Transportation & Special Projects Branch
Stephanie.J.Hall@usace.army.mil

California Department of Fish and Game
South Coast Region
Habitat Conservation Planning
Mr. Tim Dillingham
Environmental Scientist
Tim.Dillingham@wildlife.ca.gov

U.S. EPA, OWOW, Region 9
R9-WTR8-Mailbox@epa.gov

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

Tech. Staff Info & Use	
Certification No.	R9-2013-0193
Party ID	7222
File No.	R9-2013-0193
WDID	9 000002682
NPDES No.	None
Regulatory ID	394399
Place ID	802201
Person ID	527930

Mr. Hajj
State of California,
Department of Transportation
Certification No. R9-2013-0193

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April 11, 2014

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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

2375 Northside Drive, Suite.100, San Diego, CA 92108
Phone (619) 516-1990 • Fax (619) 516-1994
<http://www.waterboards.ca.gov/sandiego/>

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

PROJECT: Chollas Creek BMP Retrofit Project – Phase II
Certification Number R9-2013-0193
WDID: 9 000002682

Reg. Meas. ID:	394399
Place ID:	802201
Party ID:	7222
Person ID:	527930

APPLICANT: State of California, Department of Transportation
4050 Taylor Street
M.S. 340
San Diego, CA 92110

ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" 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

An application dated December 18, 2013 was submitted by State of California, Department of Transportation (hereinafter Applicant), for Water Quality Certification pursuant to section 401 of the Clean Water Act (33 U.S.C. § 1341) for the proposed Chollas Creek BMP Retrofit Project – Phase II (Project). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on February 10, 2014. The Applicant proposes to discharge dredged or fill material to waters of the United States and/or State associated with construction activity at the Project site. The Applicant has also applied for a Clean Water Act section 404 permit from the United States Army Corps of Engineers for the Project (USACE File No. SPL-2014-162-SJH).

The Project is located within the City of San Diego, San Diego County, California at the intersection of Interstates 15 and 805. The Project center reading is located at latitude 32° 43' 04.94" North and longitude -117° 06' 46.21" East. The Applicant has paid all required fees for this Certification in the amount of \$6,211.00. On December 27, 2013, the San Diego Water Board provided public notice of the Project application pursuant to California Code of Regulations, title 23, section 3858 by posting information describing the Project on the San Diego Water Board's web site and providing a period of twenty-one days for public review and comment. No comments were received.

The applicant proposes to retrofit the existing freeway corridor's drainage channels within Chollas Creek with structural treatment Best Management Practices (BMPs) to comply with the

Wasteload Allocations (WLAs) derived from the *Total Maximum Daily Load for Dissolved Copper, Lead, and Zinc in Chollas Creek, Tributary to San Diego Bay* (TMDL). The TMDL Implementation Plan (Implementation Plan) defines the approach to planning, implementing, and assessing the effectiveness of BMPs with the goal of attaining the WLAs for dissolved metals and restoring the beneficial uses of the Chollas Creek Watershed. The TMDL requires 80% reduction in concentration of dissolved copper, lead and zinc by October 22, 2018 and a 100% reduction in these metal concentrations by October 22, 2028. Compliance with the TMDL and WLAs is required by the *State Water Resources Control Board Order no. 2012-0011-DWQ, Statewide Storm Water Permit, Waste discharge Requirements for the State of California Department of Transportation* (Caltrans Statewide Storm Water Permit). The requirements of the Caltrans Statewide Storm Water Permit, including the implementation requirements contained in the TMDL implementation plans which are incorporated by reference, are expected to be sufficient to implement the WLAs in each TMDL for which the Department has been assigned WLAs.

The Project proposes to retrofit the existing Interstate 15 and Interstate 805 corridor's drainage channel (concrete, channelized Chollas Creek) with two subsurface modified modular infiltration trenches, with conveyance to the system via upstream transverse inlets along the impervious Chollas Creek bottom, to address metals removal within the Chollas Creek Watershed. The Project will help Caltrans achieve compliance with WLA for its facilities, as required by the Caltrans Statewide Storm Water Permit.

The geographic areas of the Project that require permit coverage under the Clean Water Act sections 401 and 404 includes three reaches of Chollas Creek at the intersection of Interstates 805 and 15. Chollas Creek will be impacted from the installation of two subsurface modified modular infiltration trenches (infiltration trenches) and two points of connection to the bank of Chollas Creek. The infiltration trenches will be constructed beneath two reaches of Chollas Creek. Currently the three creek reaches are contained in unvegetated, trapezoidal, concrete flood control channels. The channel bottoms at the I-805 and I-15 interchange will be removed and excavated to the infiltration trench design depth. The modular components of the infiltration trench will be installed along with a series of upstream transverse inlets for conveyance to the system, and in-kind replacement of the impervious concrete channel bottom (re-installation of the channel bottom). Subsurface infiltration trench maintenance will consist of the annual vector removal of accumulated sediment and trash before the winter season. Annual maintenance of the subsurface infiltration trenches must not include maintenance of the surface channels.

The Project application includes a description of the design objective, operation, and degree of treatment expected to be attained from equipment, facilities, or activities (including construction and post-construction BMPs) to treat waste and reduce runoff or other effluents which may be discharged. Compliance with the Certification conditions will help ensure that construction and post-construction discharges from the Project will not cause on-site or off-site downstream erosion, damage to downstream properties, or otherwise damage stream habitats in violation of water quality standards in the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan).

Project construction will permanently impact 0.71 acre (2,250 linear feet) of Chollas Creek as waters of the United States and/or State. The Applicant reports that the Project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impacts to aquatic resources considering all potential practicable alternatives, such as the potential for alternate available locations, designs, reductions in size, configuration or density.

The Applicant reports that permanent impacts of 0.71 acre of jurisdictional waters of the U.S. and State will be restored to pre-project conditions and contours. The restoration of Project impacts will be completed by the Applicant on-site within the Chollas Creek (hydrologic sub-area 908.22) at a minimum ratio of 1:1.

Additional Project details are provided in Attachments 1 through 3 of this Certification.

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Attachments:

1. Definitions
2. Project Location Maps
3. Project Site Plans

I. STANDARD CONDITIONS

Pursuant to section 3860 of title 23 of the California Code of Regulations, the following three standard conditions apply to all water quality certification actions:

- 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 Water Code and chapter 28, article 6 (commencing with title 23, section 3867), of the California Code of Regulations.
- B. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to California Code of Regulations title 23, section 3855 subdivision (b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. This Certification action is conditioned upon total payment of any fee required under title 23, chapter 28 (commencing with section 3830) of California Code of Regulations and owed by the applicant.

