

# INFORMATION HANDOUT

For Contract No. 11-282504

At 11-SD-15, 94, 805

-var

Identified by

Project ID 1100000315

## PERMITS

California Department of Fish and Wildlife

Notification No. 1600-2013-0265-R5, dated January 16, 2014

United States Army Corps of Engineers

Permit number: SPL-2014-00162-SJH, dated May 01, 2014

## WATER QUALITY

Regional Water Quality Control Board

San Diego Region

Board Certification No. R9-2013-0193, dated April 11, 2014

## MATERIALS INFORMATION

SR-94 Aerially Deposited Lead Study Report , dated June 17, 2010

Aerially Deposited Lead Sampling and Testing, Storm Water Mitigation Project on SR-94 and I-805, dated December 21, 2012

Geotechnical Design Reports for Percolation Tests, dated April 2013

Geotechnical Design Reports for Percolation Tests, dated July 2, 2012

Water Source Information

- City of San Diego, dated 6/30/2014
- Helix Water District, dated 6/18/2014



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region (Region 5)  
Habitat Conservation Planning  
3883 Ruffin Road  
San Diego, CA 92123  
Tel. No. (858) 467-4201/02  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN, Jr., Governor  
CHARLTON H. BONHAM, Director



January 16, 2014

Ed Hajj  
California Department of Transportation  
District 11  
4050 Taylor Street, MS-340  
San Diego, California 92110

Subject: Complete Notification of Lake or Streambed Alteration  
Notification No. 1600-2013-0265-R5  
Chollas Creek BMP Retrofit – Phase II

Dear Mr. Hajj:

The California Department of Fish and Wildlife (Department) has reviewed your Lake or Streambed Alteration Notification (Notification). We have determined that your project is subject to the notification requirement in Fish and Game Code Section 1602, including payment of the notification fee.

The Department has also determined that your project will not substantially adversely affect an existing fish or wildlife resource. As a result, you will not need a Streambed Alteration Agreement for your project. You are responsible for complying with all applicable local, state, and federal laws in completing your work. A copy of this letter and your notification with all attachments should be available at all times at the work site.

Please note that if you change your project so that it differs materially from the project you described in your original Notification, you will need to submit a new Notification and corresponding fee to the Department.

Thank you for notifying us of your project. If you have any questions, please contact me at (858) 467-4250 or [tim.dillingham@wildlife.ca.gov](mailto:tim.dillingham@wildlife.ca.gov).

Sincerely,

Tim Dillingham  
Staff Environmental Scientist

ec: Kim T. Smith, [Kim.T.Smith@dot.ca.gov](mailto:Kim.T.Smith@dot.ca.gov)

*Conserving California's Wildlife Since 1870*

Mr. Ed Hajj  
January 16, 2014  
Page 2 of 2

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Robert A. James, [Robert.A.James@dot.ca.gov](mailto:Robert.A.James@dot.ca.gov)

Pauline Lamphere, [Pauline.Lamphere@dot.ca.gov](mailto:Pauline.Lamphere@dot.ca.gov)



**DEPARTMENT OF THE ARMY**  
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
915 WILSHIRE BOULEVARD, SUITE 930  
LOS ANGELES, CALIFORNIA 90017-3401

May 1, 2014

Mr. Edward Hajj, Project Manager  
c/o Ms. Pauline Lamphere, Environmental Stewardship Branch  
California Department of Transportation, District 11  
4050 Taylor Street, MS-242  
San Diego, California 92110-2737

**DEPARTMENT OF THE ARMY NATIONWIDE PERMIT VERIFICATION**

Dear Mr. Hajj:

This letter is in reply to your request (SPL-2014-00162-SJH), dated February 18, 2014, for a Department of the Army permit for your proposed project, Caltrans State Route 94/Interstate 805 (SR-94/I-805) Chollas Creek Best Management Practices Retrofit Project, Phase II. The proposed project is located within Chollas Creek and a tributary to Chollas Creek, in the City of San Diego, San Diego County, California.

Because this project would result in a discharge of temporary dredged and/or fill material into waters of the United States a Department of the Army permit is required pursuant to Section 404 of the Clean Water Act (33 USC 1344; 33 CFR parts 323 and 330).

I have determined construction of your proposed project, if constructed as described in your application, would comply with Nationwide Permit (NWP) 33, Temporary Construction, Access, and Dewatering; and NWP 43, Stormwater Management Facilities. Specifically, and as shown in the enclosed figure(s), you are authorized to:

Location #1, Chollas Creek (lat/lon: 32.7173°N; -117.115117°W), figures 1 & 2:

1. Discharge temporary fill into 0.43 acres of non-wetland waters of the United States (U.S.). Remove concrete lining fill within 1,250-foot by 15-foot infiltration trench, place modular filter, and backfill.

Location #2, unnamed tributary to Chollas Creek (lat/lon: 32.734706°N; -117.112836°W), figure 3:

2. Discharge temporary fill into 0.28 acres of non-wetland waters of the U.S. Remove concrete lining fill within 1,000-foot by 12-foot infiltration trench, place modular filter, and backfill.

For this NWP verification letter to be valid, you must comply with all of the terms and conditions in Enclosure 1. Furthermore, you must comply with the non-discretionary Special Conditions listed below:

1. The Permittee shall abide by the terms and conditions of Clean Water Act (CWA) section 401, Water Quality Standards Certification Number R9-2013-0193, issued April 11, 2014.

2. Prior to initiating construction in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a complete set of final detailed grading/construction plans showing all work and structures in waters of the U.S. All plans shall be in compliance with the Final Map and Drawing Standards for the South Pacific Division Regulatory Program dated August 6, 2012 (<http://www.spd.usace.army.mil/Portals/13/docs/regulatory/standards/map.pdf>). All plan sheets shall be signed, dated, and submitted electronically or on paper no larger than 11x 17 inches. No work in waters of the U.S. is authorized until the Permittee receives, in writing (by letter or e-mail), Corps Regulatory Division approval of the final detailed grading/construction plans. The Permittee shall ensure that the project is built in accordance with the Corps-approved plans.

3 Within 45 calendar days of completion of authorized work in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a post-project implementation memorandum including the following information:

- A) Date(s) work within waters of the U.S. was initiated and completed;
- B) Summary of compliance status with each special condition of this permit (including any noncompliance that previously occurred or is currently occurring and corrective actions taken or proposed to achieve compliance);
- C) Color photographs (including map of photopoints) taken at the project site before and after construction for those aspects directly associated with permanent impacts to waters of the U.S. such that the extent of authorized fills can be verified;
- D) One copy of "as built" drawings for the entire project. Electronic submittal (Adobe PDF format) is preferred. All sheets must be signed, dated, and to-scale. If submitting paper copies, sheets must be no larger than 11 x 17 inches; and
- E) Signed Certification of Compliance (attached as part of this permit package).

4 The Permittee shall clearly mark the limits of the workspace with flagging or similar means to ensure mechanized equipment does not enter preserved waters of the U.S. and riparian wetland/habitat areas shown on Figures 1 thru 3. Adverse impacts to waters of the U.S. beyond the Corps-approved construction footprint are not authorized. Such impacts could result in permit suspension and revocation, administrative, civil or criminal penalties, and/or substantial, additional, compensatory mitigation requirements

5. No later than one month (30 days) following completion of authorized work in waters of the U.S., the permittee shall ensure all sites within waters of the U.S. subject to authorized, temporary impacts are restored to pre-project alignments, elevation contours, and conditions to the maximum extent practicable to ensure expeditious resumption of aquatic resource functions. No later than 45 calendar days following completion of authorized work in waters of the U.S., the permittee shall submit a memorandum documenting compliance with this special condition.

This verification is valid through March 18, 2017. If on March 18, 2017 you have commenced or are under contract to commence the permitted activity you will have an additional twelve (12) months to complete the activity under the present NWP terms and conditions. However, if I discover noncompliance or unauthorized activities associated with the permitted activity I may request the use of discretionary authority in accordance with procedures in 33 CFR § 330.4(e) and 33 CFR § 330.5(c) or (d) to modify, suspend, or revoke this specific verification at an earlier date. Additionally, at the national level the Chief of Engineers, any time prior to March 18, 2017, may chose to modify, suspend, or revoke the nationwide use of a NWP after following procedures set forth in 33 CFR § 330.5. It is incumbent upon you to comply with all of the terms and conditions of this NWP verification and to remain informed of any change to the NWPs.

A NWP does not grant any property rights or exclusive privileges. Additionally, it does not authorize any injury to the property, rights of others, nor does it authorize interference with any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, state, or local authorizations required by law.

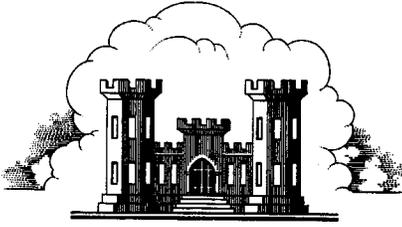
Thank you for participating in the regulatory program. If you have any questions, contact Stephanie Hall at (213) 452-3410 or via e-mail at [stephanie.j.hall@usace.army.mil](mailto:stephanie.j.hall@usace.army.mil). Please help me to evaluate and improve the regulatory experience for others by completing the customer survey form at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey).

Sincerely,



Mark D. Cohen  
Deputy Chief, Regulatory Division

Enclosures



**LOS ANGELES DISTRICT  
U.S. ARMY CORPS OF ENGINEERS**

**CERTIFICATE OF COMPLIANCE WITH  
DEPARTMENT OF THE ARMY NATIONWIDE PERMIT**

**Permit Number:** *SPL-2014-00162-SJH*

**Name of Permittee:** *Ed Hajj, CALTRANS-District 11*

**Date of Issuance:** *May 1, 2014*

Upon completion of the activity authorized by this permit and the mitigation required by this permit, sign this certificate, and return it by **ONE** of the following methods;

1) Email a digital scan of the signed certificate to [Stephanie.J.Hall@usace.army.mil](mailto:Stephanie.J.Hall@usace.army.mil)  
**OR**

2) Mail the signed certificate to

U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Regulatory Division SPL-2014-00162-SJH  
915 Wilshire Boulevard, Suite 930  
Los Angeles, California 90017-3401

I hereby certify that the authorized work and any required compensatory mitigation has been completed in accordance with the NWP authorization, including all general, regional, or activity-specific conditions. Furthermore, if credits from a mitigation bank or in-lieu fee program were used to satisfy compensatory mitigation requirements I have attached the documentation required by 33 CFR 332.3(1)(3) to confirm that the appropriate number and resource type of credits have been secured.

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Signature of Permittee

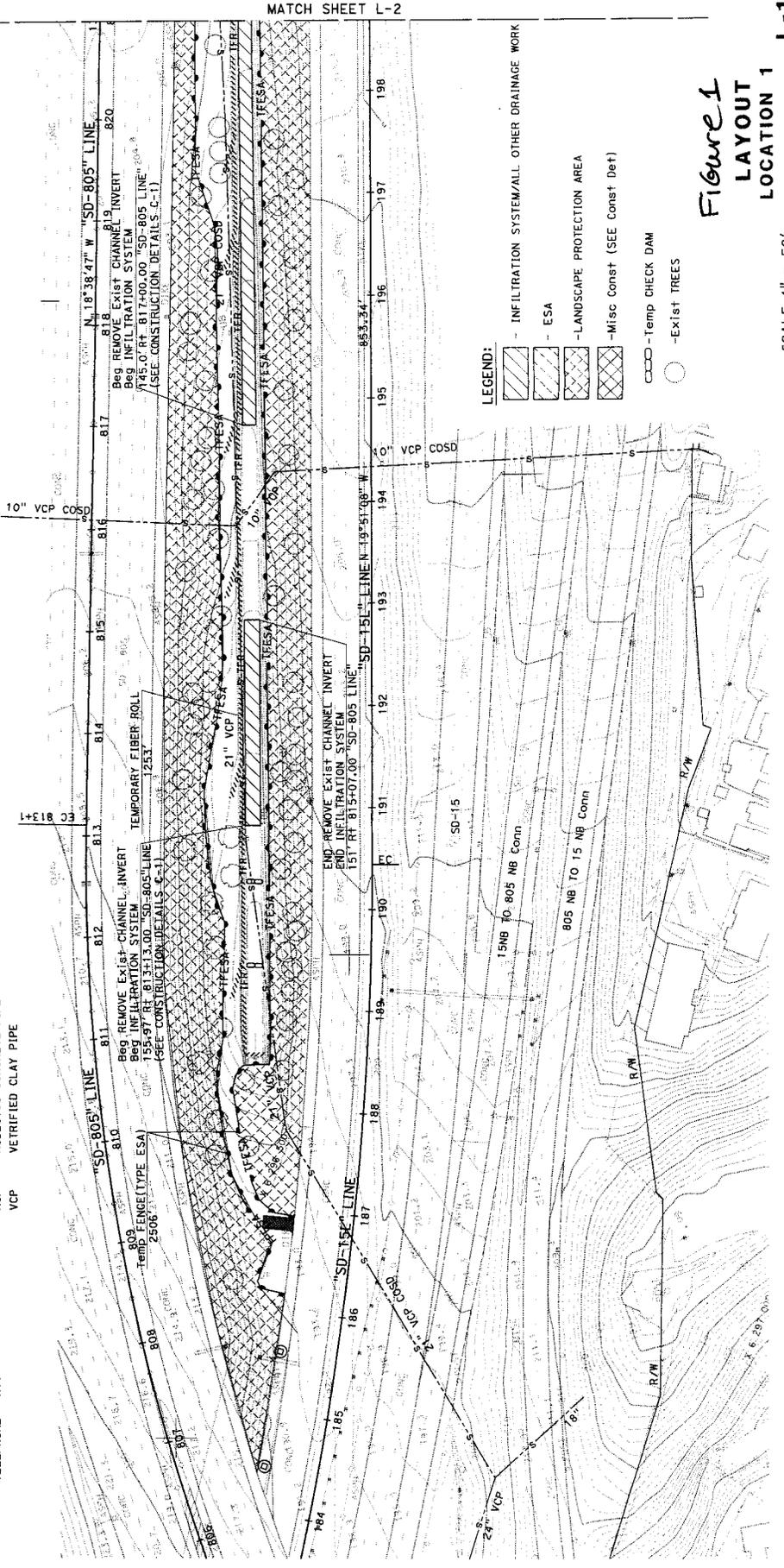
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Date

DISTRICT COUNTY ROUTE SHEET TOTAL  
 11 SD 1534 805 VOT SHEETS  
 PROJECT No. 066163  
 No. 06-30-14  
 REGISTERED CIVIL ENGINEER DATE  
 ABUL MALIKYAR  
 PLANS APPROVAL DATE  
 THE STATE OF CALIFORNIA OR ITS OFFICERS  
 THE ACCURACY OR COMPLETENESS OR REASONABLE  
 CONFORMITY OF THIS PLAN SHEET.

