

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

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<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: Descanso Community Water District 2017  
Water System Improvements Project  
Certification Number R9-2019-0060  
WDID: 9 000003371**

Reg. Meas. ID: 426375 Place ID: 852703 Party ID: 576753 Person ID: 576754
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**APPLICANT: Descanso Community Water District  
P.O. Box 610  
Descanso, CA 91916**

**ACTION:**

<input checked="" type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017-DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004-DWQ

**PROJECT DESCRIPTION**

An application dated November 6, 2018 was submitted by Descanso Community Water District (hereinafter Applicant), for Water Quality Certification pursuant to section 401 of the Clean Water Act (33 U.S.C. § 1341) for the proposed Descanso Community Water District 2017 Water System Improvements Project (Project). The Applicant has also applied for Clean Water Act section 404 Nationwide Permit No. 12 from the United States Army Corps of Engineers for the Project (USACE File No. SPL-2017-00803).

The Project consists of underground trenching that will occur in the Descanso Creek stream channel just southwest of Viejas Boulevard located at 25001-25141 Viejas Boulevard within the City of Descanso, San Diego County, California. The Project's center readings are as follows is located at latitude 32.85760° and longitude -116.60835°. The Applicant has paid all required fees for this Certification in the amount of \$1,638.00. On February 11, 2019, 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 excavate a trench to support the installation of a buried water pipeline through Descanso Creek stream channel as part of the infrastructure for a new iron/manganese treatment facility, which is needed to address compliance with drinking water standards, improve overall drinking water quality, and to address water pressure deficiencies within the distribution system.

Once the pipeline is installed, the trench will be backfilled by replacing and compacting the excavated subsoil into the trench and re-spreading the stockpiled topsoil to return the surface to its original grade. All areas of disturbance will be recontoured to the original conditions, as required for temporary impacts; and the areas will be revegetated with native species that are characteristic of the adjacent native vegetation communities. All impacts to waters of the U.S. and/or State from this Project are temporary.

Receiving waters potentially affected by the Project are protected in accordance with water quality standards in the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan). This Certification authorizes temporary impacts to waters of the United States and/or State affected by the Project and requires that pre-project conditions be restored by the Applicant as described in section VI of the Certification. The temporary impacts do not include physical loss of aquatic resource area or cause degradation of ecological conditions. Based on all of these considerations, the Applicant's compliance with the terms and conditions of this Certification will ensure that the water quality standards for all waters of the United States and/or State impacted by the Project are met.

The estimated duration of the work in the area of the stream channel is approximately 10 working days. Additional Project details are provided in Attachment 2 of this Certification.

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### Attachments:

- 1. Definitions**
- 2. Project Figures and Plans**
- 3. Mitigation and Monitoring Reporting Program**

The San Diego Water Board has independently reviewed the record of the Project to analyze the extent and nature of proposed Project impacts to the water quality and beneficial uses of waters of the United States and/or State and associated compensatory mitigation required to offset impacts attributed to the Project. In accordance with this Certification, the Applicant may proceed with the Project under the following terms and conditions:

## 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. R9-2019-0060 (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](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.). The Basin Plan is accessible on-line at:
- [http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/basin\\_plan/index.shtml](http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/index.shtml)  
!
- 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 Descanso Creek, the Sweetwater River, or their 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.

M. **Petitions.** Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with the California Code of Regulations, title 23, sections 3867 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Certification. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

### III. CONSTRUCTION AND POST 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 Construction Storm Water Permit.** Prior to start of Project construction, the Applicant must, as applicable, obtain coverage under, and comply with, the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity (General Construction Storm Water Permit) and any reissuance. If Project construction activities do not require coverage under the General Construction Storm Water Permit, the Applicant must develop and implement a pollution control plan, construction BMP plan, and/or erosion and sediment control plan to prevent the discharge of sediment and other pollutants during construction activities.
- 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. **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.
- L. **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.

- M. **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.
- N. **On-site Qualified Biologist.** The Applicant shall designate an on-site qualified biologist to monitor Project construction activities within or adjacent to waters of the United States and/or State to ensure compliance with the Certification requirements. The biologist shall be given the authority to stop all work on-site if a violation of this Certification occurs or has the potential to occur. Records and field notes of the biologist's activities shall be kept on-site and made available for review upon request by the San Diego Water Board.
- O. **Beneficial Use Protection.** The Applicant must take all necessary measures to protect the beneficial uses of the waters of Descanso Creek and the Sweetwater River. 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 VI.B of this Certification. Associated Project activities may not resume without approval from the San Diego Water Board.
- P. **Groundwater Dewatering.** If groundwater dewatering is required for the Project, the Applicant shall enroll in and comply with the requirements of San Diego Water Board Order No. R9-2015-0013 NPDES No. CAG919003, *General Waste Discharge Requirements For Groundwater Extraction Discharges to Surface Waters within the San Diego Region* or its successor permit.
- Q. **Post-Construction Requirements.** The Project must meet all the Post-Construction requirements of the San Diego Water Board Order No. R9-2013-0001, *National Pollutant Discharge Elimination Systems Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4) Draining the Watersheds within the San Diego Region* (Regional MS4 Permit).

#### IV. PROJECT IMPACTS AND COMPENSATORY MITIGATION

- 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.