II. GENERAL CONDITIONS

- A. **Term of Certification.** Water Quality Certification No. R9-2013-0193 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 (33 U.S.C. §1344) permit issued by the U.S. Army Corps of Engineers for this Project, or b) five (5) years from the date of issuance of this Certification, whichever occurs first.
- B. **Duty to Comply.** The Applicant must comply with all conditions and requirements of this Certification. Any Certification noncompliance constitutes a violation of the Water Code and is grounds for enforcement action or Certification termination, revocation and reissuance, or modification.
- C. **General Waste Discharge Requirements.** The requirements of this Certification are enforceable through 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* (Water Quality Order No. 2003-0017-DWQ). This provision shall apply irrespective of whether a) the federal permit for which the Certification was obtained is subsequently retracted or is expired, or b) the Certification is expired. Water Quality Order No. 2003-0017-DWQ is accessible at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/gowdr401regulated_projects.pdf.

- D. Project Conformance with Application.** All water quality protection measures and BMPs described in the application and supplemental information for water quality certification are incorporated by reference into this Certification as if fully stated herein. Notwithstanding any more specific conditions in this Certification, the Applicant shall construct, implement and comply with all water quality protection measures and BMPs described in the application and supplemental information. The conditions within this Certification shall supersede conflicting provisions within the application and supplemental information submitted as part of this Certification action.
- E. Project Conformance with Water Quality Control Plans or Policies.** Notwithstanding any more specific conditions in this Certification, the Project shall be constructed in a manner consistent with the Basin Plan and any other applicable water quality control plans or policies adopted or approved pursuant to the Porter Cologne Water Quality Act (Division 7, commencing with Water Code Section 13000) or section 303 of the Clean Water Act (33 U.S.C §1313.)
- F. Project Modification.** The Applicant must submit any changes to the Project, including Project operation, which would have a significant or material effect on the findings, conclusions, or conditions of this Certification, to the San Diego Water for prior review and written approval. If the San Diego Water Board is not notified of a significant change to the Project, it will be considered a violation of this Certification.
- G. Certification Distribution Posting.** During Project construction, the Applicant must maintain a copy of this Certification at the Project site. This Certification must be available at all times to site personnel and agencies. A copy of this Certification shall also be provided to any contractor or subcontractor performing construction work, and the copy shall remain in their possession at the Project site.
- H. Inspection and Entry.** The Applicant must allow the San Diego Water Board or the State Water Resources Control Board, and/or their authorized representative(s) (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents as may be required under law, to:
1. Enter upon the Project or Compensatory Mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Certification;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Certification;
 3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification; and

4. Sample or monitor, at reasonable times, for the purposes of assuring Certification compliance, or as otherwise authorized by the Clean Water Act or Water Code, any substances or parameters at any location.
- I. **Enforcement Notification.** In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall 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.
 - J. **Certification Actions.** This Certification may be modified, revoked and reissued, or terminated for cause including but not limited to the following:
 1. Violation of any term or condition of this Certification;
 2. Monitoring results indicate that continued Project activities could violate water quality objectives or impair the beneficial uses of the Chollas Creek or its tributaries;
 3. Obtaining this Certification by misrepresentation or failure to disclose fully all relevant facts;
 4. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and
 5. Incorporation of any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

The filing of a request by the Applicant for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Certification condition.
 - K. **Duty to Provide Information.** The Applicant shall furnish to the San Diego Water Board, within a reasonable time, any information which the San Diego Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Certification or to determine compliance with this Certification.
 - L. **Property Rights.** This Certification does not convey any property rights of any sort, or any exclusive privilege.

III. CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Approvals to Commence Construction.** The Applicant shall not commence Project construction until all necessary federal, state, and local approvals are obtained.
- B. **Personnel Education.** 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 measures, and BMP implementation and maintenance measures.
- C. **Spill Containment Materials.** 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.
- D. **General Storm Water Permit.** The Applicant must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2012-0011-DWQ, NPDES No. CAS000003, Caltrans Statewide Storm Water Permit and Waste Discharge Requirements for State of California Department of Transportation (Caltrans Statewide Permit).
- E. **Waste Management.** The Applicant must properly manage, store, treat, and dispose of wastes in accordance with applicable federal, state, and local laws and regulations. Waste management shall be implemented to avoid or minimize exposure of wastes to precipitation or storm water runoff. The storage, handling, treatment, or disposal of waste shall not create conditions of pollution, contamination or nuisance as defined in Water Code section 13050. Upon Project completion, all Project generated debris, building materials, excess material, waste, and trash shall be removed from the Project site(s) for disposal at an authorized landfill or other disposal site in compliance with federal, state and local laws and regulations.
- F. **Waste Management.** Except for a discharge permitted under this Certification, the dumping, deposition, or discharge of trash, rubbish, unset cement or asphalt, concrete, grout, damaged concrete or asphalt, concrete or asphalt spoils, wash water, organic or earthen material, steel, sawdust or other construction debris waste from Project activities directly into waters of the United States and or State, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited.
- G. **Downstream Erosion.** Discharges of concentrated flow during construction or after Project completion must not cause downstream erosion or damage to properties or stream habitat.
- H. **Construction Equipment.** All equipment must be washed prior to transport to the Project site and must be free of sediment, debris, and foreign matter. All equipment used in direct contact with surface water shall be steam cleaned prior to use. All

equipment using gas, oil, hydraulic fluid, or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. Stationary equipment (e.g., motors, pumps, generator, etc.) shall be positioned over drip pans or other types of containment.

- I. **Process Water.** 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 State or placed in locations that may be subjected to storm water runoff flows. Pollutants discharged to areas within a stream diversion must be removed at the end of each work day or sooner if rain is predicted.
- J. **Surface Water Diversion.** All surface waters, including ponded waters, must be diverted away from areas of active 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 the receiving water quality objectives. 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.
- K. **Re-vegetation and Stabilization.** All areas that have 14 or more days of inactivity must be stabilized within 14 days of the last activity. The Applicant shall implement and maintain BMPs to prevent erosion of the rough graded areas. After completion of grading, all areas must be re-vegetated with native species appropriate for the area. The re-vegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be accessed at <http://www.cal-ipc.org/ip/inventory/weedlist.php>.
- L. **Hazardous Materials.** Except as authorized by this Certification, substances hazardous to aquatic life including, but not limited to, petroleum products, unused 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.
- M. **Vegetation Removal.** Removal of vegetation must occur by hand, mechanically, or through application of United States Environmental Protection Agency (USEPA) approved herbicides deployed using applicable BMPs to minimize adverse effects to beneficial uses of waters of the United States and/or State. Discharges related to the application of aquatic pesticides within waters of the United States must be done in compliance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, the *Statewide General National Pollution Discharge Elimination System Permit for the Discharge of Aquatic Weed Control in Waters of the United States*, and any subsequent reissuance as applicable.