- NOTES:**
- FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.
  - FOR DRAINAGE SYSTEM INFORMATION, SEE DRAINAGE PROFILE SHEETS.
  - EXISTING UTILITY FACILITIES HAVE NOT BEEN PLOTTED ON PORTIONS OF THESE PLANS.
  - CONTRACTOR TO VERIFY TIE-IN ELEVATIONS PRIOR TO ORDERING AND FABRICATING OF MATERIALS.
  - NO STORAGE OF MATERIALS AND EQUIPMENT IS ALLOWED WITHIN LANDSCAPE PROTECTION AREA.
  - UTILITY OWNERSHIP:
    - GAS - SDG&E
    - ELECTRIC - SDG&E
    - WATER - CITY OF SAN DIEGO
    - WATER - HELIX WATER
    - SEWER - CITY OF LA MESA (COLM)
    - SEWER - CITY OF LEMON GROVE (COLG)
    - SEWER - CITY OF SAN DIEGO (COSD)
    - TELEPHONE - ATT

- ABBREVIATIONS:**
- DI DUCTILE IRON
  - SCRW STEEL CYLINDER ROD WRAPPED
  - RCSC REINFORCED CONCRETE STEEL CYLINDER
  - UNK UNKNOWN
  - VCE VITRIFIED CLAY EXTRA STRENGTH
  - ACP ASBESTOS CONCRETE PIPE
  - VCP VETRIFIED CLAY PIPE



- LEGEND:**
- INFILTRATION SYSTEM/WALL OTHER DRAINAGE WORK
  - ESA
  - LANDSCAPE PROTECTION AREA
  - Misc Const (SEE Const Def)
  - Temp CHECK DAM
  - EXIST TREES

**Figure 1**  
**LAYOUT**  
**LOCATION 1**

SCALE 1" = 50'

|  |        |             |            |                |           |             |
|--|--------|-------------|------------|----------------|-----------|-------------|
| STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION | DESIGN | EDWARD HALL | CHECKED BY | ABDUL MALIKYAR | REVISD BY | DATE REVISD |
| FUNCTIONAL SUPERVISOR                              |        |             |            |                |           |             |
| CALCULATED-  |        |             |            |                |           |             |
| DESIGNED BY  |        |             |            |                |           |             |

|      |        |       |               |       |              |
|------|--------|-------|---------------|-------|--------------|
| DIST | COUNTY | ROUTE | POST MILES    | SHEET | TOTAL SHEETS |
| 11   | SD     | 805   | 15.94         |       |              |
|      |        |       | TOTAL PROJECT |       |              |
|      |        |       | 805           |       |              |
|      |        |       | VOL           |       |              |
|      |        |       |               |       |              |

|                           |      |
|---------------------------|------|
| REGISTERED CIVIL ENGINEER | DATE |
| ABDUL MALKIYAR            |      |
| PLANS APPROVAL DATE       |      |
| NO. 066169                |      |
| EXPIRES 06-30-14          |      |
| CIVIL                     |      |

REGISTERED PROFESSIONAL ENGINEER  
STATE OF CALIFORNIA

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF THE DISTRICT OFFICE. NO PART OF THESE PLANS SHALL BE REPRODUCED OR COPIED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF THE DISTRICT OFFICE.

NOTES:  
1. FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

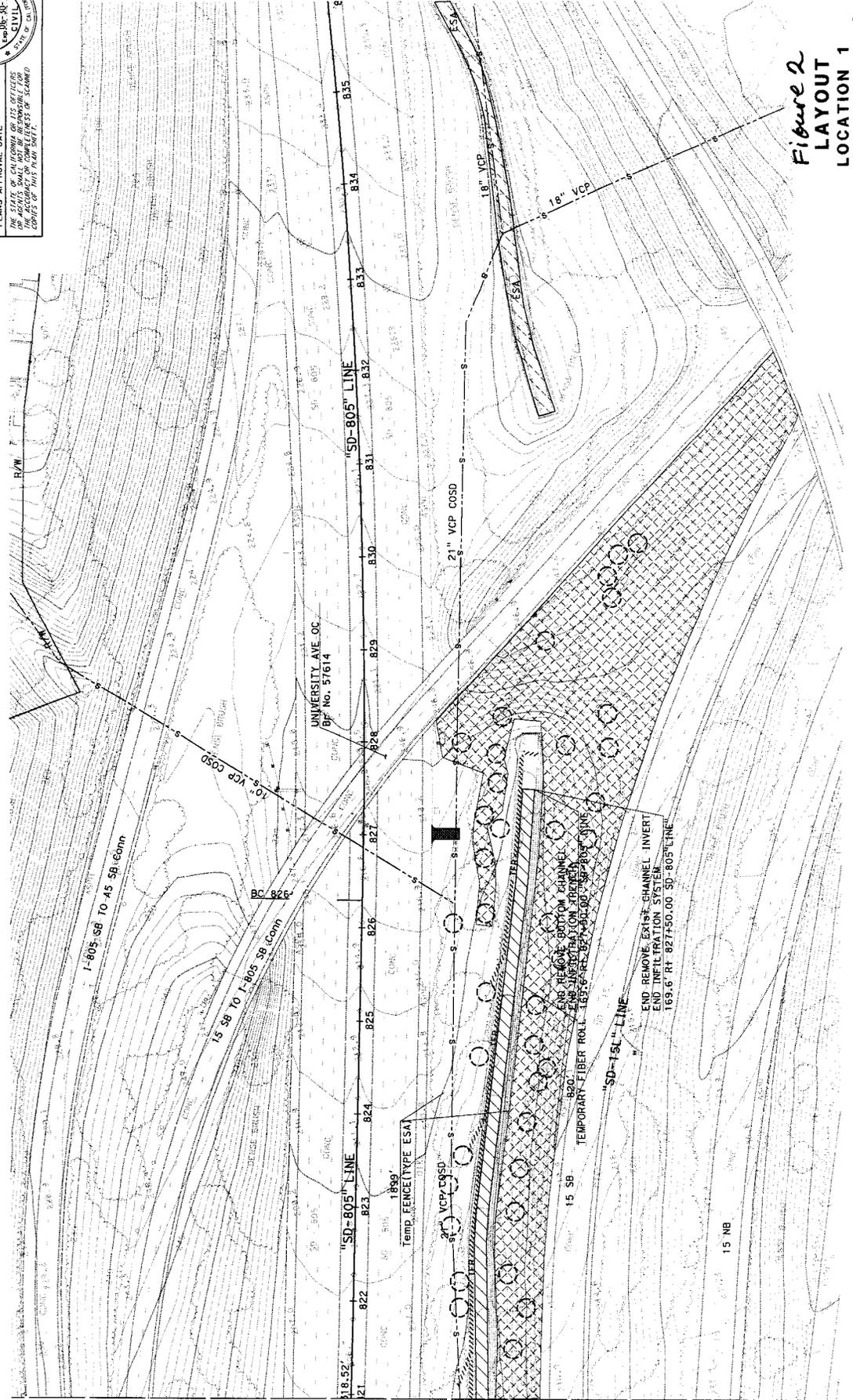


Figure 2  
LAYOUT  
LOCATION 1 L-2

SCALE 1" = 50'

PROJECT NUMBER & PHASE 11000003151

UNIT 2761

RELATIVE HORIZONTAL SCALE 1" = 100'

USERNAME: s115131  
DWG FILE: 1100000315e002.dwg

NUMBER: LAST REVISED 7/27/2010

|  |             |             |                       |
|--|-------------|-------------|-----------------------|
| STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION | DESIGN      | EDWARD HAJI | FUNCTIONAL SUPERVISOR |
| ABDUL MALKIYAR                                     | DESIGNED BY | EDWARD HAJI | CHECKED BY            |
|  | REVISED BY  |             | DATE REVISED          |



## **Enclosure 1: NATIONWIDE PERMIT NUMBER(S) NWP 33 Temporary Construction, Access, and Dewatering. TERMS AND CONDITIONS**

### **1. Nationwide Permit(s) NWP 33 Temporary Construction, Access, and Dewatering. Terms:**

Your activity is authorized under Nationwide Permit Number(s) NWP 33 Temporary Construction, Access, and Dewatering, subject to the following terms:

**33. Temporary Construction, Access, and Dewatering.** Temporary structures, work, and discharges, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites, provided that the associated primary activity is authorized by the Corps of Engineers or the U.S. Coast Guard. This NWP also authorizes temporary structures, work, and discharges, including cofferdams, necessary for construction activities not otherwise subject to the Corps or U.S. Coast Guard permit requirements. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Fill must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. The use of dredged material may be allowed if the district engineer determines that it will not cause more than minimal adverse effects on aquatic resources. Following completion of construction, temporary fill must be entirely removed to upland areas, dredged material must be returned to its original location, and the affected areas must be restored to pre-construction elevations. The affected areas must also be revegetated, as appropriate. This permit does not authorize the use of cofferdams to dewater wetlands or other aquatic areas to change their use. Structures left in place after construction is completed require a section 10 permit if located in navigable waters of the United States. (See 33 CFR part 322.) Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 27). The pre-construction notification must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions. (Sections 10 and 404)

## **Enclosure 1: NATIONWIDE PERMIT NUMBER(S) NWP 43 Stormwater Management Facilities. TERMS AND CONDITIONS**

### **2. Nationwide Permit(s) NWP 43 Stormwater Management Facilities. Terms:**

Your activity is authorized under Nationwide Permit Number(s) NWP 43 Stormwater Management Facilities, subject to the following terms:

**43. Stormwater Management Facilities.** Discharges of dredged or fill material into non-tidal waters of the United States for the construction and maintenance of stormwater management facilities, including the excavation of stormwater ponds/facilities, detention basins, and retention basins; the installation and maintenance of water control structures, outfall structures and emergency spillways; and the maintenance dredging of existing stormwater management ponds/facilities and detention and retention basins. The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds this 300 linear foot limit is waived in writing by the district engineer. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters. This NWP does not authorize discharges of dredged or fill material for the construction of new stormwater management facilities in perennial streams. Notification: For the construction of new stormwater management facilities, or the expansion of existing stormwater management facilities, the permittee must submit a pre-construction notification to the district engineer prior to commencing

the activity. (See general condition 27.) Maintenance activities do not require pre-construction notification if they are limited to restoring the original design capacities of the stormwater management facility. (Section 404)

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP.

**3. Nationwide Permit General Conditions:** The following general conditions must be followed in order for any authorization by an NWP to be valid:

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.  
(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.  
(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.
3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.
6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.
8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.
9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).
10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.
11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.
12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.
14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.
15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.
16. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the

designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
18. Endangered Species.
  - (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.
  - (b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.
  - (c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed work or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have “no effect” on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.
  - (d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.
  - (e) Authorization of an activity by a NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the U.S. FWS or the NMFS, The Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.noaa.gov/fisheries.html> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.
  
20. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.  
(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultation is necessary.  
(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.  
(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
22. Designated Critical Resource Waters. Critical resource waters include NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.
  - (a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.
  - (b) For NWP 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.
23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:
  - (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).
  - (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.

(2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(3) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) – (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(5) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient.

Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.
25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.
26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.
27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.
28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

\_\_\_\_\_  
(Transferee)

\_\_\_\_\_  
(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:
- (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
  - (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
  - (c) The signature of the permittee certifying the completion of the work and mitigation.
31. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer.

However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

- (1) Name, address and telephone numbers of the prospective permittee;
- (2) Location of the proposed project;
- (3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);
- (4) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;
- (5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWP and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States, for NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of intermittent and ephemeral stream bed, and for all NWP 48 activities that require pre-construction notification, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat

conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

#### 4. **Regional Conditions for the Los Angeles District:**

In accordance with General Condition Number 27, "Regional and Case-by-Case Conditions," the following Regional Conditions, as added by the Division Engineer, must be met in order for an authorization by any Nationwide to be valid:

1. For all activities in waters of the U.S. that are suitable habitat for federally listed fish species, the permittee shall design all road crossings to ensure that the passage and/or spawning of fish is not hindered. In these areas, the permittee shall employ bridge designs that span the stream or river, including pier- or pile-supported spans, or designs that use a bottomless arch culvert with a natural stream bed, unless determined to be impracticable by the Corps.
2. Nationwide Permits (NWP) 3, 7, 12-15, 17-19, 21, 23, 25, 29, 35, 36, or 39-46, 48-52 cannot be used to authorize structures, work, and/or the discharge of dredged or fill material that would result in the "loss" of wetlands, mudflats, vegetated shallows or riffle and pool complexes as defined at 40 CFR Part 230.40-45. The definition of "loss" for this regional condition is the same as the definition of "loss of waters of the United States" used for the Nationwide Permit Program. Furthermore, this regional condition applies only within the State of Arizona and within the Mojave and Sonoran (Colorado) desert regions of California. The desert regions in California are limited to four USGS Hydrologic Unit Code (HUC) accounting units (Lower Colorado -150301, Northern Mojave-180902, Southern Mojave-181001, and Salton Sea-181002).
3. When a pre-construction notification (PCN) is required, the appropriate U.S. Army Corps of Engineers (Corps) District shall be notified in accordance with General Condition 31 using either the South Pacific Division PCN Checklist or a signed application form (ENG Form 4345) with an attachment providing information on compliance with all of the General and Regional Conditions. The PCN Checklist and application form are available at: <http://www.spl.usace.army.mil/missions/regulatory>. In addition, the PCN shall include:
  - a. A written statement describing how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States;
  - b. Drawings, including plan and cross-section views, clearly depicting the location, size and dimensions of the proposed activity as well as the location of delineated waters of the U.S. on the site. The drawings shall contain a title block, legend and scale, amount (in cubic yards) and area (in acres) of fill in Corps jurisdiction, including both permanent and temporary fills/structures. The ordinary high water mark or, if tidal waters, the mean high water mark and high tide line, should be shown (in feet), based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation. All drawings for projects located within the boundaries of the Los Angeles District shall comply with the most current version of the *Map and Drawing Standards for the Los Angeles District Regulatory Division* (available on the Los Angeles District Regulatory Division website at: [www.spl.usace.army.mil/missions/regulatory/](http://www.spl.usace.army.mil/missions/regulatory/)); and