**B. Project Impacts and Compensatory Mitigation.** Unavoidable Project impacts to Descanso Creek and its unnamed tributaries within the Sweetwater Watershed must not exceed the type and magnitude of impacts described in the table below. At a minimum, compensatory mitigation required to offset unavoidable temporary and permanent Project impacts to waters of the United States and/or State must be achieved as described in the table below:

	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation Ratio (area mitigated :area impacted)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (linear feet mitigated :linear feet impacted)
<b>Temporary Impacts<sup>a</sup></b>						
Stream Channel	0.002 <sup>b</sup>	4 <sup>b</sup>	N/A	NA	N/A	N/A

NA – Not applicable

- a. All areas of temporary impacts must be restored to pre-project contours and re-vegetated with native species.
- b. Temporary impacts associated with a 4-foot wide trench that bisects a segment of ephemeral stream channel non-wetland waters of the U.S. and/or State for the purpose of installing an underground potable water pipeline. The 5-foot deep trench will extend across a 20-foot wide segment of the stream channel.

**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 and re-vegetation with native species. The Applicant must implement all necessary BMPs to control erosion and runoff from areas associated with the Project.

**V. MONITORING AND REPORTING REQUIREMENTS**

**A. Annual Project Progress Reports.** The Applicant must submit annual Project progress reports describing 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. Annual Project Progress Reports must be submitted even if Project construction has not begun. The monitoring period for each Annual Project Progress Report shall be January 1<sup>st</sup> through December 31<sup>st</sup> of each year after the issuance of this Certification. If all Project components are complete before the monitoring period is over, the Annual Project Progress Report may be submitted with the Final Project Completion Report. Annual Project Progress Reports must include, at a minimum, the following information:

1. The names, qualifications, and affiliations of the persons contributing to the report;
2. The status, progress, and/or anticipated schedule for completion of Project construction activities;

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.

**B. 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. As-built drawings of the Project, no bigger than 11”X17”
4. A summary of the activities that occurred during Project implementation; and
5. Photo documentation of all areas of temporary impacts, prior to and after project construction. Photo documentation must be conducted in accordance with guidelines posted at [http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/401\\_certification/docs/401c/401PhotoDocRB9V713.pdf](http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf). In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced.

**C. 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.

**D. Electronic Document Submittal.** The Applicant must submit all reports and information required under this Certification in electronic format via e-mail to [SanDiego@waterboards.ca.gov](mailto:SanDiego@waterboards.ca.gov). Documents over 50 megabytes will not be accepted via e-mail and must be placed on a disc and delivered to:

California Regional Water Quality Control Board  
San Diego Region  
Attn: 401 Certification No. R9-2019-0060:852703:lhonma  
2375 Northside Drive, Suite 100  
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF), and converted to text searchable format using Optical Character

Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. R9-2019-0060:852703:lhonma.

**E. 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.

**F. 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."*

## VI. NOTIFICATION REQUIREMENTS

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

## **VII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE**

- A. The Descanso Community Water District 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 filed a Notice of Determination dated October 17, 2017 for the Final Mitigated Negative Declaration and Initial Study (FMND/IS) titled Descanso Community Services District 2017 Water System Improvements (State Clearing House Number 2017061036). The Lead Agency has determined the Project will not have a significant effect on the environment and mitigation measures were made a condition of the Project.
- 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 considered the Lead Agency's FMND/IS and finds that the Project as proposed will have a significant effect on resources within the San Diego Water Board's purview.
- C. The San Diego Water Board has required mitigation measures as a condition of this Certification to avoid or reduce the environmental effects of the Project to resources within the Board's purview to a less than significant level.
- D. The Lead Agency has adopted a mitigation monitoring and reporting program pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15097 to ensure that mitigation measures and revisions to the Project identified in the FMND/IS are implemented. The Mitigation Monitoring and Reporting Program (MMRP) is included and incorporated by reference in Attachment 3 to this Certification. The Applicant shall implement the Lead Agency's MMRP described in the FMND/IS, as it pertains to resources within the San Diego Water Board's purview. The San Diego Water Board has imposed additional MMRP requirements as specified in sections IV and V of this Certification.
- E. As a Responsible Agency under CEQA, the San Diego Water Board will file a Notice of Determination in accordance with CEQA Guidelines section 15096 subdivision(i).

### VIII. SAN DIEGO WATER BOARD CONTACT PERSON

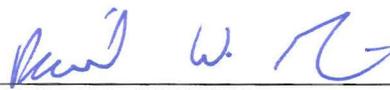
Lisa Honma, Environmental Scientist  
California Regional Water Quality Control Board, San Diego Region  
2375 Northside Drive, Suite 100  
San Diego, California 92108  
Telephone: 619-521-3367  
Email: [Lisa.Honma@waterboards.ca.gov](mailto:Lisa.Honma@waterboards.ca.gov)

### IX. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **Descanso Community Water District 2017 Water System Improvements Project** (Certification No. R9-2019-0060) 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 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. R9-2019-0060 issued on April 4, 2019.