- N. **Limits of Disturbance.** The Applicant shall clearly define the limits of Project disturbance to waters of the United States and/or State using highly visible markers such as flag markers, construction fencing, or silt barriers prior to commencement of Project construction activities within those areas.
- O. **Beneficial Use Protection.** The Applicant must take all necessary measures to protect the beneficial uses of waters of Chollas Creek. This Certification requires compliance with all applicable requirements of the Basin Plan. If at any time, an unauthorized discharge to surface waters (including rivers or streams) occurs or monitoring indicates that the Project is violating, or threatens to violate, water quality objectives, the associated Project activities shall cease immediately and the San Diego Water Board shall be notified in accordance with Notification Requirement VII.A of this Certification. Associated Project activities may not resume without approval from the San Diego Water Board.

IV. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Post-Construction BMP Maintenance.** The post construction BMPs (subsurface infiltration trenches) must be designed, constructed, and maintained in accordance with the most recent California Storm Water Quality Association (CASQA)¹ guidance. The Applicant shall:
1. No less than two times per year, assess the performance of the BMPs to ensure protection of the receiving waters and identify any necessary corrective measures;
 2. Perform inspections of BMPs, at the beginning of the wet season no later than October 1 and the end of the wet season no later than April 1, for standing water, slope stability, sediment accumulation, trash and debris, and presence of burrows;
 3. Regularly perform preventative maintenance of BMPs, including removal of accumulated trash and debris, as needed to ensure proper functioning of the BMPs;
 4. Identify and promptly repair damage to BMPs; and
 5. Maintain a log documenting all BMP inspections and maintenance activities. The log shall be made available to the San Diego Water Board upon request.

V. PROJECT IMPACTS AND RESTORATION

- A. **Project Impact Avoidance and Minimization.** The Project must avoid and minimize adverse impacts to waters of the United States and/or State to the maximum extent practicable.

¹ California Storm Water Quality Association (*California Storm Water BMP Handbook, New Development and Redevelopment 2003*), available on-line at: <http://www.cabmphandbooks.org/> [Accessed on January 15, 2012]

- B. **Project Impacts and Restoration.** Unavoidable Project impacts to Chollas Creek within the Pueblo San Diego Watershed must not exceed 0.71 acre (2250 linear feet) of jurisdictional waters of the U.S. and State. The Applicant shall restore all impacted areas to pre-project conditions and contours, with the exception of the newly constructed infiltration inlets.
- C. **Temporary Project Impact Areas.** 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 of pollutants to waters of the United States and/or State. Restoration must include grading of disturbed areas to pre-project contours. The Applicant must implement all necessary BMPs to control erosion and runoff from areas associated with the Project.

VI. MONITORING AND REPORTING REQUIREMENTS

- A. **Representative Monitoring.** The Applicant shall prepare and submit an acceptable Sampling and Analysis Plan within six months of issuance of this Certification. The Sampling and Analysis Plan must propose monitoring that evaluates the effectiveness of the installed infiltration trenches to remove the pollutants identified in the TMDL. Sampling shall be performed annually for five years. This monitoring is required to determine compliance with this Certification and does not relieve the Applicant of the duty to comply with any TMDL WLA or other requirements included in the Caltrans Statewide Storm Water Permit.
- B. **Representative Monitoring.** Samples and measurements taken for the purpose of monitoring under this Certification shall be representative of the monitored activity.
- C. **Monitoring Reports.** Monitoring results shall be reported to the San Diego Water Board at the intervals specified in section VI of this Certification.
- D. **Monitoring and Reporting Revisions.** The San Diego Water Board may make revisions to the monitoring program at any time during the term of this Certification and may reduce or increase the number of parameters to be monitored, locations monitored, the frequency of monitoring, or the number and size of samples collected.
- E. **Records of Monitoring Information.** Records of monitoring information shall include:
- a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;

- e. The analytical techniques or methods used; and
- f. The results of such analyses.

F. Annual Project Progress Reports. The Applicant must submit annual Project progress reports describing status of BMP implementation and compliance with all requirements of this Certification to the San Diego Water Board prior to **March 1** of each year following the issuance of this Certification, until the Project has reached completion. The report must include the following information:

1. The names, qualifications, and affiliations of the persons contributing to the report;
2. The status, progress, and anticipated schedule for completion of Project construction activities including the installation and operational status of best management practices project features for erosion and storm water quality treatment;
3. A description of Project construction delays encountered or anticipated that may affect the schedule for construction completion; and
4. A description of each incident of noncompliance during the annual monitoring period 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 the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

H. Final Project Completion Report. The Applicant must submit a Final Project Completion Report to the San Diego Water Board **within 30 days of completion of the Project**. The final report must include the following information:

1. Date of construction initiation;
2. Date of construction completion;
3. BMP installation and operational status for the Project;
4. As-built drawings of the Project, no bigger than 11"X17";
5. Photo documentation of implemented post-construction BMPs. Photo documentation must be conducted in accordance with guidelines posted at:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf

In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced.

- I. **Reporting Authority.** The submittal of information required under this Certification, or in response to a suspected violation of any condition of this Certification, is required pursuant to Water Code section 13267 and 13383. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit information pursuant to Water Code sections 13268 or 13385.

- J. **Electronic and Paper Media Documents.** The Applicant must submit all reports and information required under this Certification in both hardcopy (paper) 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. All paper and electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. R9-2013-0193; PIN 802201.

- K. **Document Signatory Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be signed 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.

If such authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the Project, a new authorization satisfying the above requirements must be submitted to the San Diego Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative.

- L. **Document Certification Requirements.** All applications, reports, or information submitted to the San Diego Water Board 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."

M. Document Submittal Address. 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. R9-2013-0193:PIN 802201
2375 Northside Drive, Suite 100
San Diego, California 92108

VII. NOTIFICATION REQUIREMENTS

- A. Twenty Four Hour Non-Compliance Reporting.** The Applicant shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the San Diego Water Board within **24 hours** from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of 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 recurrence of the noncompliance. The San Diego Water Board, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- B. Hazardous Substance Discharge.** Except for a discharge which is in compliance with this Certification, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the County of San Diego, in accordance with California Health and Safety Code section 5411.5 and the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.17), and immediately notify the State Water Board or the San Diego Water Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of section 13271 of the Water Code unless the Applicant is in violation of a Basin Plan prohibition.