- c. Numbered and dated pre-project color photographs showing a representative sample of waters proposed to be impacted on the project site, and all waters proposed to be avoided on and immediately adjacent to the project site. The compass angle and position of each photograph shall be documented on the plan-view drawing required in subpart b of this regional condition.
4. Submission of a PCN pursuant to General Condition 31 and Regional Condition 3 shall be required for all regulated activities in the following locations:
  - a. All perennial waterbodies and special aquatic sites within the State of Arizona and within the Mojave and Sonoran (Colorado) desert regions of California, excluding the Colorado River in Arizona from Davis Dam to River Mile 261 (northern boundary of the Fort Mojave Indian Tribe Reservation). The desert region in California is limited to four USGS HUC accounting units (Lower Colorado -150301, Northern Mojave-180902, Southern Mojave-181001, and Salton Sea-181002).
  - b. All areas designated as Essential Fish Habitat (EFH) by the Pacific Fishery Management Council (i.e., all tidally influenced areas - Federal Register dated March 12, 2007 (72 FR 11092)), in which case the PCN shall include an EFH assessment and extent of proposed impacts to EFH. Examples of EFH habitat assessments can be found at: <http://www.swr.noaa.gov/efh.htm>.
  - c. All watersheds in the Santa Monica Mountains in Los Angeles and Ventura counties bounded by Calleguas Creek on the west, by Highway 101 on the north and east, and by Sunset Boulevard and Pacific Ocean on the south.
  - d. The Santa Clara River watershed in Los Angeles and Ventura counties, including but not limited to Aliso Canyon, Agua Dulce Canyon, Sand Canyon, Bouquet Canyon, Mint Canyon, South Fork of the Santa Clara River, San Francisquito Canyon, Castaic Creek, Piru Creek, Sespe Creek and the main-stem of the Santa Clara River.
5. Individual Permits shall be required for all discharges of fill material in jurisdictional vernal pools, with the exception that discharges for the purpose of restoration, enhancement, management or scientific study of vernal pools may be authorized under NWP 5, 6, and 27 with the submission of a PCN in accordance with General Condition 31 and Regional Condition 3.
6. Individual Permits shall be required in Murrieta Creek and Temecula Creek watersheds in Riverside County for new permanent fills in perennial and intermittent watercourses otherwise authorized under NWP 29, 39, 42 and 43, and in ephemeral watercourses for these NWP 29, 39, 42 and 43 for projects that impact greater than 0.1 acre of waters of the United States. In addition, when NWP 14 is used in conjunction with residential, commercial, or industrial developments the 0.1 acre limit would also apply.
7. Individual Permits (Standard Individual Permit or 404 Letter of Permission) shall be required in San Luis Obispo Creek and Santa Rosa Creek in San Luis Obispo County for bank stabilization projects, and in Gaviota Creek, Mission Creek and Carpinteria Creek in Santa Barbara County for bank stabilization projects and grade control structures.
8. In conjunction with the Los Angeles District's Special Area Management Plans (SAMPs) for the San Diego Creek Watershed and San Juan Creek/Western San Mateo Creek Watersheds in Orange County, California, the Corps' Division Engineer, through his discretionary authority has revoked the use of the following 26 selected NWP 29, 39, 42 and 43 within these SAMP watersheds: 03, 07, 12, 13, 14, 16, 17, 18, 19, 21, 25, 27, 29, 31, 33, 39, 40, 41, 42, 43, 44, 46, 49, and 50. Consequently, these NWP 29, 39, 42 and 43 are no longer available in those watersheds to authorize impacts to waters of the United States from discharges of dredged or fill

material under the Corps' Clean Water Act section 404 authority.

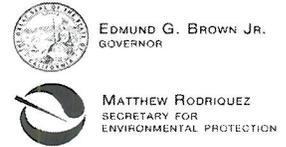
9. Any requests to waive the 300 linear foot limitation for intermittent and ephemeral streams for NWP 29, 39, 40 and 42, 43, 44, 51 and 52 or to waive the 500 linear foot limitation along the bank for NWP 13, must include the following:
    - a. A narrative description of the stream. This should include known information on: volume and duration of flow; the approximate length, width, and depth of the waterbody and characters observed associated with an Ordinary High Water Mark (e.g. bed and bank, wrack line, or scour marks); a description of the adjacent vegetation community and a statement regarding the wetland status of the associated vegetation community (i.e. wetland, non-wetland); surrounding land use; water quality; issues related to cumulative impacts in the watershed, and; any other relevant information.
    - b. An analysis of the proposed impacts to the waterbody in accordance with General Condition 31 and Regional Condition 3;
    - c. Measures taken to avoid and minimize losses, including other methods of constructing the proposed project; and
    - d. A compensatory mitigation plan describing how the unavoidable losses are proposed to be compensated, in accordance with 33 CFR Part 332.
  10. The permittee shall complete the construction of any compensatory mitigation required by special condition(s) of the NWP verification before or concurrent with commencement of construction of the authorized activity, except when specifically determined to be impracticable by the Corps. When mitigation involves use of a mitigation bank or in-lieu fee program, the permittee shall submit proof of payment to the Corps prior to commencement of construction of the authorized activity.
- 5. Further information:**
1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
    - Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
    - Section 404 of the Clean Water Act (33 U.S.C. 1344).
    - Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
  2. Limits of this authorization.
    - (a) This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
    - (b) This permit does not grant any property rights or exclusive privileges.
    - (c) This permit does not authorize any injury to the property or rights of others.
    - (d) This permit does not authorize interference with any existing or proposed Federal project.
  3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
    - (a) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
    - (b) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
    - (c) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

- (d) Design or construction deficiencies associated with the permitted work.
- (e) Damage claims associated with any future modification, suspension, or revocation of this permit.

4. **Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
  - (a) You fail to comply with the terms and conditions of this permit.
  - (b) The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
  - (c) Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 330.5 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. This letter of verification is valid for a period not to exceed two years unless the nationwide permit is modified, reissued, revoked, or expires before that time.
7. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition H below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
8. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of your permit.



## 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:

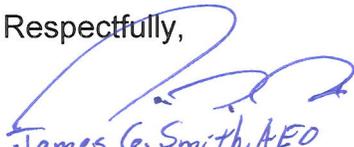
Enclosed find Clean Water Act Section 401 Water Quality Certification No. R9-2013-0193 (Certification) issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board ) in response to the application submitted by State of California, Department of Transportation (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:mpporter. For questions or comments, please contact Mike Porter by telephone at (619) 521-3967 or by email at [mike.porter@waterboards.ca.gov](mailto: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](mailto: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](mailto:Tim.Dillingham@wildlife.ca.gov)

U.S. EPA, OWOW, Region 9  
[R9-WTR8-Mailbox@epa.gov](mailto: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](mailto: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

- 3 -

April 11, 2014

Ms. Kim Smith, Chief  
Environmental Stewardship & Ecological Studies  
Caltrans District 11  
kim.t.smith@dot.ca.gov

Mr. Robert James, Acting Chief  
Environmental Stewardship & Ecological Studies  
Caltrans District 11  
robert.a.james@dot.ca.gov

Constantine Kontaxis, Chief  
NPDES  
Caltrans District 11  
constantine.kontaxis@dot.ca.gov

Pauline Lamphere  
EP-Natural Sciences  
Caltrans District 11  
pauline.lamphere@dot.ca.gov

# 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/go\\_wdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/go_wdr401regulated_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)<sup>1</sup> 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.

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<sup>1</sup> 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](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 CEQA<sup>2</sup>.
- 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](mailto:mike.porter@waterboards.ca.gov)

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<sup>2</sup> 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

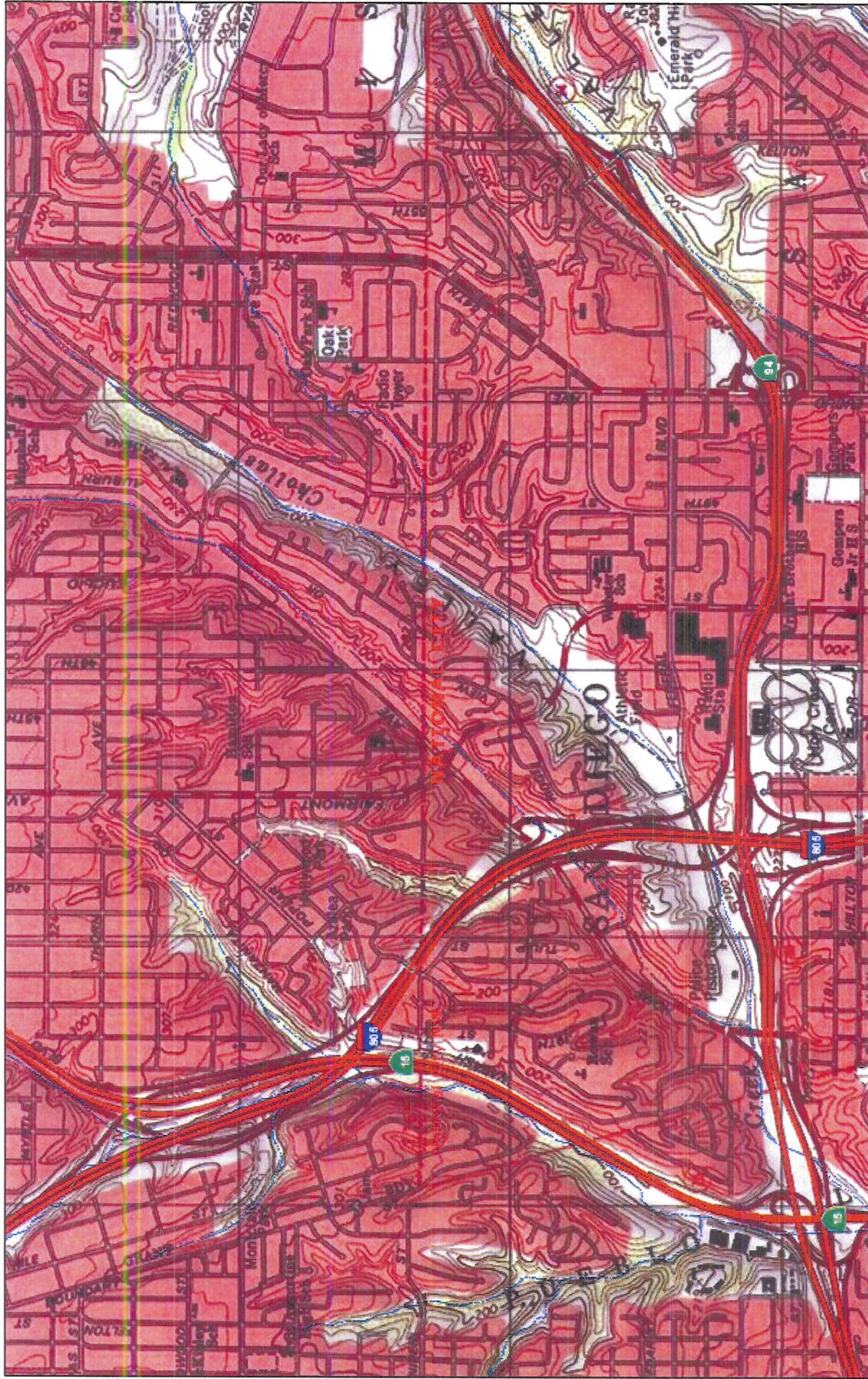
**ATTACHMENT 2  
PROJECT LOCATION MAPS**



**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

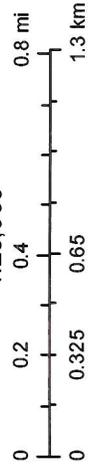


November 6, 2013

Interstate and State Route Shields (dynamic)