  
\_\_\_\_\_  
DAVID W. GIBSON  
Executive Officer  
San Diego Water Board

4 April 2019  
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.

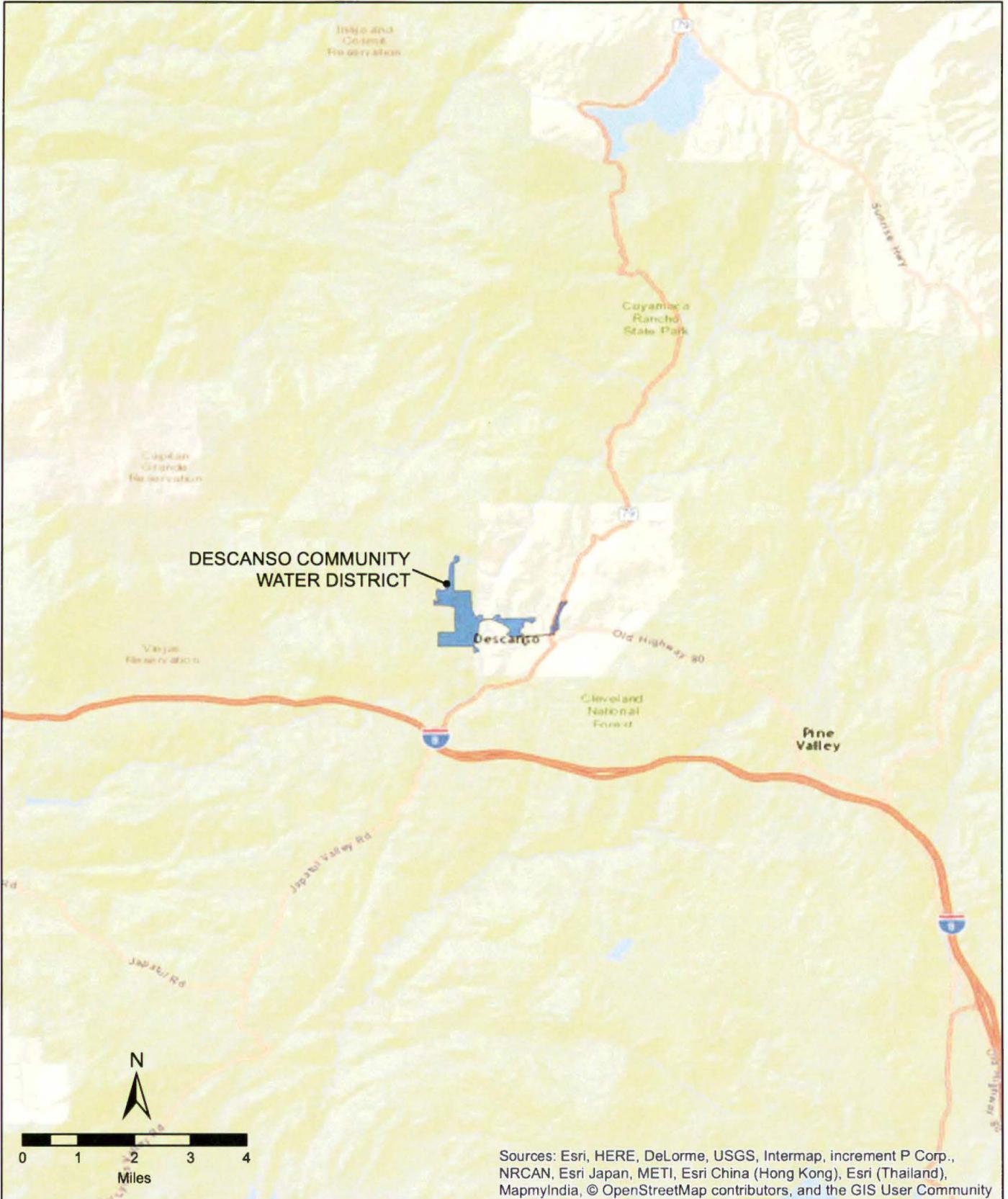
**Uplands** - means non-wetland areas that lack any field-based indicators of wetlands or other aquatic conditions. Uplands are generally well-drained and occur above (i.e., up-slope) from nearby aquatic areas. Wetlands can, however, be entirely surrounded by uplands. For example, some natural seeps 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.

**Waters of the State** - means any surface water or groundwater, including saline waters, within the boundaries of the State. [Water Code section 13050, subd. (e)].

**ATTACHMENT 2**  
**PROJECT FIGURES AND PLANS**

- Figure 1 – Project Vicinity
- Figure 2 – Project Location
- Figure 3 – Site Map
- Figure 4 – Delineation of Wetlands and Other Waters of the U.S.
- Figure 5 – Site Plans