- C. **Oil or Petroleum Product Discharge.** Except for a discharge which is in compliance with this Certification, any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.1). This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Clean Water Act section 311, or the discharge is in violation of a Basin Plan prohibition.
- D. **Anticipated Noncompliance.** The Applicant shall give advance notice to the San Diego Water Board of any planned changes in the Project or the Compensatory Mitigation project which may result in noncompliance with Certification conditions or requirements.
- E. **Transfers.** This Certification is not transferable in its entirety or in part to any person or organization except after notice to the San Diego Water Board in accordance with the following terms:
1. **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.**
 2. **Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**
 3. **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.

- F. **Discharge Commencement.** The Applicant must notify the San Diego Water Board in writing **at least 5 days prior to** the start of Project construction.

VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

- A. The Applicant is the Lead Agency under the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.) section 21067, and CEQA Guidelines (California Code of Regulations, title 14, section 15000 et seq.) section 15367, and has determined that the Project is Categorically Exempt from CEQA².
- B. The San Diego Water Board is a Responsible Agency under CEQA (Public Resources Code section 21069; CEQA Guidelines section 15381). The San Diego Water Board has independently determined that the project is categorically exempt because the project replaces existing structures located on the same site and will have substantially the same purpose as the structures being replaced.

IX. SAN DIEGO WATER BOARD CONTACT PERSON

Mike Porter, Engineering Geologist
California Regional Water Quality Control Board, San Diego Region
2375 Northside Drive, Suite 100
San Diego, California 92108
Telephone: 619-521-3967
Email: mike.porter@waterboards.ca.gov

² 14 CCR section 15301

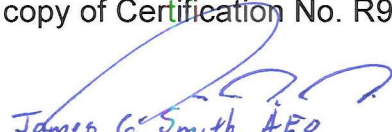
X. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **Chollas Creek BMP Retrofit Project – Phase II** (Certification No. R9-2013-0193) 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.

This Certification does not change the designated beneficial uses of Chollas Creek. Additionally, this Certification does not relieve the Applicant of any duty to comply with TMDL WLA or other requirements of the Caltrans Statewide Storm Water Permit.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited to, and all proposed mitigation being completed in strict compliance with, the applicants' Project description and/or the description in this Certification, and (b) compliance with all applicable requirements of the Basin Plan.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. R9-2013-0193 issued on April 11, 2013.


for DAVID W. GIBSON
Executive Officer
San Diego Water Board

11 Apr 2014
Date

ATTACHMENT 1

DEFINITIONS

Activity - when used in reference to a permit means any action, undertaking, or project including, but not limited to, construction, operation, maintenance, repair, modification, and restoration which may result in any discharge to waters of the state.

Buffer - means an upland, wetland, and/or riparian area that protects and/or enhances aquatic resource functions associated with wetlands, rivers, streams, lakes, marine, and estuarine systems from disturbances associated with adjacent land uses.

California Rapid Assessment Method (CRAM) - is a wetland assessment method intended to provide a rapid, scientifically-defensible and repeatable assessment methodology to monitor status and trends in the conditions of wetlands for applications throughout the state. It can also be used to assess the performance of compensatory mitigation projects and restoration projects. CRAM provides an assessment of overall ecological condition in terms of four attributes: landscape context and buffer, hydrology, physical structure and biotic structure. CRAM also includes an assessment of key stressors that may be affecting wetland condition and a "field to PC" data management tool (eCRAM) to ensure consistency and quality of data produced with the method.

Compensatory Mitigation Project - means compensatory mitigation implemented by the Applicant as a requirement of this Certification (i.e., applicant -responsible mitigation), or by a mitigation bank or an in-lieu fee program.

Discharge of dredged material – means any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States and/or State.

Discharge of fill material – means the addition of fill material into waters of the United States and/or State.

Dredged material – means material that is excavated or dredged from waters of the United States and/or State.

Ecological Success Performance Standards – means observable or measurable physical (including hydrological), chemical, and/or biological attributes that are used to determine if a compensatory mitigation project meets its objectives.

Enhancement – means the manipulation of the physical, chemical, or biological characteristics of an aquatic resource to improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment – means the manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist. Creation results in a gain in aquatic resource area.

Fill material – means any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a water body.

Isolated wetland – means a wetland with no surface water connection to other aquatic resources.

Mitigation Bank – means a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing mitigation for impacts authorized by this Certification.

Preservation - means the removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/ historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/ historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Start of Project Construction - For the purpose of this Certification, "start of Project construction" means to engage in a program of on-site construction, including site clearing, grading, dredging, landfilling, changing equipment, substituting equipment, or even moving the location of equipment specifically designed for a stationary source in preparation for the fabrication, erection or installation of the building components of the stationary source within waters of the United States and/or State.

Uplands - means non-wetland areas that lack any field-based indicators of wetlands or other aquatic conditions. Uplands are generally well-drained and occur above (i.e., up-slope) from nearby aquatic areas. Wetlands can, however, be entirely surrounded by uplands. For example, some natural seeps and constructed stock ponds lack aboveground hydrological connection to other aquatic areas. In the watershed context, uplands comprise the landscape matrix in which aquatic areas form. They are the primary sources of sediment, surface runoff, and associated chemicals that are deposited in aquatic areas or transported through them.

Water quality objectives and other appropriate requirements of state law – means the water quality objectives and beneficial uses as specified in the appropriate water quality control plan(s); the applicable provisions of sections 301, 302, 303, 306, and 307 of the Clean Water Act; and any other appropriate requirement of state law.