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

1:23,999



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

**ATTACHMENT 3  
PROJECT SITE PLANS**

# Infiltration Trench Location #1 & 2

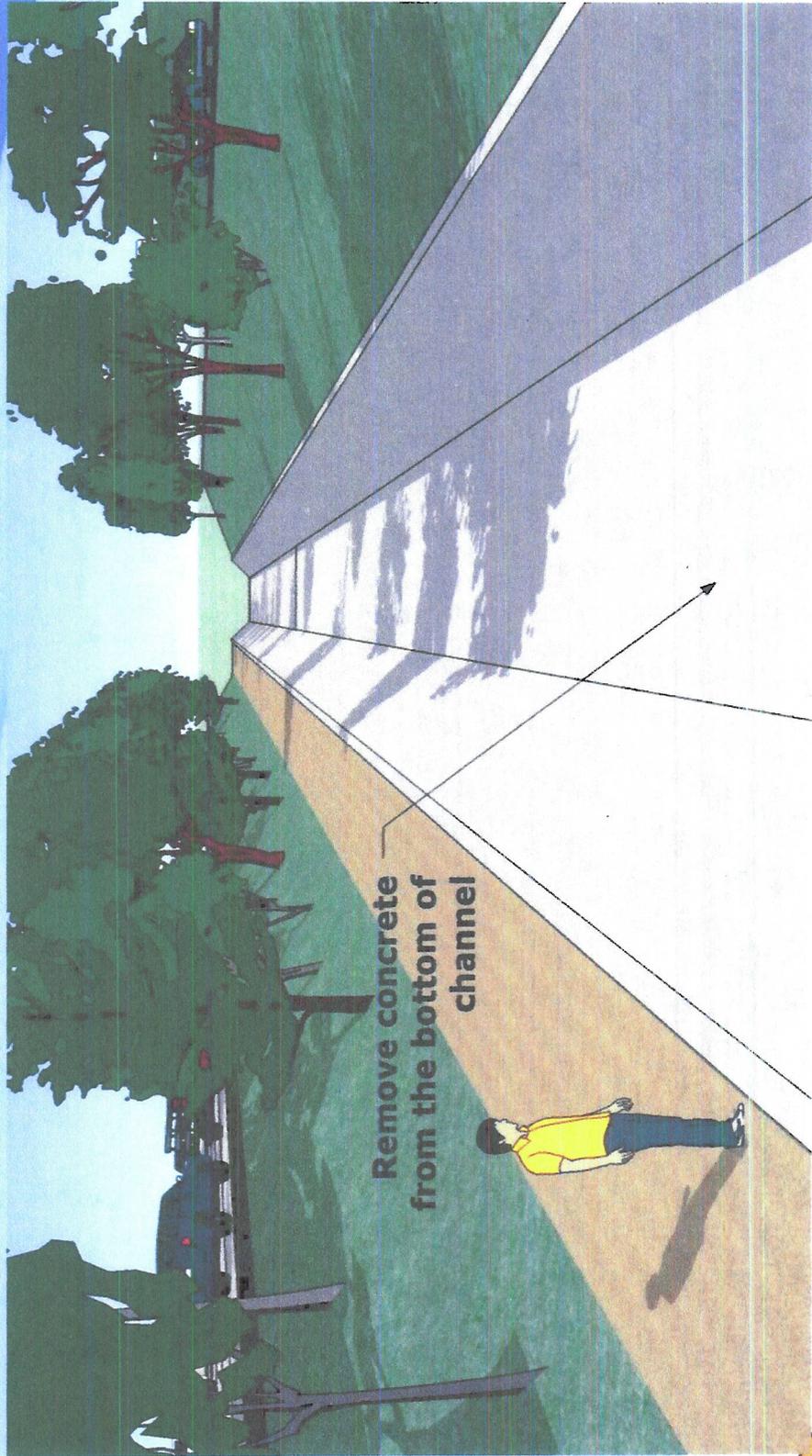
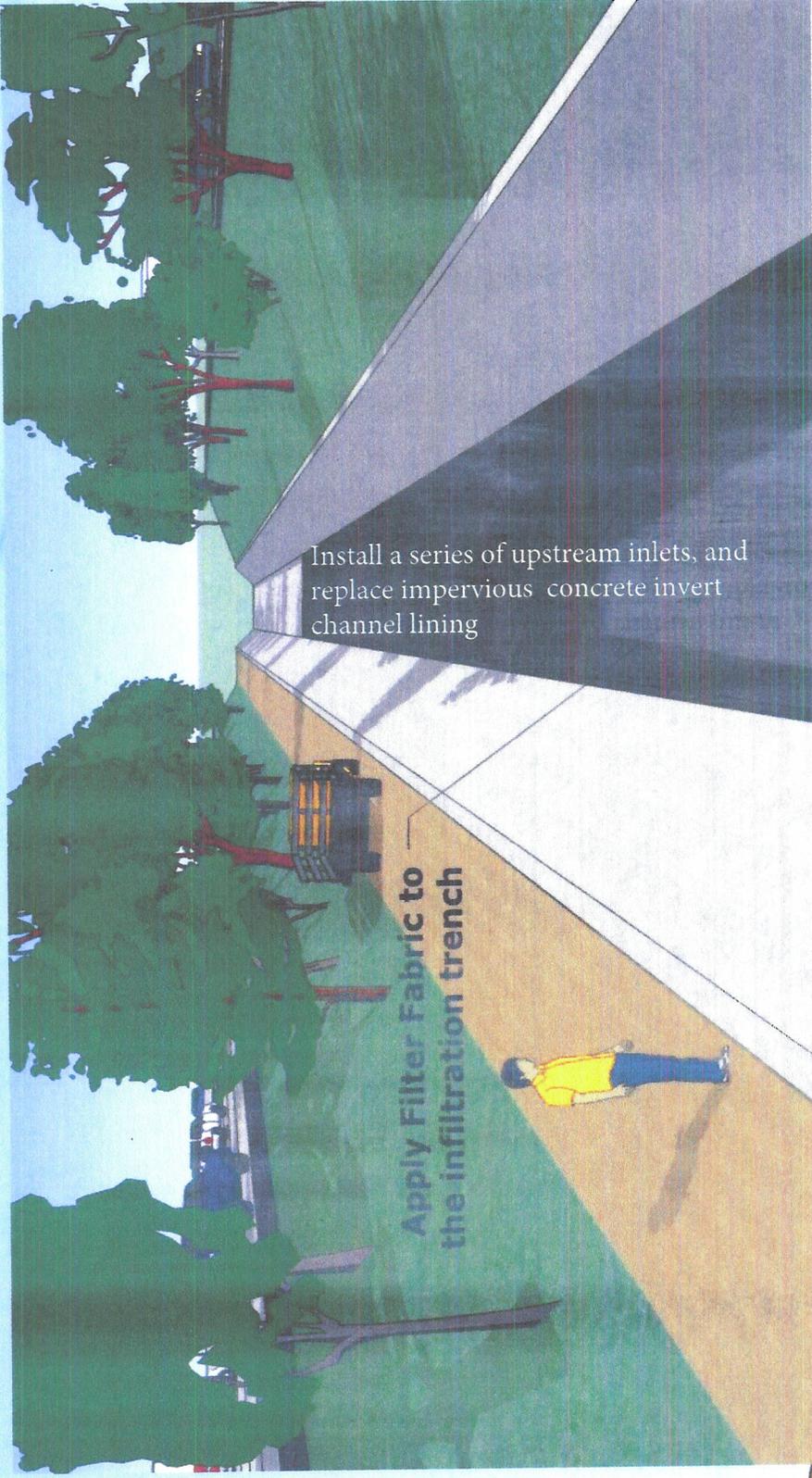


Photo #1



# Infiltration Trench Location # 1 & 2



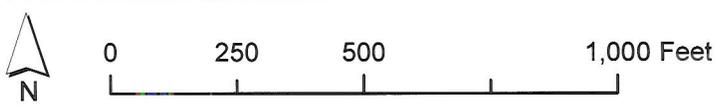
Install a series of upstream inlets, and replace impervious concrete invert channel lining

Apply Filter Fabric to the infiltration trench



Photo 2

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



 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

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

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

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

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

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

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

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

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



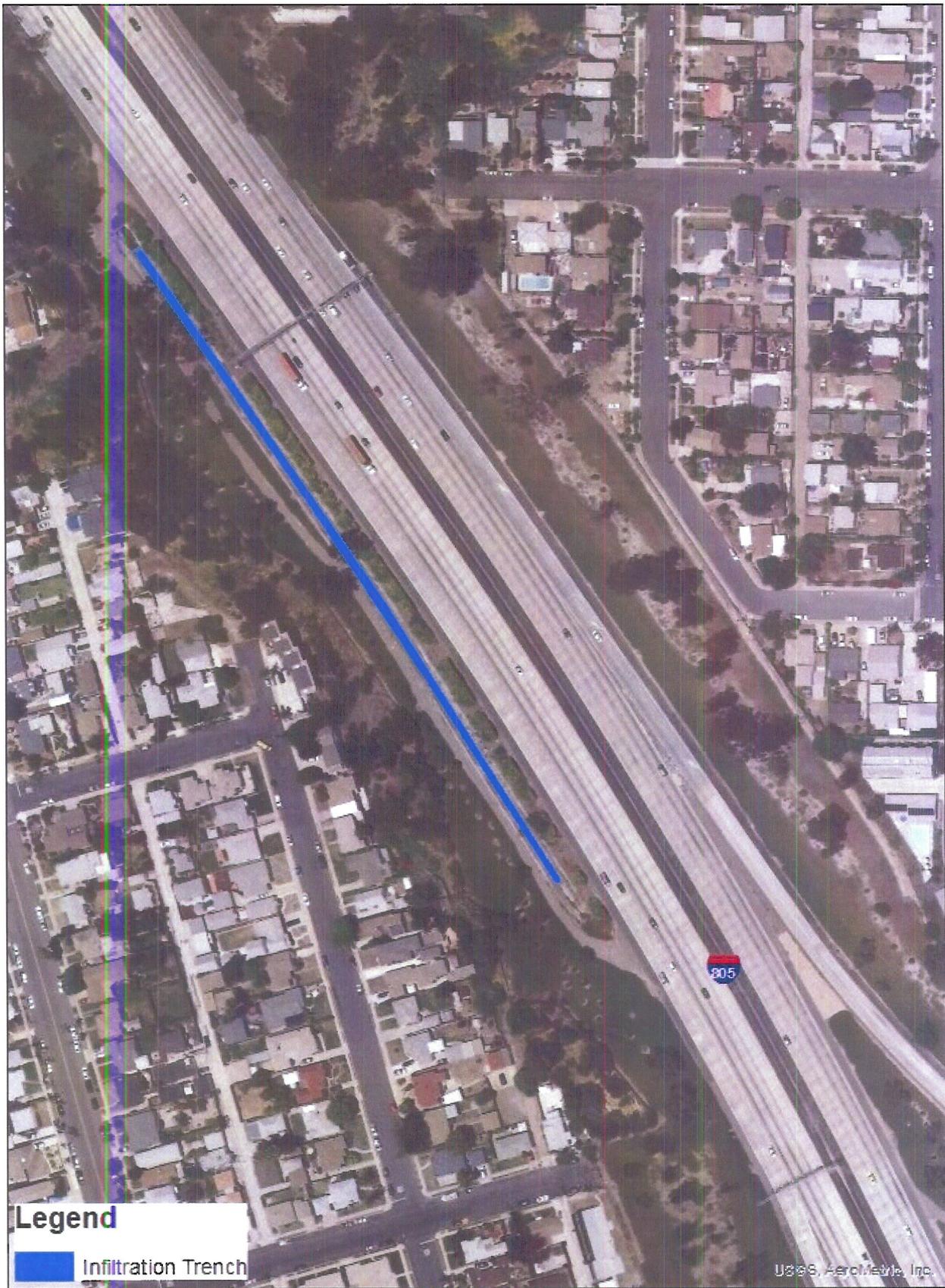


Figure 2. Infiltration Trench - Location 2

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 Ft<sup>2</sup>

Excavated Volume 1 = A x D

D = 6.5 FT To Invert

EV1 = 77,220 Ft<sup>3</sup>

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

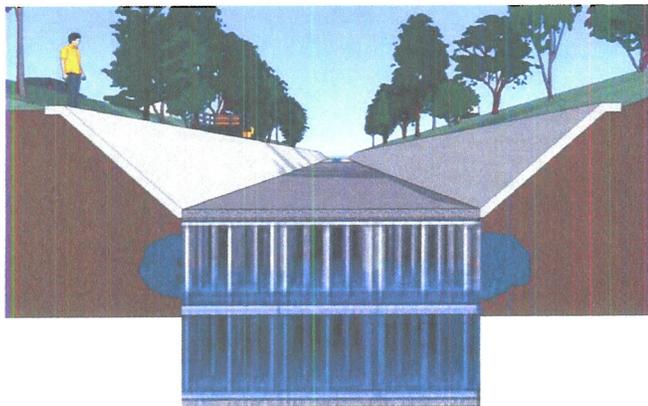
WQV = 46,094 Ft<sup>3</sup>

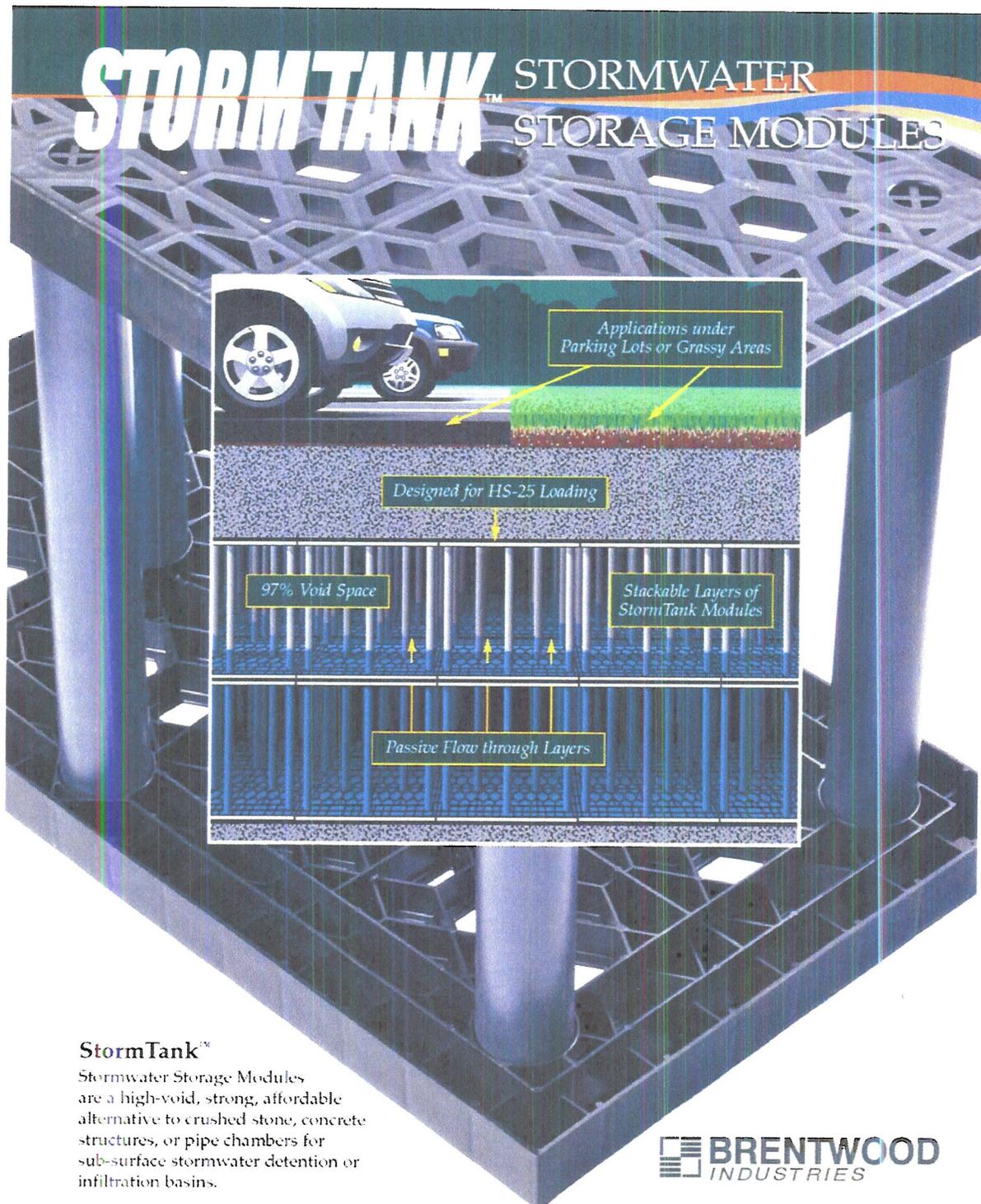
WQV = A x C x D<sub>RWQCB</sub>

A = WQV / (C x D<sub>RWQCB</sub>)