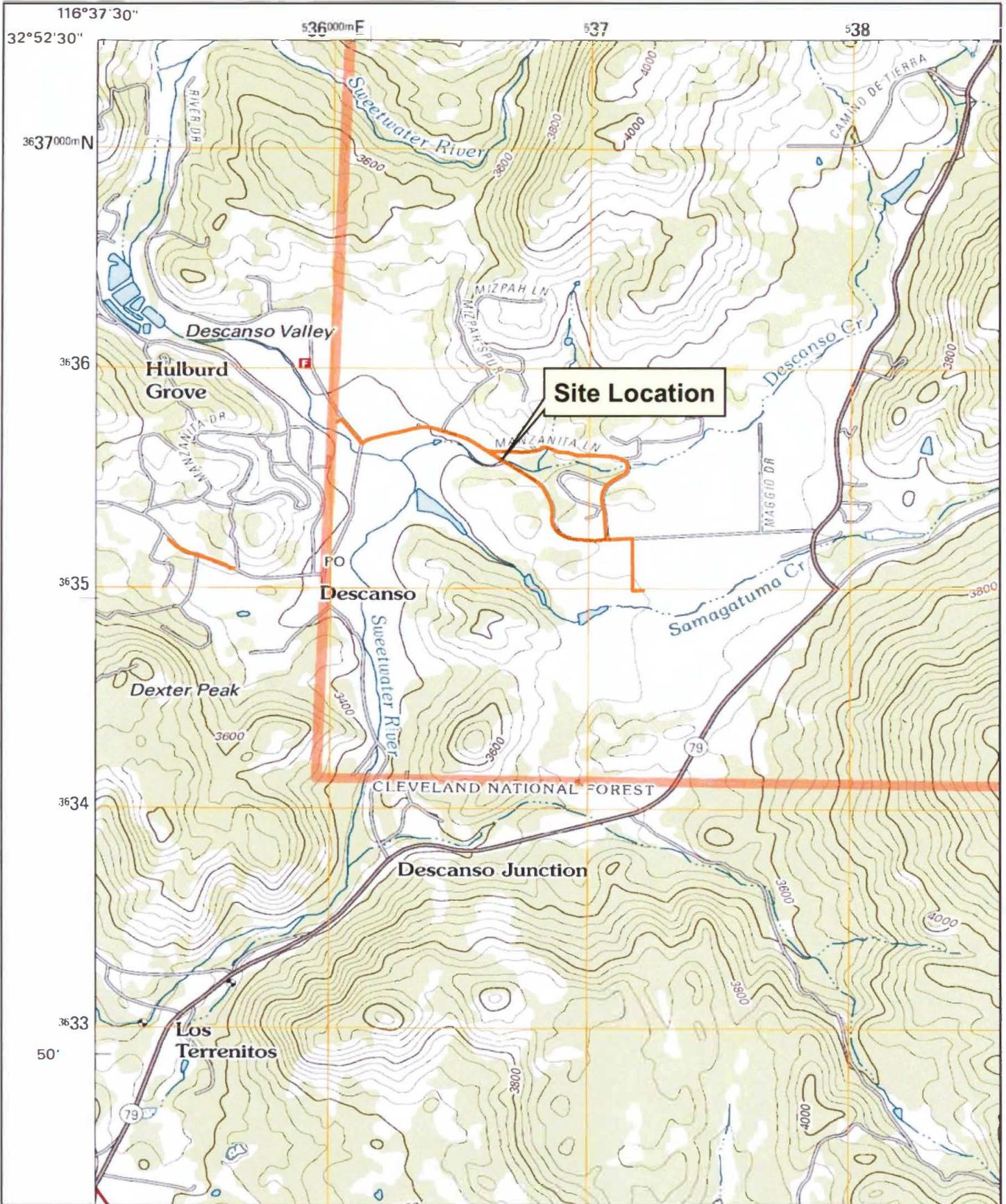


7620 N HARTMAN LANE, SUITE 162  
 TUCSON, ARIZONA 85743  
 Tel: 520-638-7270 | Fax: 623-738-3690

**Figure 1**  
 Project Vicinity

DATE: 6/27/2016

SCALE: 1:150,000



**NV5**

**Descanso**

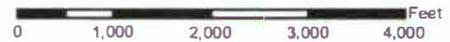
**Figure 2 - Project Location**

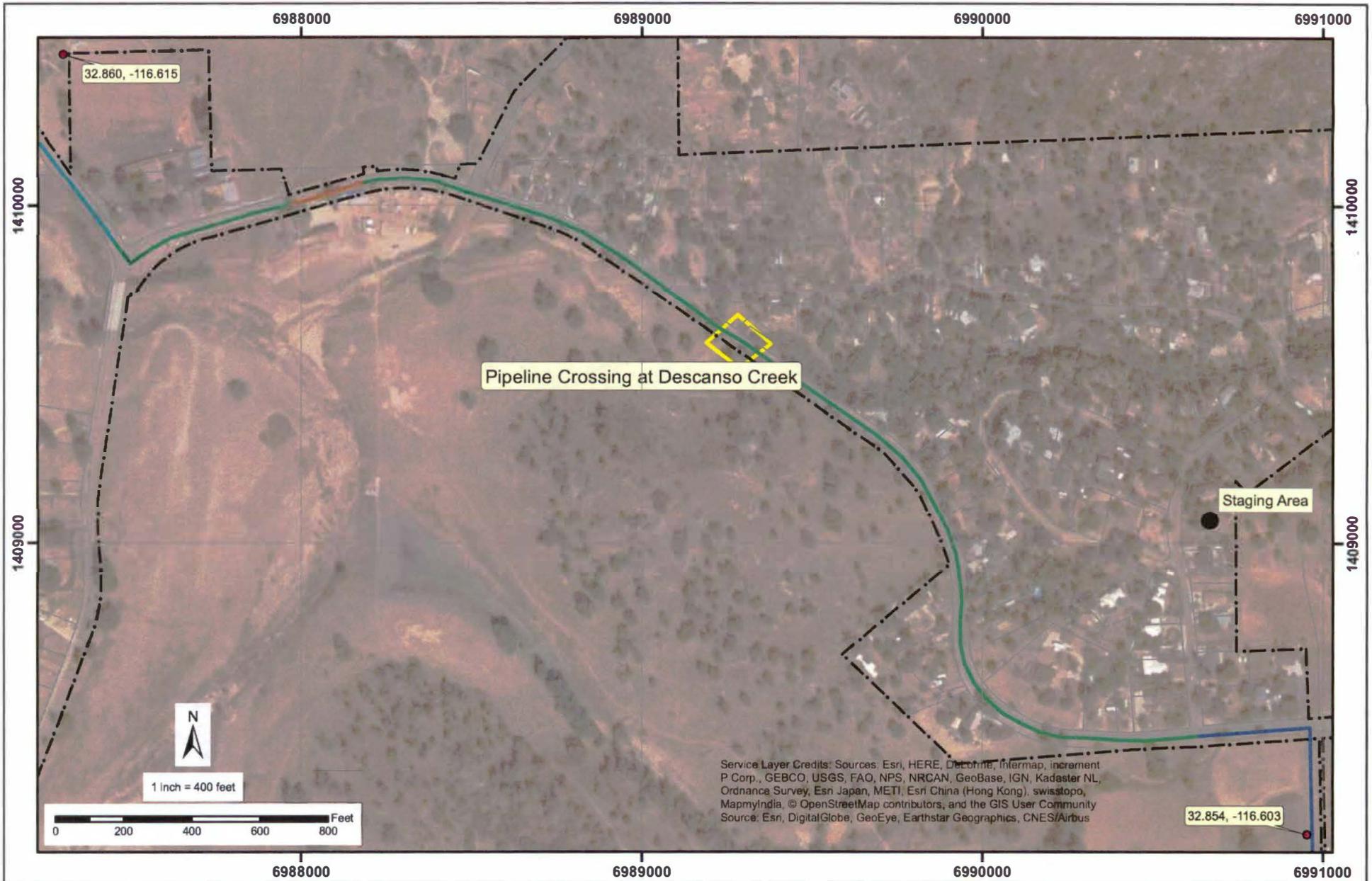