State of California Department of Transportation
Chollas Creek BMP Retrofit Project – Phase II
Certification No. R9-2013-0193

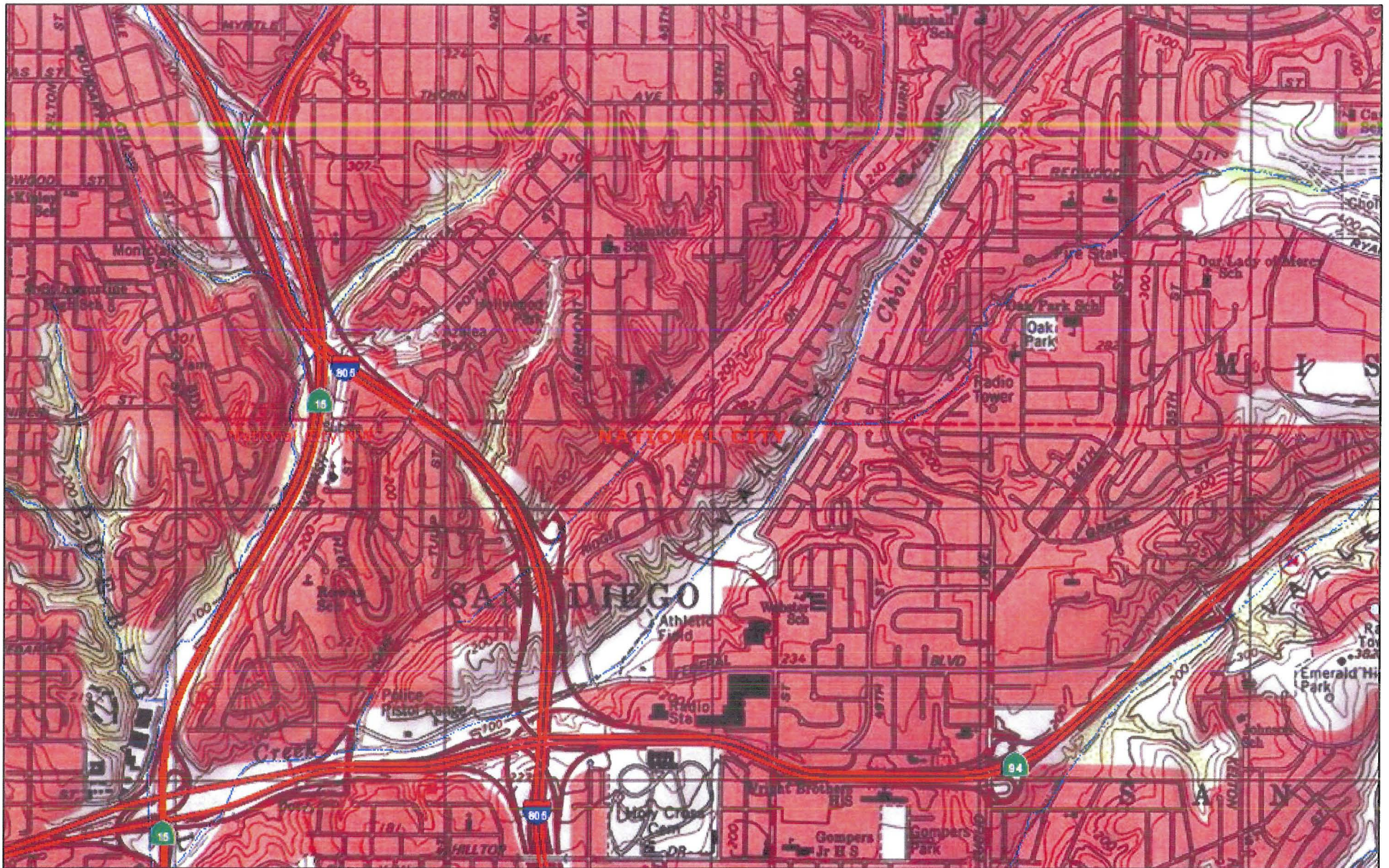
**ATTACHMENT 2
PROJECT LOCATION MAPS**



Figure 1. Vegetation and Non-wetland Waters of the U.S. at Locations where Infiltration Ditches are Proposed.



7.5 Min USGS Quadrangle, National City, Ctd 1975

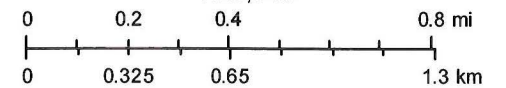


November 6, 2013

Interstate and State Route Shields (dynamic)