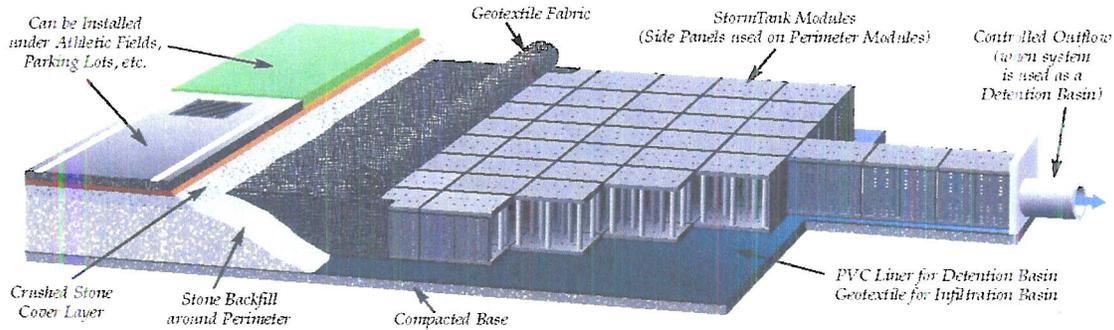
A = 1,024,320 Ft<sup>2</sup> (Contributing Drainage Area)

A = 23.5 Acres (Contributing Drainage Area)

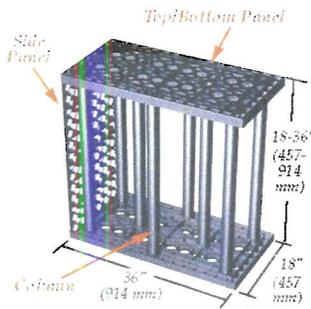




# STORMTANK™ STORMWATER STORAGE SYSTEM



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

Brentwood Industries, Inc.  
 Mailing Address P.O. Box 605, Reading, PA 19603, USA  
 Shipping Address 610 Morgantown Rd., Reading, PA 19611  
 Phone 610.236.1100 Fax 610.736.1280  
 Email [wwwsales@brentw.com](mailto:wwwsales@brentw.com)  
 Website [www.BrentwoodProcess.com](http://www.BrentwoodProcess.com)

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Printed 11/08

**SR-94  
AERIALY DEPOSITED LEAD STUDY REPORT  
SR-94 HOV, GENERAL USE, AUXILLARY LANES  
BETWEEN I-5 AND I-805  
SR-94 PM 1.4 TO 4.4, AND SR-15 R0.655 TO R3.4  
SAN DIEGO, CALIFORNIA**

**CALTRANS CONTRACT NO. 11A1638  
EA 11-287100**

**June 17, 2010**

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All Rights Reserved**

**Only the client or its designated representatives may use this document and  
only for the specific project for which this report was prepared.**

|                                      |             |             |              | 1,000       | 5.0         | -           | -       | -        |           |
|--------------------------------------|-------------|-------------|--------------|-------------|-------------|-------------|---------|----------|-----------|
|                                      |             |             |              | -           | -           | -           | 5.0     | -        |           |
| Caltrans Variance Limit <sup>3</sup> |             |             |              | Condition 1 | 1,411       | -           | 1.5     | -        | 5.5       |
|                                      |             |             |              | Condition 2 | 3,397       | -           | 150     | -        | 5.0 - 5.5 |
| Chemical Name                        |             |             |              | lead        | lead        | lead        | lead    | pH       |           |
| Method                               |             |             |              | SW6010B     | SW6010B     | SW6010B     | SW6010B | SW9045D  |           |
| Prep                                 |             |             |              | TTL         | WET         | WET_DI      | TCLP    | ---      |           |
| Units                                |             |             |              | mg/kg       | mg/l        | mg/l        | mg/l    | pH units |           |
| Location                             | Sample Type | Sample Date | Depth (feet) |             |             |             |         |          |           |
| 94C-055                              | N           | 4/30/2010   | 0.5          | 250         | <b>19.6</b> | 0.619       | 0.813   | -        |           |
|                                      | N           | 4/30/2010   | 1.5          | 6.23        | 0.339       | -           | -       | -        |           |
| 94WB-056                             | N           | 4/26/2010   | 0.5          | 411         | <b>40.9</b> | 0.304       | 1.89    | -        |           |
|                                      | FD          | 4/26/2010   | 0.5          | 582         | <b>41.3</b> | 0.294       | 4.93    | -        |           |
|                                      | N           | 4/26/2010   | 1.5          | 9.97        | 0.783       | -           | -       | 7.92     |           |
| 94EB-057                             | N           | 4/30/2010   | 0.5          | 27.6        | 0.624       | -           | -       | 8.03     |           |
|                                      | FD          | 4/30/2010   | 1.5          | 5.61        | 0.287       | -           | -       | -        |           |
|                                      | N           | 4/30/2010   | 1.5          | 7.91        | 0.379       | -           | -       | -        |           |
|                                      | N           | 4/30/2010   | 3            | 3.19        | 0.175       | -           | -       | -        |           |
| 94WB-058                             | N           | 4/26/2010   | 0.5          | <b>1820</b> | <b>161</b>  | <b>2.27</b> | 4.35    | 7.12     |           |
|                                      | N           | 4/26/2010   | 1.5          | 457         | <b>27.4</b> | 0.479       | 1.24    | -        |           |
|                                      | N           | 4/26/2010   | 3            | 4.18        | 0.251       | -           | -       | -        |           |
| 94C-059                              | N           | 4/30/2010   | 0.5          | 5.77        | 0.301       | -           | -       | 8.02     |           |
|                                      | N           | 4/30/2010   | 1.5          | 29.4        | 2.78        | -           | -       | -        |           |
|                                      | N           | 4/30/2010   | 3            | 3.21        | < 0.100     | -           | -       | -        |           |
| 94WB-060                             | N           | 4/26/2010   | 0.5          | 358         | <b>31.1</b> | 0.280       | 1.35    | -        |           |
| 94WB-061                             | N           | 4/26/2010   | 0.5          | 201         | <b>13.4</b> | < 0.100     | 0.289   | 7.27     |           |
|                                      | N           | 4/26/2010   | 1.5          | 156         | <b>11.5</b> | 0.128       | < 0.100 | -        |           |
|                                      | N           | 4/26/2010   | 3            | 146         | <b>12.1</b> | 0.212       | 1.01    | -        |           |
| 94WB-062                             | N           | 4/26/2010   | 0.5          | 122         | <b>10.0</b> | < 0.100     | 0.299   | -        |           |

Notes:

1. California hazardous waste limits from California Code of Regulations § 66261.21-24
2. RCRA hazardous waste limits from California Code of Regulations Title 22, § 66261.24
3. Caltrans specific requirement limits for re-use of ADL impacted soil within the Caltrans right-of-way from CalEPA Variance No. V09HQSCD006, dated July 1, 2009

**Bold and italicized** text denotes a result above the hazardous waste limits

FD = field duplicate sample

mg/kg = milligrams per kilogram

mg/l = milligrams per liter

IS = insufficient amount of sample material

N = normal environmental sample

NS = not sampled

TCLP = USEPA toxicity characteristic leaching procedure

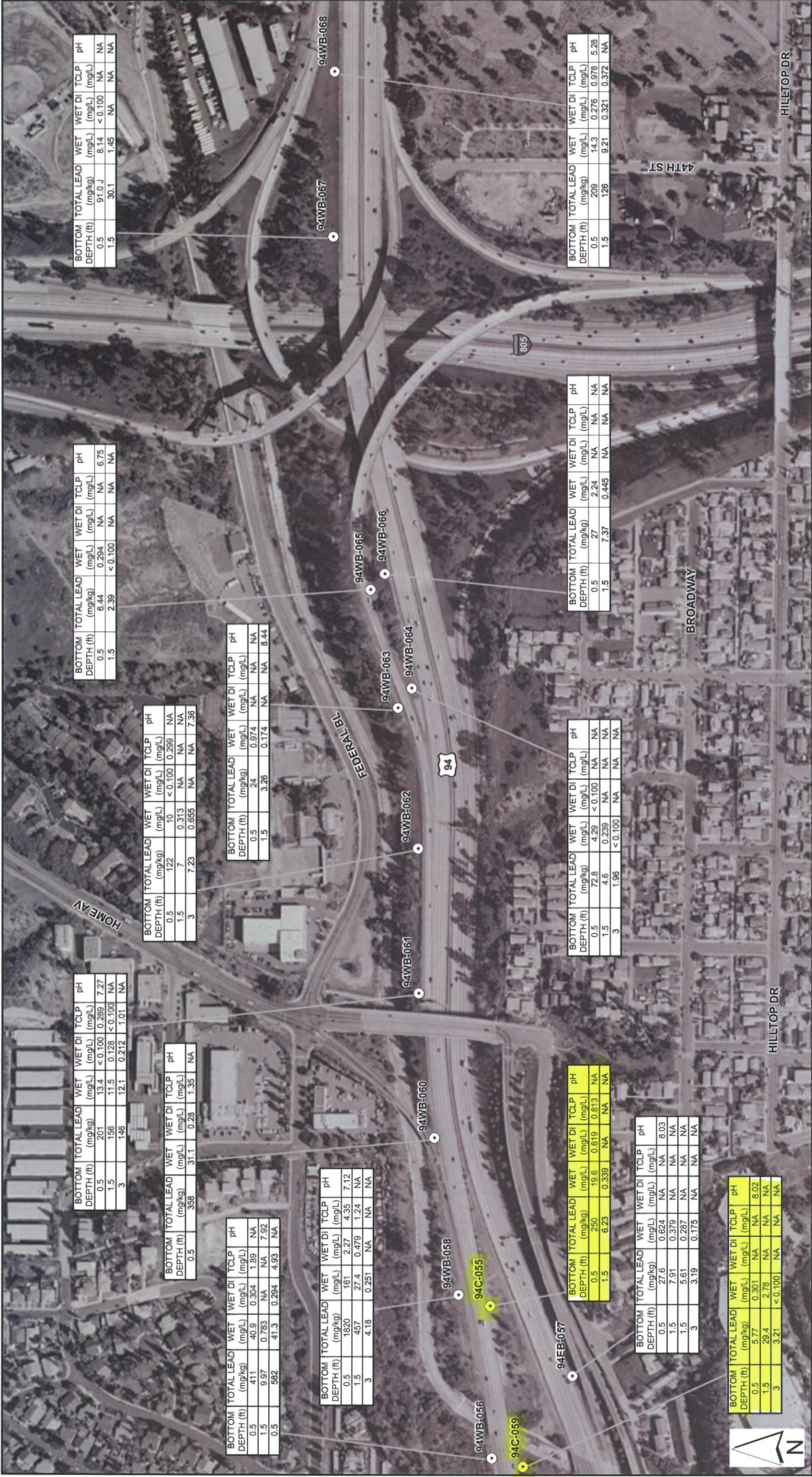
TTL = total threshold limit concentration

WET = California waste extraction test using citric acid

WET DI = California waste extraction test using deionized water

Highlighted values denote sample results not applicable under the Caltrans Variance (DTSC, 2009)

J denotes a qualifier found during data quality review (see Section 4.3 in the report)



| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH   |
|-------------------|--------------------|------------|---------------|-------------|------|
| 0.5               | 201                | 13.4       | < 0.100       | 0.289       | 7.27 |
| 1.5               | 156                | 11.5       | 0.128         | < 0.100     | NA   |
| 3                 | 146                | 12.1       | 0.212         | 1.01        | NA   |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH   |
|-------------------|--------------------|------------|---------------|-------------|------|
| 0.5               | 6.44               | 0.294      | NA            | NA          | 6.75 |
| 1.5               | 2.39               | < 0.100    | NA            | NA          | NA   |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH |
|-------------------|--------------------|------------|---------------|-------------|----|
| 0.5               | 91.0 J             | 8.14       | < 0.100       | NA          | NA |
| 1.5               | 30.1               | 1.45       | NA            | NA          | NA |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH   |
|-------------------|--------------------|------------|---------------|-------------|------|
| 0.5               | 122                | 10         | < 0.100       | 0.299       | NA   |
| 1.5               | 7                  | 0.313      | NA            | NA          | NA   |
| 3                 | 7.23               | 0.655      | NA            | NA          | 7.36 |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH   |
|-------------------|--------------------|------------|---------------|-------------|------|
| 0.5               | 24                 | 0.974      | NA            | NA          | NA   |
| 1.5               | 3.26               | 0.174      | NA            | NA          | 8.44 |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH |
|-------------------|--------------------|------------|---------------|-------------|----|
| 0.5               | 358                | 31.1       | 0.28          | 1.35        | NA |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH   |
|-------------------|--------------------|------------|---------------|-------------|------|
| 0.5               | 1820               | 161        | 2.27          | 4.35        | 7.12 |
| 1.5               | 457                | 27.4       | 0.479         | 1.24        | NA   |
| 3                 | 4.18               | 0.251      | NA            | NA          | NA   |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH |
|-------------------|--------------------|------------|---------------|-------------|----|
| 0.5               | 250                | 19.6       | 0.619         | 0.813       | NA |
| 1.5               | 6.23               | 0.339      | NA            | NA          | NA |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH |
|-------------------|--------------------|------------|---------------|-------------|----|
| 0.5               | 72.8               | 4.29       | < 0.100       | NA          | NA |
| 1.5               | 4.6                | 0.239      | NA            | NA          | NA |
| 3                 | 1.96               | < 0.100    | NA            | NA          | NA |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH |
|-------------------|--------------------|------------|---------------|-------------|----|
| 0.5               | 27                 | 2.24       | NA            | NA          | NA |
| 1.5               | 7.37               | 0.445      | NA            | NA          | NA |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH   |
|-------------------|--------------------|------------|---------------|-------------|------|
| 0.5               | 209                | 14.3       | 0.276         | 0.978       | 5.28 |
| 1.5               | 126                | 9.21       | 0.321         | 0.372       | NA   |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH |
|-------------------|--------------------|------------|---------------|-------------|----|
| 0.5               | 250                | 19.6       | 0.619         | 0.813       | NA |
| 1.5               | 6.23               | 0.339      | NA            | NA          | NA |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH |
|-------------------|--------------------|------------|---------------|-------------|----|
| 0.5               | 72.8               | 4.29       | < 0.100       | NA          | NA |
| 1.5               | 4.6                | 0.239      | NA            | NA          | NA |
| 3                 | 1.96               | < 0.100    | NA            | NA          | NA |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH |
|-------------------|--------------------|------------|---------------|-------------|----|
| 0.5               | 27                 | 2.24       | NA            | NA          | NA |
| 1.5               | 7.37               | 0.445      | NA            | NA          | NA |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH   |
|-------------------|--------------------|------------|---------------|-------------|------|
| 0.5               | 209                | 14.3       | 0.276         | 0.978       | 5.28 |
| 1.5               | 126                | 9.21       | 0.321         | 0.372       | NA   |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH   |
|-------------------|--------------------|------------|---------------|-------------|------|
| 0.5               | 27.6               | 0.624      | NA            | NA          | 8.03 |
| 1.5               | 7.91               | 0.379      | NA            | NA          | NA   |
| 1.5               | 5.61               | 0.287      | NA            | NA          | NA   |
| 3                 | 3.19               | 0.175      | NA            | NA          | NA   |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH |
|-------------------|--------------------|------------|---------------|-------------|----|
| 0.5               | 72.8               | 4.29       | < 0.100       | NA          | NA |
| 1.5               | 4.6                | 0.239      | NA            | NA          | NA |
| 3                 | 1.96               | < 0.100    | NA            | NA          | NA |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH |
|-------------------|--------------------|------------|---------------|-------------|----|
| 0.5               | 27                 | 2.24       | NA            | NA          | NA |
| 1.5               | 7.37               | 0.445      | NA            | NA          | NA |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH   |
|-------------------|--------------------|------------|---------------|-------------|------|
| 0.5               | 209                | 14.3       | 0.276         | 0.978       | 5.28 |
| 1.5               | 126                | 9.21       | 0.321         | 0.372       | NA   |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH |
|-------------------|--------------------|------------|---------------|-------------|----|
| 0.5               | 250                | 19.6       | 0.619         | 0.813       | NA |
| 1.5               | 6.23               | 0.339      | NA            | NA          | NA |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH |
|-------------------|--------------------|------------|---------------|-------------|----|
| 0.5               | 72.8               | 4.29       | < 0.100       | NA          | NA |
| 1.5               | 4.6                | 0.239      | NA            | NA          | NA |
| 3                 | 1.96               | < 0.100    | NA            | NA          | NA |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH |
|-------------------|--------------------|------------|---------------|-------------|----|
| 0.5               | 27                 | 2.24       | NA            | NA          | NA |
| 1.5               | 7.37               | 0.445      | NA            | NA          | NA |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH   |
|-------------------|--------------------|------------|---------------|-------------|------|
| 0.5               | 209                | 14.3       | 0.276         | 0.978       | 5.28 |
| 1.5               | 126                | 9.21       | 0.321         | 0.372       | NA   |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH   |
|-------------------|--------------------|------------|---------------|-------------|------|
| 0.5               | 5.77               | 0.301      | NA            | NA          | 8.02 |
| 1.5               | 29.4               | 2.78       | NA            | NA          | NA   |
| 3                 | 3.21               | < 0.100    | NA            | NA          | NA   |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH |
|-------------------|--------------------|------------|---------------|-------------|----|
| 0.5               | 72.8               | 4.29       | < 0.100       | NA          | NA |
| 1.5               | 4.6                | 0.239      | NA            | NA          | NA |
| 3                 | 1.96               | < 0.100    | NA            | NA          | NA |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH |
|-------------------|--------------------|------------|---------------|-------------|----|
| 0.5               | 27                 | 2.24       | NA            | NA          | NA |
| 1.5               | 7.37               | 0.445      | NA            | NA          | NA |

| BOTTOM DEPTH (ft) | TOTAL LEAD (mg/kg) | WET (mg/L) | WET DI (mg/L) | TCLP (mg/L) | pH   |
|-------------------|--------------------|------------|---------------|-------------|------|
| 0.5               | 209                | 14.3       | 0.276         | 0.978       | 5.28 |
| 1.5               | 126                | 9.21       | 0.321         | 0.372       | NA   |

NOTES:  
 MG/KG - MILLIGRAMS PER KILOGRAM  
 MG/L - MILLIGRAMS PER LITER  
 NA - NOT ANALYZED  
 WET - WASTE EXTRACTION TEST WITH CITRIC ACID  
 WET DI - WASTE EXTRACTION TEST WITH DISTILLED WATER  
 TCLP - TOXICITY CHARACTERISTIC LEACHING PROCEDURE

LEGEND  
 94WB-001  
 ○ APPROXIMATE SAMPLE LOCATION AND LOCATION ID



PROJECT NO: 110284  
 DRAWN BY: E D GOFF  
 CHECKED BY: J JANUSZIEWICZ  
 DATE: MAY 2010

**KLEINFELDER**  
 Bright People. Right Solutions.

**GeomorphIS**

SAMPLE LOCATION MAP  
 Aerially Deposited Lead Survey  
 SR-94 HOV, Caltrans EA 11-287100  
 San Diego, California

PLATE  
 4



December 21, 2012  
Project No. 129349

Ms. Diane Vermeulen, P.E.  
Department of Transportation, District 11  
Environmental Engineering  
4050 Taylor Street, MS-242  
San Diego, California 92110

Subject: **Aerially Deposited Lead Sampling and Testing  
Storm Water Mitigation Project on SR-94 and I-805  
Caltrans District 11 EA282500  
San Diego, California  
Contract 11A1996, Task Order 6**

Dear Ms. Vermeulen:

This report summarizes the field activities performed for collecting shallow soil samples adjacent to roadway shoulders for aerially deposited lead (ADL). Soil samples for ADL analysis were collected on November 13, 2012 along State Road 94 (SR-94) and Interstate 805 (I-805) at locations near Euclid Avenue, Massachusetts Avenue, and College Avenue in the City of San Diego, San Diego County, California for the State of California Department of Transportation (Caltrans) (Site, Plate 1). The purpose of this investigation was to evaluate the potential of ADL presence within shallow exposed soil (i.e. upper three feet) at Caltrans select planned storm water mitigation strategy locations within the project limits. This work was performed for Caltrans, consistent with Contract No. EA-282500, Task Order No. 6.

Kleinfelder performed the following field activities during the ADL investigation:

- Obtained an encroachment permit prepared by a representative of Caltrans. Kleinfelder prepared a Stormwater Pollution Prevention Plan as a supporting document of the encroachment permit. Prior to the start of work, Caltrans was notified of the planned work on the unpaved shoulders and median of SR-94 and I-805.
- Prepared a Site-specific work plan and prepared a Site-specific health and safety plan.
- Marked soil sample locations with 3-foot lathes and flagging material. Underground Service Alert (USA) was contacted 48 hours in advance of subsurface sampling activities to mark out utilities that may be present in the



AERIAL IMAGE:  
 Basemap Imagery - 3/15/2010  
 from Esri online services

**LEGEND**

 APPROXIMATE SAMPLE LOCATION

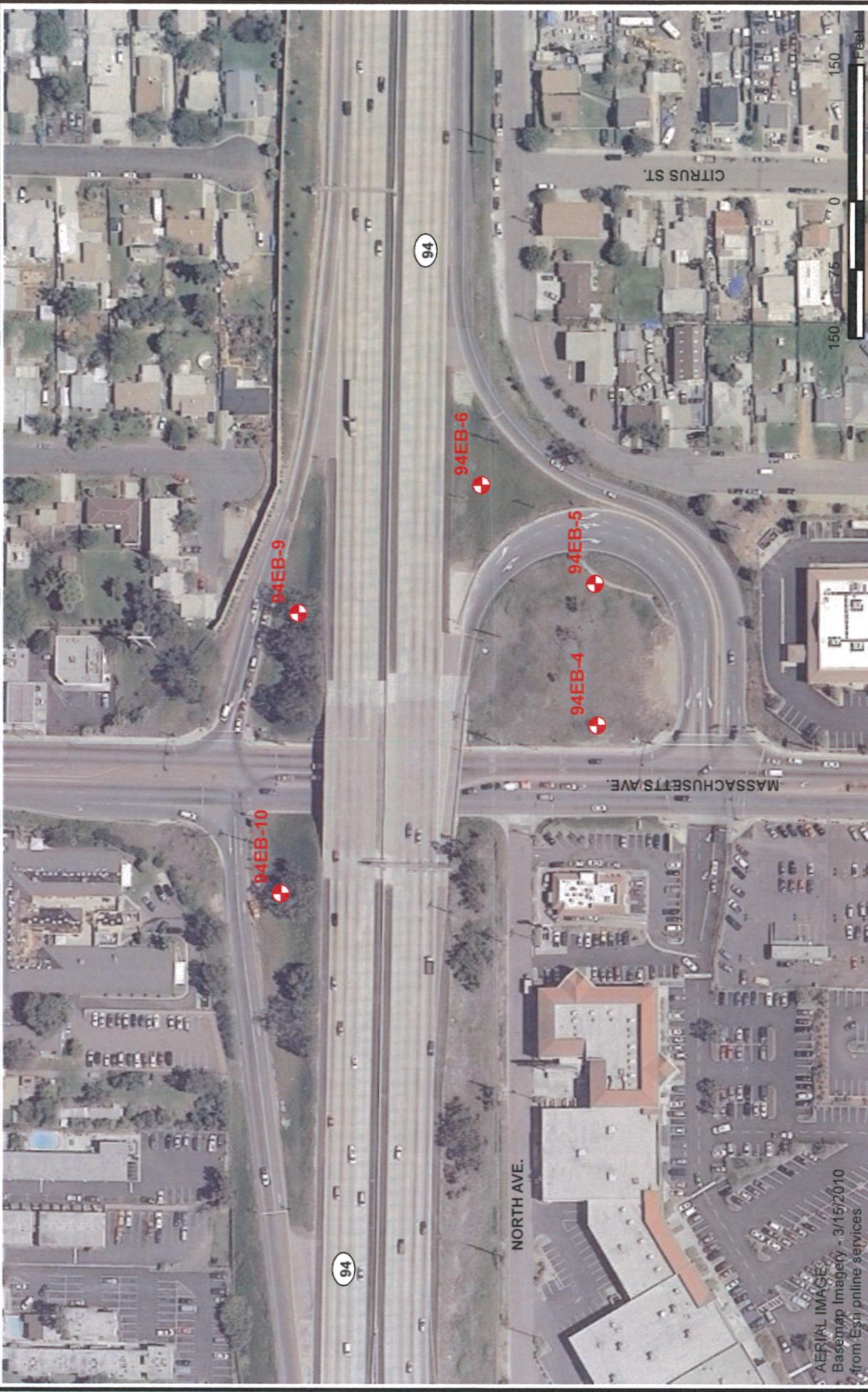
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|                          |
|--------------------------|
| PROJECT NO. 129349       |
| DRAWN: 12/18/2012        |
| DRAWN BY: SC             |
| CHECKED BY: JJ           |
| FILE NAME: SLC12A109.MXD |

**SAMPLE LOCATION MAP**  
**EB SR-94 AT COLLEGE AVE.**

AERIALY DEPOSITED LEAD SAMPLING AND TESTING  
 STORM WATER MITIGATION PROJECT, SR-94/I-805  
 CALTRANS DISTRICT 11, EA 282500  
 SAN DIEGO, CALIFORNIA



PROJECT NO. 129349  
 DRAWN: 12/18/2012  
 DRAWN BY: SC  
 CHECKED BY: JJ  
 FILE NAME: SLC12A110.MXD

**SAMPLE LOCATION MAP**  
**SR-94 AT MASSACHUSETTS AVE.**

AERIALY DEPOSITED LEAD SAMPLING AND TESTING  
 STORM WATER MITIGATION PROJECT, SR-94/I-805  
 CALTRANS DISTRICT 11, EA 282500  
 SAN DIEGO, CALIFORNIA

PLATE  
**4**



**LEGEND**  
 APPROXIMATE SAMPLE LOCATION

The information included on this graphic representation has been compiled from a variety of sources and is subject to change without notice. Kleinfelder makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the information contained on this graphic representation. The use or misuse of the information contained on this graphic representation is at the sole risk of the party using or misusing the information.