Base Map: USGS US Topo 7.5-minute map for Descanso, CA 2012

Project Number: SDB084308

Date: 2/2/2018

1:24,000





Descanso

Figure 3 - Site Map

Project Number: SDB084308

Date: 2/2/2018

1:4,800

Legend

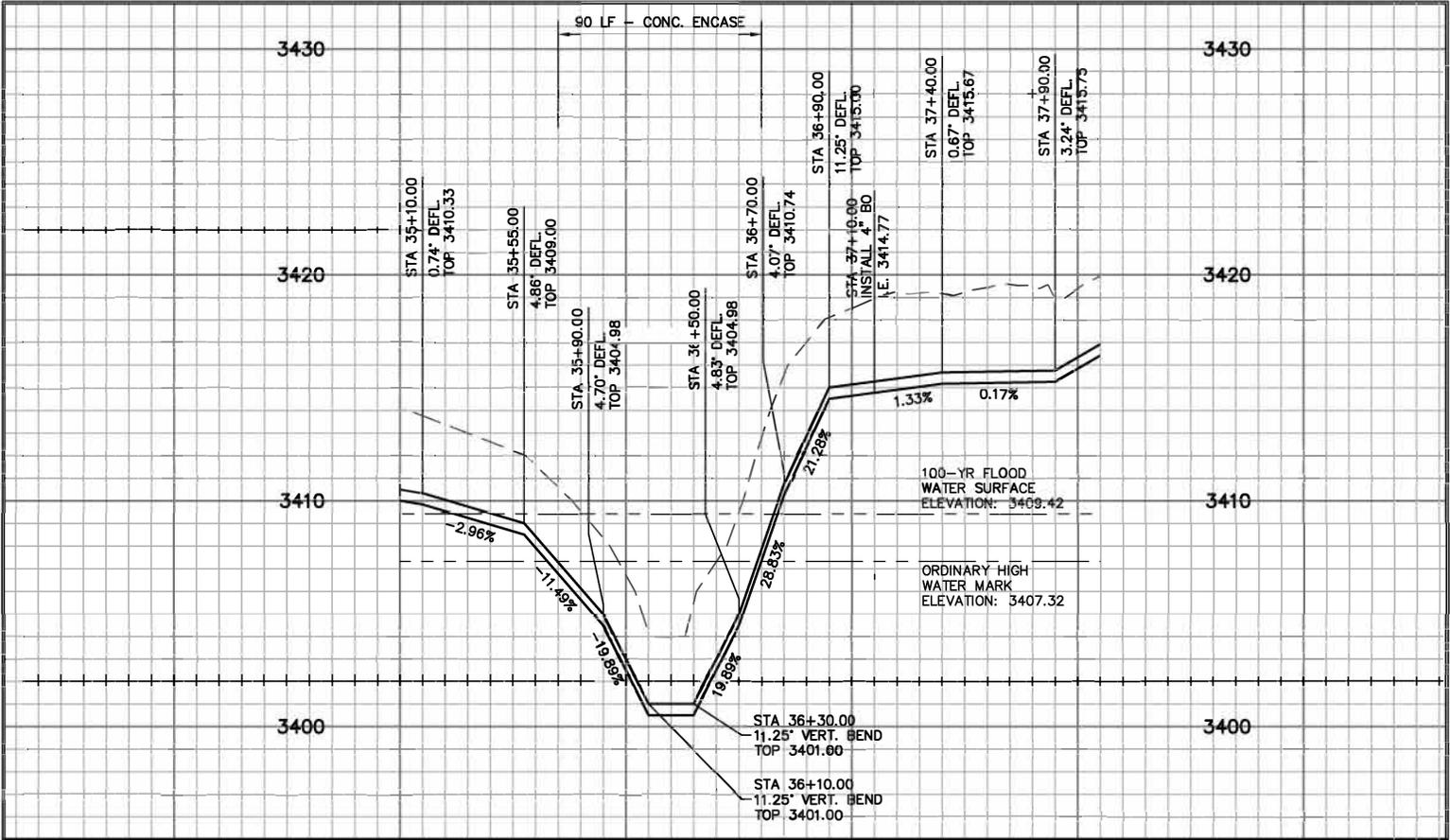
- Existing 6" PVC Pipe Segment
- Existing 8" PVC Pipe Segment
- Proposed 6" Transmission Pipeline
- Proposed 8" Distribution Pipeline