- fwy; hwy; T
- 7.5 Min Quads
- 3.75 Min Quads

1:23,999

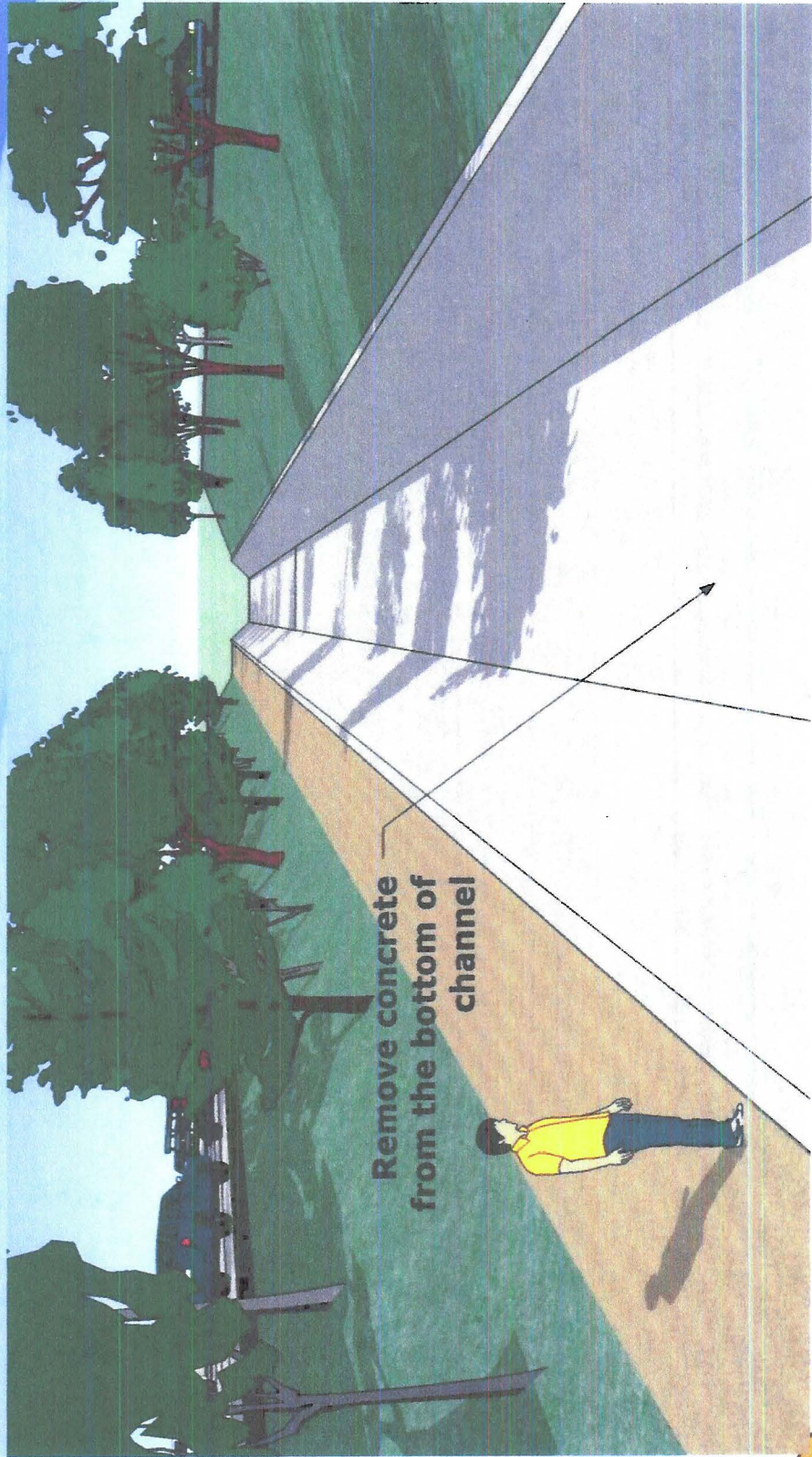


USGS
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Chollas Creek BMP Retrofit Project – Phase II
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**ATTACHMENT 3
PROJECT SITE PLANS**

Infiltration Trench Location #1 & 2

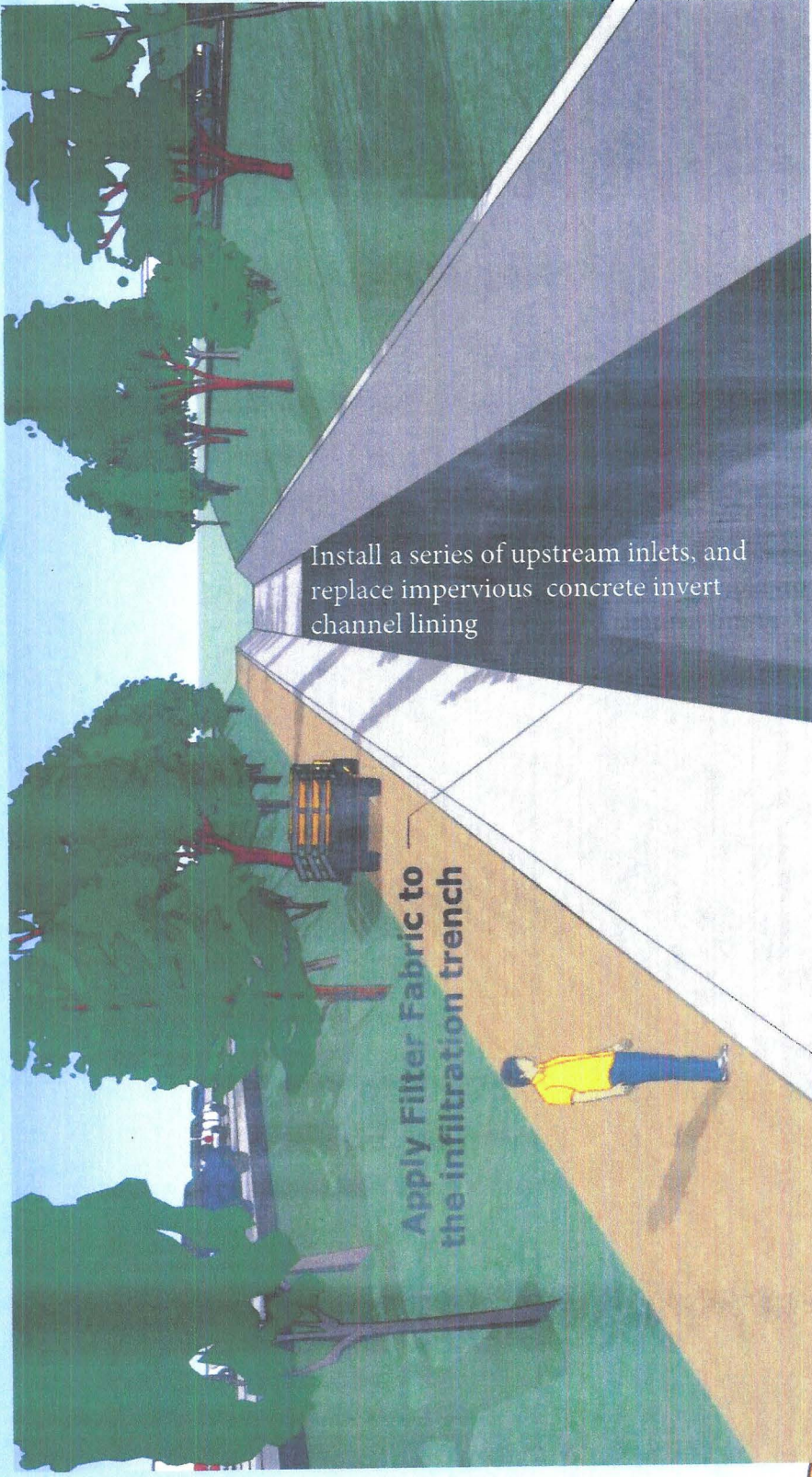


Remove concrete
from the bottom of
channel

Photo #1



Infiltration Trench Location # 1 & 2



Install a series of upstream inlets, and replace impervious concrete invert channel lining

Apply Filter Fabric to the infiltration trench

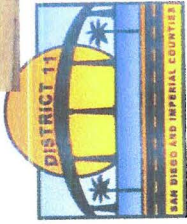


Photo 2

Infiltration Trench Location #1 I-805 @ SR-15 Interchange



0 250 500 1,000 Feet

 Infiltration Trench

Date: 11/5/2013

EA: 282500

Map Attach A

by Pauline Lamphere
Caltrans-District 11

I-805 @ I-15 Interchange (Location #1)

Final Design Alternative

Modified Infiltration Trench w/ Modular Filler
 Reverse Engineer to Determine WQV and CDA

Given :

L = 1345 Ft (Channel Length w/ Proposed Infiltration Trench)
 W = 15 Ft (Exist Channel Width)
 D1 = 4 Ft (Proposed Infiltration Trench)

RWQCB WQV Depth = 0.05 Ft
 C = 0.9 Pavement

Determine :