Table 1  
Soil Analytical Results Summary  
ADL Sampling SR-94 and I-805  
CALTRANS EA 11-282500



| Location Name                         | Sample Name | Sample Type | Date       | Depth (feet) | Refusal (Yes / No) | Chemical Name Method Preparation Units |                   | Lead SW6010B STLC (WET) mg/L | Lead SW6010B STLC (WET_Di) mg/L | Lead SW6010B TCLP mg/L | pH SW9045D |
|---------------------------------------|-------------|-------------|------------|--------------|--------------------|--|-------------------|------------------------------|---------------------------------|------------------------|------------|
|                                       |             |             |            |              |                    | Condition 9.c/9.e                      | Condition 9.d/9.e |                              |                                 |                        |            |
| California Hazardous Waste Criteria 1 |             |             |            |              |                    |  |                   |                              |                                 |                        |            |
| RCRA Hazardous Waste Criteria 2       |             |             |            |              |                    |  |                   |                              |                                 |                        |            |
| CALTRANS Variance Criteria 3          |             |             |            |              |                    |  |                   |                              |                                 |                        |            |
|                                       |             |             |            |              |                    | 1,000                                  | 5.0               | 150.00                       | 5.0                             | 5.0                    | 5.5        |
|                                       |             |             |            |              |                    | 1,411                                  |                   |                              |                                 |                        | 5.0-5.5    |
|                                       |             |             |            |              |                    | 3,397                                  |                   |                              |                                 |                        |            |
|                                       |             |             |            |              |                    | Lead 5,6 SW6010B TTLC mg/kg            |                   |                              |                                 |                        |            |
| 94EB-1                                | 94EB-1-0.5  | N           | 11/13/2012 | 0.5          | No                 | 38.2                                   | 2.13              | NA                           | NA                              | NA                     | NA         |
|                                       | 94EB-1-1.5  | N           | 11/13/2012 | 1.5          | No                 | 24.5                                   | 0.648             | NA                           | NA                              | NA                     | NA         |
|                                       | 94EB-2-0.5  | N           | 11/13/2012 | 0.5          | No                 | 118                                    | 3.44              | < 0.100 U                    | < 0.100 U                       | < 0.100 U              | NA         |
| 94EB-2                                | 94EB-2-1.5  | N           | 11/13/2012 | 1.5          | No                 | 19.3                                   | 2.20              | NA                           | NA                              | NA                     | NA         |
|                                       | 94EB-2-100  | FD          | 11/13/2012 | 1.5          | No                 | 32.5                                   | 1.29              | NA                           | NA                              | NA                     | NA         |
| 94EB-3                                | 94EB-3-0.5  | N           | 11/13/2012 | 0.5          | No                 | 63.7                                   | 2.85              | < 0.100 U                    | < 0.100 U                       | NA                     | NA         |
|                                       | 94EB-4-0.5  | N           | 11/13/2012 | 0.5          | No                 | 15.0                                   | 0.701             | NA                           | NA                              | NA                     | NA         |
| 94EB-4                                | 94EB-4-100  | FD          | 11/13/2012 | 0.5          | No                 | 34.8                                   | 1.47              | NA                           | NA                              | NA                     | NA         |
|                                       | 94EB-5-0.5  | N           | 11/13/2012 | 0.5          | No                 | 95.2                                   | 6.27              | 0.136                        | NA                              | NA                     | NA         |
| 94EB-5                                | 94EB-5-1.5  | N           | 11/13/2012 | 1.5          | No                 | 4.90                                   | 0.200             | NA                           | NA                              | NA                     | NA         |
|                                       | 94EB-6-0.5  | N           | 11/13/2012 | 0.5          | No                 | 51.7                                   | 3.53              | < 0.100 U                    | < 0.100 U                       | NA                     | NA         |
| 94EB-6                                | 94EB-6-3.0  | N           | 11/13/2012 | 3            | No                 | 8.54                                   | 0.223             | NA                           | NA                              | NA                     | 7.81       |
|                                       | 94EB-7-0.5  | N           | 11/13/2012 | 0.5          | No                 | 27.8                                   | 1.57              | NA                           | NA                              | NA                     | NA         |
| 94EB-7                                | 94EB-8-0.5  | N           | 11/13/2012 | 0.5          | No                 | 50.8                                   | 3.78              | < 0.100 U                    | < 0.100 U                       | NA                     | NA         |
|                                       | 94EB-9-0.5  | N           | 11/13/2012 | 0.5          | No                 | 7.59                                   | 0.285             | NA                           | NA                              | NA                     | NA         |
| 94EB-9                                | 94EB-9-3.0  | N           | 11/13/2012 | 3            | No                 | 4.23                                   | < 0.100 U         | NA                           | NA                              | NA                     | NA         |
|                                       | 94EB-10-0.5 | N           | 11/13/2012 | 0.5          | No                 | 151                                    | 8.10              | 0.173                        | 0.104                           | 0.104                  | 5.49       |
| 94EB-10                               | 94EB-10-3.0 | N           | 11/13/2012 | 3            | No                 | 1.51                                   | < 0.100 U         | NA                           | NA                              | NA                     | NA         |

Notes:

- 1 - California hazardous waste criteria from California Code of Regulations 66261.21-24
- 2 - RCRA hazardous waste criteria from California Code of Federal Regulations, Title 40, Part 261.24
- 3 - CALTRANS specific criteria for ADL impacted soil and re-use within CALTRANS right-of-way (CALEPA Variance V09HQSD006, dated July 1, 2009)
- 4 - Refusal was noted from approximately 0.5 to 1 foot below the sample depth
- 5 - DIWET analysis performed if total lead was equal to or greater than 50 mg/kg or soluble (WET) analysis greater than 5 mg/L
- 6 - TCLP analysis performed if total lead was equal to or greater than 100 mg/kg

FD - field duplicate sample  
mg/kg - milligrams per kilogram  
mg/L - milligrams per liter  
NA - not analyzed  
N - normal environmental sample  
TCLP - USEPA toxicity characteristic leaching procedure  
STLC - soluble threshold limit concentration  
TTLC - total threshold limit concentration  
U - chemical was not detected at or above the value listed  
WET - California waste extraction test using citric acid  
WET-DI - California waste extraction test using deionized water

## Memorandum

*Flex Your Power!  
Be energy efficient!*

**To: Kenneth Johansson  
Caltrans D-11  
NPDES/Storm Water Compliance**

**Date: April , 2013  
File:11-SD-805, PM 12.3-16.81  
1100000315**

**From: DEPARTMENT OF TRANSPORTATION  
DIVISION OF ENGINEERING SERVICES  
Geotechnical Services  
Office of Geotechnical Design – South 2, Branch D**

**Subject: Geotechnical Design Report for Percolation Tests**

### Introduction

Pursuant to your request, the Office of Geotechnical Design-South 2 (OGDS 2) presents the results of four percolation tests conducted at two locations along the Chollas Creek channel and Interstate 805 between State Route 15 and Landis Street in the city of San Diego, California. It is our understanding that the percolation test results were requested in order to design the proposed Best Management Practices (BMP) for phase II of the Chollas Creek BMP retrofit project. The proposed BMP retrofit project consists of removing the concrete channel invert and replacing it with an infiltration trench.

### References

The following documents were referred to during preparation of this report:

- 1- Geotechnical Design Report for Percolation Tests, July 2, 2012 11-SD 94 PM 2.2-9.5,
- 2- "As Built Log of Test Borings (LOTB) for the Route 805/15 Northwest Connector Overcrossing, BR 57 0612F" California Department of Transportation, Engineering Geology Section, May 1, 1967.
- 3- Geologic Map of Southern San Diego, Metropolitan Area, California, by Michael P. Kennedy and Sang S. Tan, 1977.

### Topography and Drainage

The project area is characterized by low relief mesa like topography with flat lying marine terraces incised by narrow steep canyon and arroyos. The average elevation of the project area is approximately 200-feet above Mean Sea Level (MSL).

Chollas Creek is a 32-mile natural waterway and drainage system that traverses several neighborhoods from its headwaters in La Mesa and Lemon Grove to San Diego Bay.

In the project area Chollas Creek has been channelized into a trapezoidal concrete channel with

a longitudinal gradient of approximately 2%.

The majority of runoff from the project area is directed to Chollas Creek.

### **Exploration**

During our field investigation on 03/26/2013 and 03/27/2013 six, 6-inch diameter hollow stem auger boring were drilled. A total of four percolation test holes were drilled to a maximum depth of twelve feet. Additionally two borings were drilled to a depth of 29.5 feet below existing grade to determine the depth to ground water..

The subsurface materials encountered in the area are predominantly comprised of sandy silt with gravel, silty sand with gravel and cobble to a depth of approximately 20 feet. These materials are underlain by the San Diego Formation to the maximum depth explored of 29.5 feet below existing ground surface.

Boring locations are depicted on Figures 1A and 1B.

### **Site Geology**

The Project site lies within the San Diego Embayment section of the Peninsular Ranges Geomorphic Province of California. The San Diego Embayment consists of thick sequences of marine and non-marine sediments. Along the existing channel the subsurface materials are predominantly comprised of embankment fill and alluvium underlain by the San Diego Formation. The embankment fill and alluvium are located and confined in the incised Chollas Creek valley bed

### **Groundwater**

Ground water was not encountered during our subsurface investigation. Borings A-13-002 and A-13-004 were drilled to a depth of 29.5-feet and extended approximately 10 feet into the San Diego formation. Please see the boring records for these two borings.

### **Percolation Test Method**

Percolation testing was performed on 03/28/2013, 03/29/2013 and 04/04/2013 in accordance with California Test Method (CT) 750 (1986) for 6-inch diameter test holes. The test holes were drilled using a power auger to the depths indicated in the layout plans by the design engineer. These depths represent the depths at which the percolation tests were to be performed. The test holes were presoaked for a minimum of 18-hours prior to percolation testing.

The percolation test sheets are attached.

### **Subsurface Conditions and Test Results**

#### **Location 2:**

#### **Test Hole A-13-001**

This hole was drilled to a depth of 12 feet below existing ground. The materials encountered in this hole were predominantly comprised of sandy silt with gravel. The test was not performed in this hole as it was observed that after a week from the day that the hole was filled with water for presoaking there was still water in the hole. Although the materials encountered in this hole are conducive to a slow rate of percolation, it is possible that the Caltrans sprinklers irrigating the area could have caused water to enter the hole as it was observed that an irrigation pipe was damaged during our investigation.

#### **Test Hole A-13-003**

This hole was drilled to a depth of 11 feet below existing grade. The materials encountered in this hole were comprised of silty sand with gravel and cobbles. The hole caved prior to percolation testing. The hole was cleaned out using a hand auger to a new depth of 4.7 feet and the test was performed at this depth. The field boring log reveals the materials encountered are homogeneous along the full depth of the hole. We believe that the test result obtained at a depth of 4.7-feet is representative of the percolation behavior at a depth of 11-feet. The percolation rate in this hole is 22.73 minute/inch.

#### **Location 3:**

#### **Test Hole A-13-005**

This hole was drilled to a depth of 9.5 feet below the existing ground surface utilizing a power auger. The materials encountered in this hole were comprised of silty sand with gravel between 0 feet to approximately 5 feet, poorly-graded gravel with sand and silt between depths of 5 feet and 7.3 feet and sandy silt with gravel between 7.3 feet to 9.5 feet. The hole caved prior to percolation testing. The hole was cleaned out utilizing a hand auger to a new depth of 7.6 feet and the test was performed at this depth. A percolation rate of 0.64 minute/inch was recorded. This relatively rapid percolation rate is likely due to the test being performed in a porous gravelly layer. We believe that this result is not representative of percolation behavior at a depth of 9.5 feet as the materials are different.

#### **Test Hole A-13-006**

This hole was drilled to a depth of 10 feet below the existing ground surface utilizing a power auger. The materials encountered in this hole were comprised of sandy silt with gravel. The hole caved prior to percolation testing. The hole was cleaned out using a hand auger to a new depth of 8.5 feet and the test was performed at this depth. The field boring log reveals the materials encountered are homogeneous along the full depth of the hole. We believe that the test result obtained at a depth of 8.5-feet is representative of the percolation behavior at a depth of 10-feet. The percolation rate in this hole is 59.08 minute/inch.

The percolation test and ground water investigation results are summarized in the Table 1.

**Recommendations and Conclusions**

Based on the percolation tests data we recommend the following average percolation rates for locations 2 and 3:

- Location 2: 20.45 minute/inch
- Location 3: 59.08 minute/inch

OGDS staff will be available for further assistance. Should you have any questions, please call Ali Lari at (858) 467-6922.

Ali Lari  
Transportation Engineer (Civil)  
Office of Geotechnical Design- South 2

Shawn Wei  
Branch C & D, OGDS2  
(916)227-5252 or (916) 201-9444

**Carbon Copy (CC) List:**

Constantine Kontaxis  
Art Padilla  
Abbas Abghari  
Shira Rajendra  
OGDS2 Branch D File Room  
District Construction RE Pending File

District project Manager  
District Materials Engineer  
Office Chief, OGDS2  
Geotechnical Services Corporate  
7177 Opportunity Road, San Diego, 92111  
It is the responsibility of the Project Design  
Manager to include this document in the  
District Construction RE Pending File.

# Memorandum

*Flex your power!  
Be energy efficient!*

To: Kenneth Johansson - 11  
Design

Date: July 2, 2012  
File: 11-SD-94-PM 2.2-9.5  
1100000314  
Chollas Creek BMP

From: DEPARTMENT OF TRANSPORTATION  
DIVISION OF ENGINEERING SERVICES  
Geotechnical Services MS 5  
Office of Geotechnical Design – South 2, Branch C

Subject: Geotechnical Design Report for Percolation Tests

## Introduction

Per your request dated April 10, 2012, this Office is providing test results for 6 percolation tests conducted near the intersection of SR-94 and I-15 in San Diego County, California. It is our understanding that the percolation test results were requested in order to design proposed Best Management Practices (BMPs) as part of Chollas Creek Watershed Project related to the SR-94 widening project. The Project Report for the Chollas Creek Watershed Project proposes implementation of 7 infiltration trenches with modified modular filler material as the approved BMP treatment throughout the watershed. The proposed BMP infiltration trenches are located underground and have an in-line by-pass system which is designed for soils with very slow infiltration rates. The subsurface information provided in this report is based on the existing Referenced data and our subsurface investigation conducted between May 14 and May 17, 2012.

## References

- 1) "As Built Log of Test Borings (LOTB) for the Southwest Connector Overcrossing (widen) Route 15/94 Separation, BR. 57-0350F" California Department of Transportation, Engineering Geology Branch, October 7, 1994.
- 2) "Preliminary Geologic Maps," California Department of Conservation, Office of California Geological Survey, 2007.
- 3) "District Preliminary Geotechnical Report for the Widening of State Route 94 from the SR-94/I-5 separation to 0.2 miles west of 47<sup>th</sup> Street. OGDS-2 April 21, 2010. 11-28700

## Geology

The Chollas Creek Watershed Project site lies within the San Diego Embayment section of the Peninsular Ranges Geomorphic Province of California. The San Diego Embayment consists of thick sequences of marine and non-marine sediments. The References above identifies the project area as underlain Clayey Silts, Silty fine Sands, Silty Sandstones and Sandy Siltstones. During our subsurface percolation testing and groundwater investigation of May 2012, the soils

encountered included Clays, Silts and fine Sands to a depth of 22 feet below existing grade of SR 94 and I-15

### **Topography & Drainage**

The area is characterized by low relief mesa like topography with flat lying marine terraces incised by narrow steep canyons and arroyos. The average elevation of the project is approximately 70-feet above Mean Sea Level (MSL). The SR- 94 widening project crosses what is referred to as the Coronado Hydrologic Unit and is locally drained by Chollas Creek (Delfacto 1977). Infiltration of rainfall within the project area is considered slow, resulting in significant surface runoff. The majority of runoff from within the proposed project limits is directed to Chollas Creek.