**Descanso**  
**Figure 4 - Delineation of Wetlands and Other Waters**  
**of the U.S.**

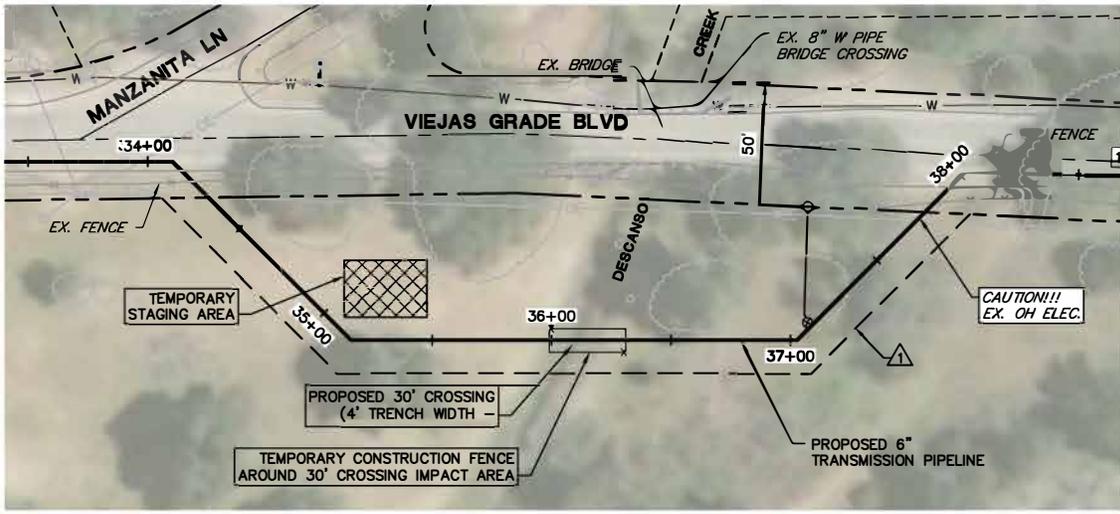
Project Number: SDB084308 Date: 11/30/2017 1:2,400

- Legend**
- Survey Area Boundary (0.34 Acres)
  - Wetlands (0.05 Acres)**
    - Freshwater Emergent Wetland
    - Freshwater Pond
    - Riverine (0.05 Acres)



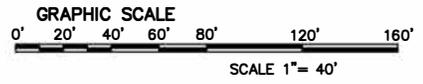
35+00 36+00 37+00 38+00

HORIZ. SCALE: 1"=40'  
 VERT. SCALE: 1" = 4'



**EASEMENTS**

▲ VARIABLE WIDTH DCWD EASEMENT PER  
 DOC NO. 2015-0455309



**TEMPORARY IMPACTS TO VEGETATION:** 30 LINEAR FEET; 120 SQUARE FEET  
**PERMANENT IMPACTS TO VEGETATION:** NO PERMANENT IMPACTS; TEMPORARY IMPACTS WILL BE RESTORED TO PRE-PROJECT CONTOURS AND RE-VEGETATED WITH NATIVE SPECIES AS DETERMINED AND OVERSEEN BY PROJECT BIOLOGIST.  
**VEGETATION SPECIES TO BE AFFECTED:** PER "BIOLOGICAL REPORT FOR THE DESCANSO COMMUNITY WATER DISTRICT PROJECT COUNTY OF SAN DIEGO, CALIFORNIA" PREPARED BY CUMMINGS AND ASSOCIATES, REVISED 28 NOVEMBER 2016, VEGETATION IN THE AREA OF THE DESCANSO CREEK CROSSING IS NON-NATIVE GRASSLAND.