Surface Area = LxW

$$A = 20,175 \text{ Ft}^2$$

Excavated Volume 1 = A x D

$$D = 6.5 \text{ FT To Invert}$$

$$EV1 = 131,138 \text{ Ft}^3$$

$$WQV = (A)(D1)(P1) \quad (97\% \text{ Porosity } (P1))$$

$$WQV = 78,279 \text{ Ft}^3$$

$$WQV = A \times C \times D_{RWQCB}$$

$$A = WQV / (C \times D_{RWQCB})$$

$$A = 1,739,533 \text{ Ft}^2 \quad (\text{Contributing Drainage Area})$$

$$A = 40 \text{ Acres} \quad (\text{Contributing Drainage Area})$$



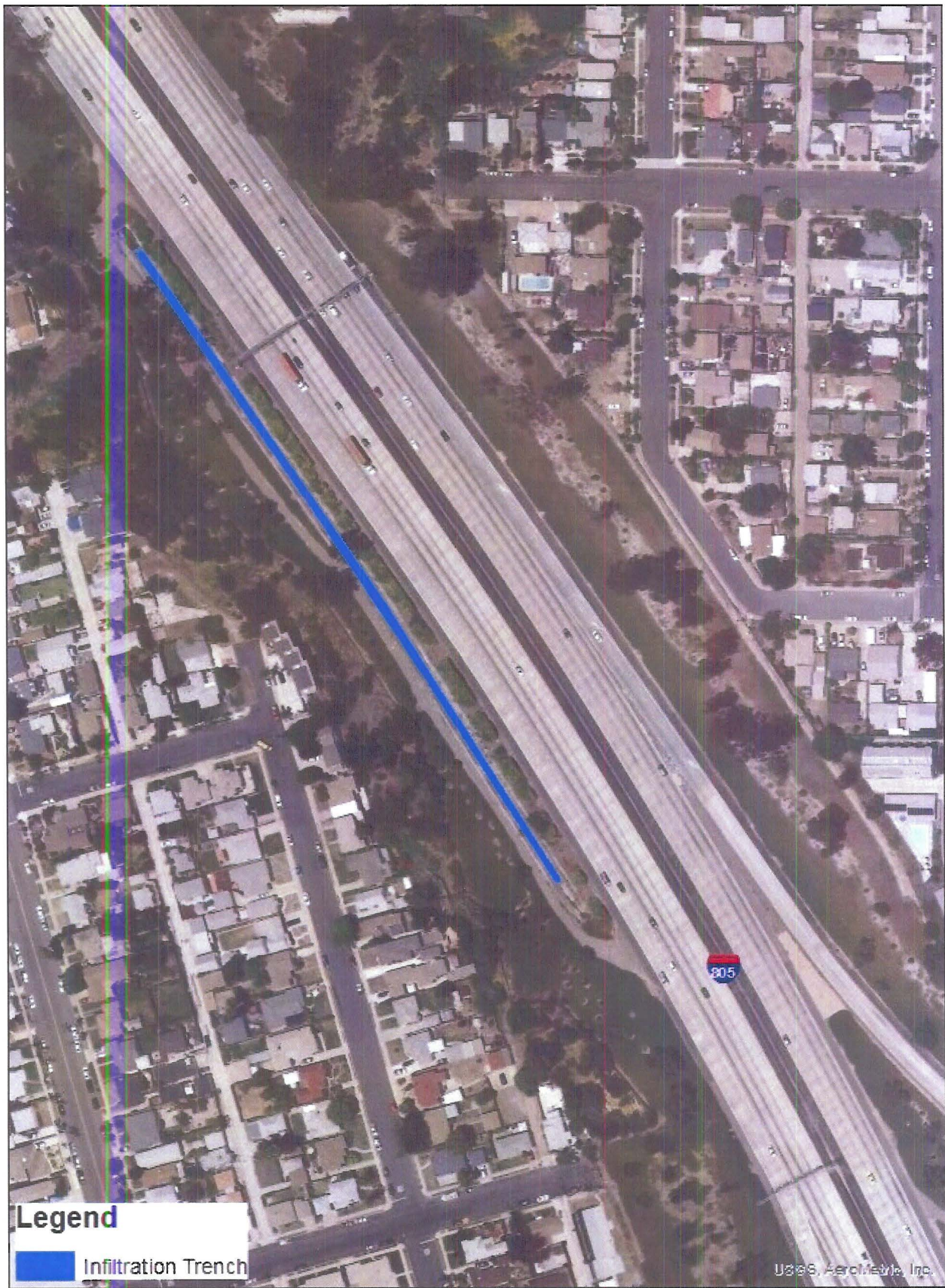


Figure 2. Infiltration Trench - Location 2



Just North of I-805 @ I-15 Interchange (Location #2)

Final Design Alternative

Modified Infiltration Trench w/ Modular Filler
 Reverse Engineer to Determine WQV and CDA

Given :

L = 990 Ft (Channel Length w/ Proposed Infiltration Trench)
 W = 12 Ft (Exist Channel Width)
 D1 = 4 Ft (Proposed Infiltration Trench)

RWQCB WQV Depth = 0.05 Ft
 C = 0.9 Pavement

Determine :

Surface Area = LxW

A = 11,880 Ft²

Excavated Volume 1 = A x D

D = 6.5 FT To Invert

EV1 = 77,220 Ft³

WQV = (A)(D1)(P1) (97% Porosity (P1))