### **Groundwater**

Reference #1 indicates groundwater was not encountered down to an elevation of 35 feet. Groundwater was not encountered during our May, 2012 subsurface investigation which extended a minimum of 10 feet below each percolation test pit elevation.

### **Test Method**

Percolation Tests were designed by California Test method (CT) 749 (1986) for 12-inch diameter test holes. Typically 3 test pits are required for each location, although because of the homogeneity of the site soils, and the closeness and number of locations, only one percolation test pit was requested to be tested for each location. Test pits were excavated by power auger, shovel and hand auger. The testing pit dimensions were approximately 8" wide by 18" deep. Test pits were filled with water and allowed to "pre-soak" overnight or for a minimum of 12 hours. Percolation testing in all of the 6 test pits proceeded for 4 hours each. Test data was then corrected for an 8-inch diameter bore hole, 4-inch diameter perforated pipe and pea gravel backfill. The percolation test results for the 6 test pits are provided in Table 1 below.

### **Test Results**

The averaged percolation test rate for the area was approximately 667 minutes per inch, this average can be considered conservative and actual perc rates may be slightly faster. The slow percolation rates would suggest our percolation tests were conducted in the slow draining Sandstones or Siltstones as described in the References. Site GB #2 was not accessible and not tested during our investigation. The test result from GB #7 was not included in the average because the test there may have been affected by the Caltrans irrigation sprinklers which were irrigating the area during the test, which may have caused the percolation rates there to be much slower than the other sites. It is my professional judgment that the average percolation rate of 667 minutes per inch can be used to design the 7 proposed BMS including the one proposed at GB #7 and GB #2.

**Table 1**  
**Percolation Test Results**

| BMP Name & Route | Location Line, Station and Offset | Ground elevation ft. | Soil encountered | Percolation testing elevation | Percolation rate Minutes/inch |
|------------------|-----------------------------------|----------------------|------------------|-------------------------------|-------------------------------|
| GB #2<br>SR-94   | "MZ1" 173+71<br>218.0 Rt.         | 124                  | No test          | No test                       | No test                       |
| GB #4<br>SR-94   | "94R1" 189+89<br>131.0 Rt.        | 75                   | Clayey Silt      | 64.0                          | 735                           |
| GB #6<br>SR-94   | "94R1" 208+80<br>80.0 Lt.         | 73                   | Sandy Silt       | 65.0                          | 668                           |
| GB #7<br>SR-94   | "94R1" 211+60<br>92.0 Lt.         | 75                   | Sandy Silt       | 64.0                          | 2450                          |
| GB #8<br>I-15    | "11SD15A2" 117+04<br>98.0 Lt.     | 62                   | Silty Sand       | 56.0                          | 534                           |
| GB #11<br>I-15   | "11SD15A2" 100+05<br>224.0 Lt.    | 73                   | Sandy Silt       | 61.0                          | 735                           |
| GB #12<br>I-15   | "11SD15A2" 88+65<br>151.0 Lt.     | 60                   | Silty Sand       | 53.7                          | 666                           |

**Construction Considerations**

From our site investigation, it appears a 5 foot vertical temporary excavation cut of 1:1 (H: V) should remain stable during basin construction, although contractor shall be responsible for shoring design as deemed necessary. Groundwater is not anticipated to be encountered during construction of the basins.

If you have any questions or comments, please call Brian Gutierrez at (916) 227-1222

Prepared by:

Date:

*Brian Gutierrez* 7/2/2012

BRIAN GUTIERREZ, P.E.  
Office of Geotechnical Design—South 2  
Branch C



cc A. Abghari – GDS2  
S. Wei – GD  
GS Corporate



THE CITY OF SAN DIEGO

June 30, 2014

Mrs. Cristina Blanco-Krauss  
Landscape Architect  
Department of Transportation  
District 11  
4050 Taylor Street, M.S. 120  
San Diego, CA 92110

Dear Mrs. Blanco-Krauss:

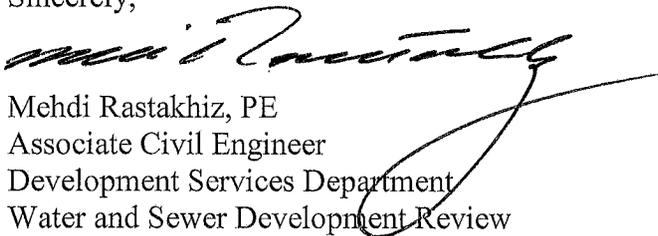
**Subject: Chollas Creek 2 Storm Water Mitigation Project**

This is in response to your letter dated June 17, 2014 regarding water availability for Chollas Creek 2 Storm Water Mitigation project. Based upon the volume and duration of the project you provided, the City of San Diego has sufficient and available potable water capacity to serve your project during the construction.

Please note that effective July 1, 2014, the City of San Diego will move to Level 1 Drought Alert per the attached memo dated June 24, 2014. The Level 1 Drought Watch Condition lists voluntary water conservation measures that are added to the City's existing permanent restrictions. Please also note that utilizing existing potable water and/or irrigation meters City-wide will be subject to any City of San Diego City Council drought actions to conserve water, if enacted by City Council.

If you have any questions, please call me at 619-446-5420 or email me at [Mrastakhiz@sandiego.gov](mailto:Mrastakhiz@sandiego.gov).

Sincerely,

  
Mehdi Rastakhiz, PE  
Associate Civil Engineer  
Development Services Department  
Water and Sewer Development Review  
1222 First Avenue, MS 401  
San Diego, CA 92101

Attachment: Level 1 Drought Alert memo dated June 24, 2014





THE CITY OF SAN DIEGO

MEMORANDUM

DATE: June 24, 2014

TO: All Department Directors

FROM: Halla Razak, Director of Public Utilities

SUBJECT: Level 1 Drought Alert starting July 1, 2014

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The City of San Diego was in a Stage 2 Drought Alert Condition from June 1, 2009, through May 26, 2011. During that time, City departments played a vital role in saving water and setting a good example for the citizens in our community. During the height of that drought, City departments reduced metered water consumption by 31.4% from pre-drought levels.

The City Council recently approved moving the City to a Level 1 Drought Watch Condition starting July 1, 2014. This memo is provided to assist Departments in identifying water saving opportunities, creating water conservation plans and complying with permanent and voluntary water use regulations.

#### PRIOR WATER CONSERVATION EFFORTS

From 1992 to 1999, the Water Department implemented a City Facilities Retrofit Program that installed more than 2,384 ultra-low flush toilets and 702 urinals in 494 City owned and operated facilities. The City wanted to show its commitment to water conservation by installing the water conserving plumbing fixtures in our own facilities. That program was completed in 1999 and the biggest retrofit job, that of Qualcomm Stadium in 1998 (365 toilets and 196 urinals) in time for Super Bowl XXXII, was used in a national water conservation publication/article.

The Public Utilities Department has also worked for many years with the Park and Recreation Department to create water use budgets for City parks. Water budgets are estimates of how much water existing landscapes need based on weather information, plant watering needs, type of soil and irrigation systems used, and these estimates are translated into run times per irrigation valve to allow them to use water efficiently. Throughout the last drought, Park and Recreation staff closely monitored water consumption in all its irrigated areas, and this diligence was evident in the achieved 31% water use reduction.

## PERMANENT WATER USE RESTRICTIONS

Before the City lifted Level 2 mandatory restrictions in 2011, City Council and City staff agreed that some of these restrictions should remain in place. Hence the San Diego Municipal Code Section SDMC §67.3803 was revised to reflect the permanent water use restrictions that are in effect every day in San Diego. These include the following limitations:

- a) No runoff/excessive irrigation leaving the property;
- b) Repair leaks upon discovery or within seventy-two hours of notification;
- c) No watering of paved areas;
- d) No overfilling swimming pools and spas;
- e) No non-recirculating decorative water fountains;
- f) Car washing only in a commercial car wash or using a hose with shutoff nozzle or a bucket;
- g) New buildings must recycle cooling system water and car wash water;
- h) Restaurants will only serve and refill water upon request;
- i) Hotel guests must have the option of not laundering towels and linens daily; and
- j) No watering after 10 am and before 4 pm (winter)/before 6 pm (summer).

Please ensure that staff within your Department is aware of these permanent water use restrictions.

## VOLUNTARY WATER USE RESTRICTIONS

The Level 1 Drought Watch Condition lists voluntary water conservation measures that are added to the City's existing permanent water restrictions. These voluntary measures go into effect on July 1, 2014. Although these measures are voluntary for citizens, it is advised that City Departments take the lead and treat them as mandatory:

- 1) Landscape irrigation limited to three days per week;
- 2) When watering without an irrigation system a shut-off nozzle or garden hose sprinkler system on a timer is required;
- 3) Washing vehicles limited to the same schedule as irrigation (except for: boats which may be washed after use; vehicles with health/safety issues; at a commercial carwash that recycles water);
- 4) Use recycled or non-potable water for construction purposes;

- 5) Fire hydrants for firefighting only;
- 6) Construction operations can use water only as required by regulatory agencies; and
- 7) Irrigation is not permitted during rain event.

## RECOMMENDED CONSERVATION MEASURES

### Indoor Water Use

If the facility is one of those that received water conserving plumbing fixtures through the City Facilities Retrofit Program, City staff can inspect these fixtures for proper operation and leaks. Self-closing faucets should shut off after a determined amount of seconds. Make sure the valves are not sticking, which would prevent the faucet from shutting off automatically. If faucet aerators have been removed, install new ones that use 1.0 gallons per minute. If the facility has tank style toilets, place dye tablets or food coloring inside the tank and observe if the coloring makes it way to the bowl. This would indicate a leak and would require an adjustment or replacement of the toilet flapper mechanism. Always repair leaks, as even small ones can waste hundreds of gallons of water.

If the facility still has high volume plumbing fixtures, replace them with water efficient ones, such as high-efficiency toilets and urinals, and faucets with self-closing features. There may be some incentives available for replacing these older fixtures. Check with the Water Conservation Program (Luis Generoso at 619-533-5258) for up-to-date information on incentives for public facilities.

Here are a few other measures City staff can take:

- Increase employee awareness of the need to conserve water. The Water Conservation Program (contact Luis Generoso at 619-533-5258) has various brochures and reference materials that can help you.
- Install signs encouraging water conservation in employee and customer restrooms.
- Assign an employee to monitor water use and waste within the facility. Read your water meter weekly to monitor the success of your water conservation efforts, and to detect leaks. Monitor water usage when reviewing water bills. Information on your historic water usage can be obtained calling our Water Conservation Program.
- Check for obvious leaks, where there are consistent water puddles.
- Repair dripping faucets and showers, and continuously running toilets.
- Install faucet aerators where possible.
- Shut off water supply to equipment rooms not in use.
- Shut off cooling equipment when not in use, and minimize water used in cooling units. There may be a need to replace the cooling tower conductivity controller. Check for incentives offered for these controllers.
- Review rebates available in Southern California at <http://www.bewaterwise.com> .

If there are other function areas like cafeterias/food preparation areas, please contact our Water Conservation Program for tips on how to conserve water specific to those areas.

#### Outdoor Consumption

Significant water savings can be realized if attention is given to how much water we use outdoors. Here are things City staff can readily implement to help reduce outdoor water consumption:

- Stop hosing down sidewalks, driveways and parking lots. If you need to do so for health and safety reasons, consider using a water broom or a water efficient power washer. For more information, visit our website at [www.sandiego.gov/water/conservation](http://www.sandiego.gov/water/conservation).
- Operate your irrigation system to water before 10 a.m. or after 6:00 p.m. to minimize water loss from evaporation or windy conditions.
- Water landscape only when needed. Usually two to three times a week is sufficient. Or you can use the Landscape Watering Calculator at the website mentioned above to prepare a water efficient irrigation schedule based on your plants watering needs, weather date, soil type, and irrigation system used. This easy-to-use tool developed by the Public Utilities Department has been recognized with multiple awards, and is endorsed by a number of landscape industry professionals.
- Consider installing a weather based irrigation controller. These “smart controllers” automatically adjust irrigation run times as the season/weather changes and can shut off your system when it rains. Check with our Water Conservation Program for incentives that may be available.
- Make sure your sprinklers irrigate only the landscape area and not driveways and parking lots. Avoid irrigation runoff that causes storm water pollution.
- Do not water on windy days.
- Should landscape conversion be an option, consider water efficient plants and irrigation systems. These plants provide color and beauty, and the plant choices are numerous. Check our website or visit the Water Conservation Garden at Cuyamaca College ([www.thegarden.org](http://www.thegarden.org)) for more information. Rebates for landscape and irrigation system conversions are also available.

More information on how you can save water at home and at work can be found on the following websites:

City of San Diego  
<http://www.WasteNoWater.org>

San Diego County Water Authority  
<http://www.sdcwa.org/whenindrought>

Metropolitan Water District of Southern California  
<http://www.bewaterwise.com/>

Page 5  
All Department Directors  
June 24, 2014

## RECYCLED WATER OPTION

If the facility is located along the existing recycled water pipeline route you might consider retrofitting your irrigation system to accept recycled water. Irrigation retrofit rebates are now available under a Metropolitan Water District pilot program. For an interactive "recycled water availability zone map" visit <http://www.sandiego.gov/water/recycled/availability/index.shtml> or contact Dawn Jackson at 619-533-4264.

Thank you for the cooperation in conserving water at City facilities and for providing a good example to the public. Please let me know if you should have any questions.



Halla Razak  
Director of Public Utilities

LSG/lsg

**From:** Aneld Anub [<mailto:Aneld.Anub@HELIXWATER.org>]

**Sent:** Wednesday, June 18, 2014 3:43 PM

**To:** Blanco-Krauss, Cristina@DOT

**Cc:** Carlos Perdomo; Tim Ross; Michelle Curtis

**Subject:** RE: Chollas Creek 2 Storm Water Mitigation Project - Water Usage Availability - Helix Water District Concurrence Request

Hi Cristina,

Our current drought level does not limit us or have any mandatory water use restrictions in providing adequate water resource necessary to supply the duration of the project for Location 7, located at Massachusetts Avenue and Route 94.

Good luck with your project,

Aneld Anub, P.E.

Helix Water District

619-667-6273