REFERENCE NO: 852703:lhonma



15092 AVENUE OF SCIENCE, SUITE 200  
 SAN DIEGO, CA 92128  
 P: 858.385.0500 WWW.NV5.COM

**SITE PLANS  
 CRWQCB, SAN DIEGO REGION  
 WATER QUALITY CERTIFICATION**

PREPARED FOR: DCWD

DATE SUBMITTED: DEC 2018

FIGURE

5

JOB NUMBER  
 SDB084308

Descanso Community Water District  
Descanso Community Water District 2017 Water System Improvements Project  
Certification No. R9-2019-0060

**ATTACHMENT 3**  
**CEQA MITIGATION MONITORING AND REPORTING PROGRAM**

**Mitigation Monitoring and Reporting Plan**  
**for the**  
**Descanso Community Water District**  
**2017 Water System Improvements**

**CEQA Lead Agency:**  
**Descanso Community Water**  
**District**

**Prepared: August 22, 2017**

## Introduction

### Purpose

The Descanso Community Water District (The District) has prepared an Initial Study and Mitigated Negative Declaration (IS/MND) for the proposed Descanso Community Water District 2017 Water System Improvements Project. The proposed project consists of constructing a water treatment facility and replacing a segment of the distribution system in the community water system in Descanso, San Diego County, California.

As described in the IS/MND, the District supplies potable water service to its customers within its service area for residential and commercial use, obtaining all of its drinking water from wells that are owned and operated by the District. The water system improvements aim to address violations received from the State Water Resources Control Board, Division of Drinking Water (DDW) related to uranium, iron, and manganese levels in exceedance of maximum contaminant levels (MCLs), to improve overall drinking water quality, and to address water pressure deficiencies in portions of the distribution system.

It is anticipated that construction of the proposed improvements to the District's potable water system will be funded in part by USDA Rural Development. Agreements for the funding of construction phase activities have not been developed.

The District is proposing the following improvements to its potable water system:

- Construction of Joint Treatment Facility (Alternative TS1), which will include:
  - Installation of transmission new pipeline from Well No. 5 to Well No. 6
    - Utilization of existing pipelines as a part of the final pipeline route from Well No. 5 to Well No. 6
    - Fe/Mn Treatment Facility & Transmission Pipeline Preliminary Drawings
  - Construction of iron and manganese treatment facility
    - New block wall building at Well No. 6 to house treatment equipment.
    - Installation of backwash tank and associated appurtenances.

- Destruction of existing well house at Well No. 6
  - Installation of a permanent generator, automatic transfer switch, and propane tank at Well No. 6
  - Installation of a portable generator and manual transfer switch at Well No. 5
  - Removal of sequestering agent administration and associated equipment from Well No. 5
  - Installation of communication pole and programmable logic controller at Well No. 6
  - Installation of new distribution pipeline from Well No. 6 to existing distribution system along Viejas Boulevard
  - Rehabilitation of Well No. 6
- Communication pole at tank site.
- Magnetic flowmeters and groundwater level sensors at Well No. 5 and Well No. 6
- The replacement of existing high line with new underground transmission pipeline along Viejas Grade Road (Alternative P1)
- Staging and laydown areas

These improvements will treat iron, manganese, and blend uranium in a single location from two sources. A dedicated transmission pipeline allows water from Well No. 5 to blend with water from Well No. 6 and the existing high line will be replaced with a new permanent distribution pipeline along Viejas Grade Road.

The District, as the lead agency under the California Environmental Quality Act (CEQA), is responsible for overseeing the implementation and administration of this MMRP. The District will designate a staff member to manage the MMRP. Duties of the staff member responsible for plan coordination will include conducting routine inspections and reporting activities, coordinating with the project construction contractor, coordinating with regulatory agencies, and ensuring enforcement measures are taken.

## **Regulatory Framework**

California Public Resources Code Section 21081.6 and California Code of Regulations Title 14, Chapter 3, Section 15097 require public agencies to adopt mitigation monitoring or reporting plans when they approve projects under a MND. The reporting and monitoring plans must be adopted when a public agency makes its findings pursuant to CEQA so that the mitigation requirements can be made conditions of project approval.

## **Format of This Plan**

The MMRP describes the construction measures included in the proposed project and the mitigation measures identified in the IS/MND. This MMRP also includes a summary statement of the impact discussed in the IS/MND to correspond with the mitigation measure(s). Mitigation measures are followed by an implementation description, the criteria used to determine the effectiveness of the mitigation, the timeframe for implementation, and the party responsible for monitoring implementation of the measure.

Implementation of mitigation measures is ultimately the responsibility of the District; during construction, the delegated responsibility is shared by the construction contractor. Each mitigation measure in this plan contains a “Verified By” signature line, which will be signed by the District project manager when the measure has been fully implemented and no further actions or monitoring are necessary for the implementation or effectiveness of the measure.

## **Measures Included in the Proposed Project**

The construction contractor will be responsible for compliance with all applicable rules, regulations, and ordinances associated with proposed project activities and for implementing construction-related mitigation measures. Construction specifications will be in accordance with Standard Specifications and Special Provisions in force at the time the construction contract is awarded. The following standard construction practices will be implemented as part of the proposed project:

The District would retain a construction contractor for construction of the proposed project.