WQV = 46,094 Ft³

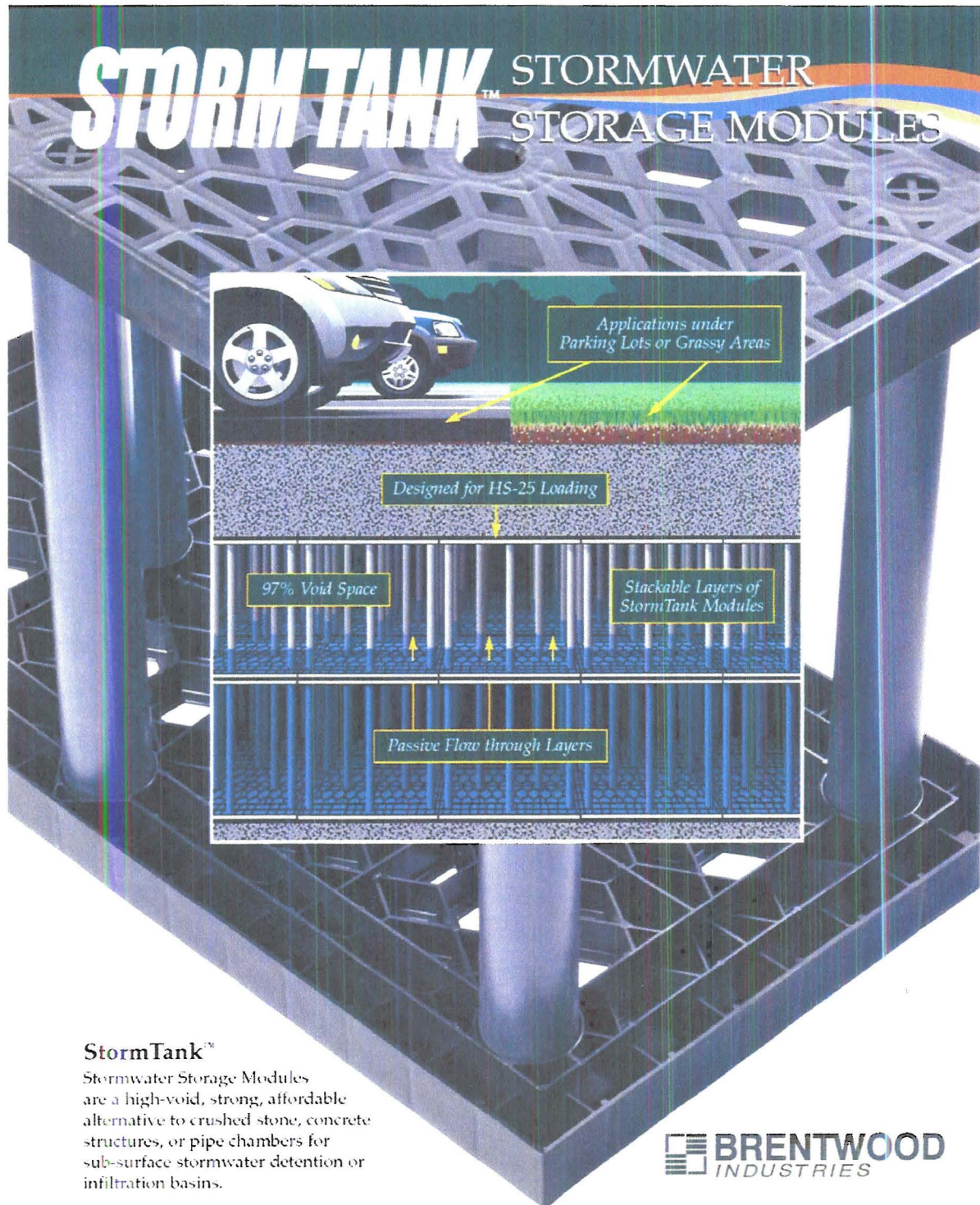
WQV = A x C x D_{RWQCB}

A = WQV / (C x D_{RWQCB})

A = 1,024,320 Ft² (Contributing Drainage Area)

A = 23.5 Acres (Contributing Drainage Area)



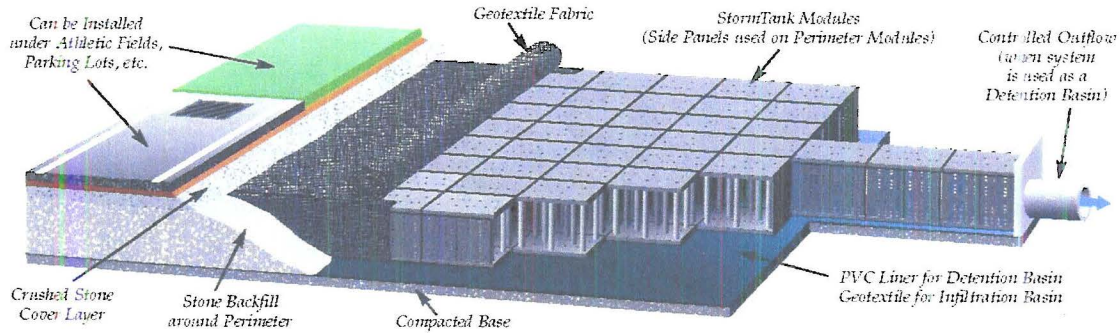


StormTank™

Stormwater Storage Modules are a high-void, strong, affordable alternative to crushed stone, concrete structures, or pipe chambers for sub-surface stormwater detention or infiltration basins.



STORMTANK™ STORMWATER STORAGE SYSTEM

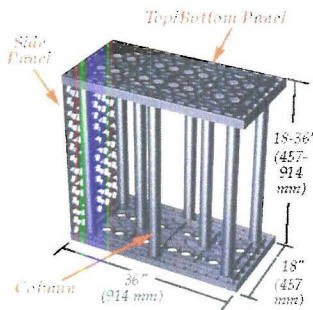


Brentwood's StormTank™ Stormwater Storage System is a high-void, strong, affordable alternative to crushed stone, concrete structures, or pipe chambers for sub-surface stormwater detention or infiltration basins.

HIGH VOID, HIGH STRENGTH Our modules offer the largest void space of any underground stormwater storage units currently on the market (97%), and are load-rated for use under parking lots, athletic fields, parks, etc. (Designed to exceed HS-25 loading criteria!)

EASY TO INSTALL The entire StormTank Storage System is built on-site from Top/Bottom Panels and Side Panels made of rugged, lightweight polypropylene and 2-3/8" (60.3 mm) diameter PVC columns. Combinations of these three components create all the module configurations needed for a fully-functioning underground system (see example at top).

To minimize shipping costs, the StormTank components are delivered unassembled, but on-site assembly is a snap! No special equipment tools, or bonding agents are needed to assemble or install the modules. All components easily attach with a secure concentric pressure fit.



StormTank installation is quick & easy ... and requires no special tools or equipment!

EASY TO CLEAN The open tops/bottoms and sides of the modules makes flushing and cleaning easy ... a great advantage over storage systems where access is limited.

SAVES SPACE AND MONEY Because of its 97% void space, stackability, and HS-25 strength, a StormTank system offers significant space and cost savings when compared to conventional stormwater storage solutions. For example:

- A StormTank installation requires a much smaller footprint than a crushed rock system with the same amount of stormwater storage capacity. And less space used also means less expense for excavation, geotextile, liner, installation, and backfill.
- Because a StormTank system is installed underground, it frees up surface space for uses that would be otherwise unavailable with a typical detention pond.
- StormTank's stackability and variable column height can maximize the use of a site with limited surface area.



BRENTWOOD INDUSTRIES

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