The contractor will be responsible for compliance with all applicable rules, regulations, and

ordinances associated with proposed project activities and for implementing construction-related mitigation measures. Construction activities will be in conformance with applicable California Occupational Safety and Health Administration (OSHA) provisions and OSHA excavation, trenching, and shoring standards, which are contained in the Code of Federal Regulations 29 1926.650-1926.653. In the event of a conflict, the District will comply with the most restrictive applicable requirements. Additional measures may be identified as mitigation measures in this document or in permits or other approvals required for the project.

Contractor would provide access to all private property owners during construction. Appropriate construction signage would be placed at the beginning and end of the work area and near all affected road intersections.

## Impacts and Associated Mitigation Measures

### Impact BR-1: Construction related disturbance to nesting birds and active nests

Mitigation Measure BR-1: Conduct pre-construction nesting bird surveys and protect active nests.

The District or its contractor shall retain a qualified biologist to conduct pre-construction surveys within 15 days prior to the start of construction activities within 250 feet of the work area for all pipeline segments (e.g., pipeline trench, staging areas) to look for nesting migratory birds between March and August. The survey will be repeated if work stops for more than one week during the nesting periods for these species. If active nest sites are found, the biologist shall identify appropriate conservation measures to protect the site(s). These measures may include, but are not limited to, establishing a construction-free buffer zone around the nest site, biological monitoring of the nest site, and delaying construction activities in the vicinity of the nest site until the young have dispersed.

- Implementation:** The District or its contractor will retain a biologist for preconstruction surveys, and the contractor will implement measures to protect special-status species.
- Timing:** Prior to and during construction
- Effectiveness Criteria:** Results of preconstruction survey will be in the project file.  
~~Goal is no impact to Arroyo Toad, if present.~~
- Monitoring:** The District will prepare and keep on file documentation verifying the implementation of the above referenced measure.

**Verified By:**

District Project Manager

Date:

**Impact CR-1: Construction-related disturbance on cultural resources**

Mitigation Measure CR-1: Protect cultural resources discovered during ground disturbing activities  
 A qualified archaeological/cultural monitor will coordinate ground-disturbing activities with the District. If a cultural component is identified during construction, further assessment of the find will be necessary and additional monitoring or archaeological testing may be required.

If human remains are discovered during ground disturbing construction activities, all activities in the vicinity of the find will be suspended and the San Diego County Medical Examiner - Coroner will be immediately notified. If the Medical Examiner, in consultation with the project’s Native American cultural resource monitor, determines that the remains may be those of a Native American, the Medical Examiner in coordination with the Native American cultural monitor will contact the Native American Heritage Commission.

Designation	Description	Project Component	Eligibility	Mitigation
DCWD-CS-014H	Historic Fence line	Transmission Line	Potentially Eligible	Avoid or evaluate resource
DCWD-CS-015H	Historic Road: Viejas Boulevard	Transmission Line	Potentially Eligible	Evaluate resource
DCWD-CS-018H	Historic Well Site	Laydown Yard	Potentially Eligible	Avoid or evaluate resource
DCWD-CS-019	Prehistoric Milling Feature	Laydown Yard	Potentially Eligible	Avoid or evaluate resource
DCWD-HM-001H	Historic Road: Viejas Grade Road	Distribution Line	Potentially Eligible	Evaluate resource

**Implementation:** The District or its contractor will retain an archaeological/cultural monitor during ground disturbing construction activities, as needed, and contractor will implement protection measures for cultural resources.

**Timing:** During construction

**Effectiveness Criteria:** Documentation of monitoring and any cultural resources discovered during ground disturbing construction activities will be

in the project file. Goal is no disturbance to cultural resources.

**Monitoring:**

The District will prepare and keep on file documentation verifying the implementation of the above referenced measure.

**Verified By:**

---

District Project Manager

Date:

**Impact NACR-1: Construction related disturbance to Native American Tribal Cultural Resources**

Mitigation Measure NACR-1: Protect Native American cultural resources during ground disturbing activities. A qualified Native American Cultural Monitor will be present during ground-disturbing activities in all areas within the project Area of Potential Effect (APE). If there is an inadvertent discovery of Native American cultural artifacts, cremation sites or humans during construction, further assessment of the find will be necessary and additional monitoring or archaeological testing may be required.

If human remains are discovered during construction activities, all activities in the vicinity of the find will be suspended and the Calaveras County Medical Examiner–Coroner will be immediately notified pursuant to Section 5097.98 of the Public Resources Code and Section 7050.5 of the Health and Safety Code. If the examiner-coroner determines, in consultation with the project’s Native American Cultural Monitor, that the remains may be those of a Native American, the coroner will contact the Native American Heritage Commission. Treatment of Native American human remains will be conducted in accordance with the direction of the Native American Cultural Monitor to the Most Likely Descendant and/or Native American tribe, as appropriate.

**Implementation:** Contractor will implement protection measures for Native American Tribal Cultural Resources during ground disturbing construction activities .

**Timing:** During construction

**Effectiveness Criteria:** Documentation of any Native American Tribal Cultural Resources or human resources discovered during ground disturbing construction activities and confirmed by the Native American monitor will be in the project file. Goal is no disturbance to human remains.

**Monitoring:** The District will prepare and keep on file documentation verifying the implementation of the above referenced measure.

**Verified By:** \_\_\_\_\_  
 District Project Manager Date: