

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

June 1, 2012

Certified Mail – Return Receipt Requested

Article Number: 7011 0470 0002 8961 5582

Mr. Arturo Jacobo
Project Manager
California Department of Transportation
4050 Taylor Street
San Diego, CA 92110

In reply refer to / attn:
Place ID 779849 / mporter

**Subject: Clean Water Act Section 401 Water Quality Certification
No. 12C-033 for the Interstate-5 / Genesee Interchange Project**

Mr. Jacobo:

Enclosed is the Clean Water Act Section 401 Water Quality Certification for discharges to waters of the U.S. and acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017-DWQ for the Interstate-5/Genesee Interchange Project (project). A description of the project and project location can be found in the project information sheet, location map, and site maps which are included as Attachments to this Certification.

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that you have accepted and will comply with all the conditions of this Certification.

Failure to comply with all conditions of this Certification may subject the California Department of Transportation to enforcement actions by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Mike Porter at 858-467-2726 or mporter@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 12C-033 for the Interstate-5/Genesee Interchange Project, with four attachments.

DWG:jgs:cc:mgp

cc: Ms. Stephanie Hall
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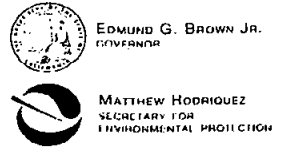
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State Water Resources Control Board
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401 Water Quality Certification and Wetlands Unit
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Tech Staff Info & Use	
Certification No.	12C-033
Party (GT/CIWQS) ID	7222
File No.	12C-033
WDID	9 000002398
NPDES No.	None
Reg. Measure ID	384327
Place ID	779849
Person ID	526363
Inspection ID	None



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW HODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

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

PROJECT: I-5/Genesee Interchange Project
Water Quality Certification No. 12C-033

APPLICANT: Mr. Arturo Jacobo
Project Manager
California Department of Transportation
4050 Taylor Street
San Diego, CA 92110

WDID	9000002398
Reg. Meas.	384327
Place	779849
Party	7222
Person	526363

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, Programmatic Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

PROJECT DESCRIPTION:

The project consists of improvements to Interstate-5 (I-5) and Genesee Avenue to improve traffic flow and provide a connection for bicyclists between two, existing bicycle paths. The project will occur in two phases. The first phase of construction will include the reconstruction of I-5/Genesee interchange, the addition of auxiliary lanes north of Genesee Avenue, construction of a bicycle path, and improvement to Sorrento Valley on-ramps and off-ramps. The second phase of construction will include the addition of auxiliary lanes south of Genesee Avenue, replacement of the Voigt Drive overcrossing, and realignment of Gilman Drive.

GRANT DESTACHE, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

9174 Sky Park Court, Suite 100, San Diego, CA 92123 | (858) 467-2952 | www.waterboards.ca.gov/sandiego



PH-001-01-03

Permanent impacts to 0.11-acre (1,290-linear feet) of non-wetland waters of the U.S. and/or State will be caused by highway improvements and related facilities. There are no proposed temporary impacts.

Unavoidable impacts will be mitigated through the offsite establishment of 3.36-acres (2,250-linear feet) of Southern willow scrub, consisting of willows (4 species), Fremont's cottonwood, Coast live oak, and Western sycamore, Mulefat, and herbaceous understory at the Deer Canyon Mitigation site. Mitigation will also be implemented for 1.01-acres of impacts to California Department of Fish and Game Jurisdictional areas.

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I. STANDARD CONDITIONS

The following three standard conditions apply to all Certification actions, except as noted under Condition C for denials.

- A. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
- B. This Certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. The validity of any non-denial Certification action must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

II. ADDITIONAL CONDITIONS: GENERAL

- A. Water Quality Certification No. 12C-033 (Certification) is only valid if the project begins no later than 5 (five) years from the date of issuance. If the project has not begun within 5 years from the date of issuance, this Certification expires.
- B. The California Department of Transportation must comply with the requirements of State Water Resources Control Board adopted Order No. 99-06-DWQ, NPDES No. CAS000003 Permit *Statewide Storm Water Permit and Waste Discharge Requirements (WDRs) for the State of California Department of Transportation*.
- C. The California Department of Transportation must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification*. These General Waste Discharge Requirements are accessible at:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf.

- D. The California Department of Transportation must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board San Diego Region (San Diego Water Board), to support this Certification and all subsequent submittals required as part of this Certification and as described in Attachment 1. The conditions within this Certification must supersede conflicting provisions within such plans submitted as part of this Certification action.
- E. The California Department of Transportation must permit the San Diego Water Board or its authorized representative at all times, upon presentation of credentials:
1. Entry onto project premises, including all areas on which fill or mitigation is located or in which records are kept.
 2. Access to copy any records required to be kept under the terms and conditions of this Certification.
 3. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
 4. Sampling of any discharge or surface water covered by this Order.
- F. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- G. In response to a suspected violation of any condition of this Certification, the San Diego Water Board may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the San Diego Water Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- H. In response to any violation of the conditions of this Certification, the San Diego Water Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.

III. ADDITIONAL CONDITIONS: CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. Construction BMPs must be implemented as described in the *California Department of Transportation Appendix E Long Form Storm Water Data Report*, dated May 9, 2012. Proposed construction BMPs must include, but not be limited to:
1. Sediment Control.
 2. Erosion Control.
 3. Material Delivery and Storage.
 4. Material Use.
 5. Stockpile Management.
 6. Spill Prevention and Control.
 7. Solid Waste Management.
 8. Hazardous Waste Management.
 9. Sanitary/Septic Waste Management.
 10. Water Conservation Practices.
 11. Dewatering Operations.
 12. Paving and Grinding Operations.
 13. Vehicle and Equipment Cleaning.
 14. Vehicle and Equipment Fueling.
 15. Vehicle and Equipment Maintenance.
 16. Concrete Curing.
 17. Concrete Finishing.
- B. The California Department of Transportation must enroll in and comply with the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, NPDES No. CAS000002, *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*.
- C. Prior to the start of the project, and annually thereafter, the California Department of Transportation must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and Best Management Practices (BMP) implementation and maintenance.
- D. The California Department of Transportation 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.
- E. The treatment, storage, and disposal of wastewater during the life of the project must be done in accordance with waste discharge requirements established by the San Diego Water Board pursuant to CWC § 13260.

- F. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
- G. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or the State or placed in locations that may be subjected to storm flows. Pollutants discharged to areas within a stream diversion area must be removed at the end of each work day or sooner if rain is predicted.
- H. All surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
- I. All areas that will be left in a rough graded state must be stabilized no later than two weeks after completion of grading. The California Department of Transportation, land owners, and/or land managers are responsible for implementing and maintaining BMPs to prevent erosion of the rough graded areas. After completion of grading, all areas must be revegetated. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at <http://www.cal-ipc.org/ip/inventory/weedlist.php>.
- J. Except as authorized by this Certification, substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.
- K. Removal of vegetation must occur by hand, mechanically, or using EPA approved herbicides deployed using applicable BMPs to prevent impacts to Beneficial Uses of waters of the State. Use of aquatic pesticides must be done in accordance with *State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ*, and any subsequent reissuance as applicable. Removal of vegetation must occur outside of the avian nesting season (March 15 to August 31).
- L. If groundwater dewatering with discharge to surface water is necessary for project construction, the California Department of Transportation must comply with *San Diego Water Board Order No. R9-2008-0002, General Waste Discharge Requirements for Discharges from Groundwater Extraction and Similar Discharges to Surface Waters Within the San Diego Region*. These General Waste Discharge Requirements are accessible at:
http://www.swrcb.ca.gov/rwqcb9/board_decisions/adopted_orders/2008/2008_0002.pdf

- M. During construction, the California Department of Transportation must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.

IV. ADDITIONAL CONDITIONS: POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. Post-construction BMPs must be implemented as described in the *California Department of Transportation Appendix E Long Form Storm Water Data Report*, dated May 9, 2012. Proposed structural, post-construction BMPs will include three bioswales that will treat at least 18.27-acres of (combined) existing and new impervious areas.
- B. The project must not add more than 14.79-acres of new, impervious areas.
- C. Structural Best Management Practices (BMPs) must be sized to comply with the following numeric sizing criteria:

a) Volume

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

- i. The volume of runoff produced from a 24-hour 85th percentile storm event, as determined from the local historical rainfall record (0.6 inch approximate average for the San Diego County area); or
- ii. The volume of runoff produced by the 85th percentile 24-hour rainfall event, determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or
- iii. The volume of annual runoff based on unit basin storage volume, to achieve 90% or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook – Industrial/Commercial, (1993); or
- iv. The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile 24-hour runoff event; or

b) Flow

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

- i. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour; or
 - ii. The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or
 - iii. The maximum flow rate of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.
- D. Pedestrian-accessible storm drain inlet structures within the project boundaries must be stamped and/or stenciled with appropriate language prohibiting non-storm water discharges.
- E. Post-construction BMPs must be installed and functional prior to occupancy and/or planned use of development areas.
- F. The California Department of Transportation must inspect and maintain post-construction structural BMPs per the manufacturers' specifications and/or engineering design specifications. An inspection and maintenance log must be maintained for review by the San Diego Water Board. Copies of the inspection and maintenance log must be provided to upon request.
- G. Any extended detention basins must be designed and constructed in accordance with the most recent California Stormwater Quality Association guidance for extended detention basins. The basin outlets must be placed to maximize the flowpath through the facility. The ratio of flowpath length to width from the inlet to the outlet must be at least 1.5:1. The flowpath length is defined as the mean width of the basin.

V. ADDITIONAL CONDITIONS: IMPACTS AND COMPENSATORY MITIGATION

- A. Impacts to waters of the U.S. and State are limited to 0.11-acre and 1,290-linear feet in the Miramar Reservoir hydrologic area (906.10).
- B. Mitigation for permanent project impacts to non-wetland waters of the U. S. and/or State must be implemented as described in the *Final Compensatory Wetland/Upland Mitigation Plan for Deer Canyon*, prepared by the California Department of Transportation, and dated May 25, 2011. The Deer Canyon Mitigation site is proposed

to provide compensatory mitigation for the proposed impacts from the I-5/Genesee Avenue Interchange, the I-805 Managed Lanes, and Carroll Canyon Road Extension, and the Sorrento to Miramar Double Track Project – Phase I projects.

- C. Compensatory mitigation must consist of the establishment of 3.36-acre of Southern willow scrub (1,290-linear feet) consisting of willows (4 species), Fremont's cottonwood, Coast live oak, and Western sycamore, Mulefat, and herbaceous understory at the Deer Canyon Mitigation site (Miramar Reservoir hydrologic area (906.10). This mitigation compensates only for unavoidable impacts from the I-5/Genesee project and no other projects.
- D. Project impacts will require the mathematical subtraction of 3.36-acres and 1,290-linear feet of Southern willow scrub credits from the Deer Canyon Mitigation site mitigation credits ledger.
- E. The construction of proposed mitigation must be concurrent with project grading and completed no later than 9 months following the initial discharge of dredge or fill material into on-site waters. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10 percent of the cumulative compensatory mitigation for each month of delay.
- F. The California Department of Transportation must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the U.S. and/or State. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species.
- G. The Deer Canyon mitigation site must be designed, constructed, and maintained in perpetuity to meet the following conditions:
 - 1. Most of the channel through the mitigation sites are characterized by equilibrium conditions, with no evidence of severe aggradation or degradation;
 - 2. As viewed along cross-sections, the channel and buffer have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope contains physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and
 - 3. The mitigation sites have a well-developed plant community characterized by a high degree of horizontal and vertical interspersions among plant zones and layers.
- H. Throughout the mitigation monitoring program phase, mitigation areas must be maintained free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the mitigation areas.

- I. San Diego Water Board acceptance of the final mitigation plan for each project site applies only to the site and plan that mitigates for each project and must not be construed as approval of the mitigation site or plan for use by other current or future projects that are planning to use additional acreage at the site for mitigation.
- J. Any maintenance activities that do not contribute to the success of the mitigation sites and enhancement of beneficial uses and ecological functions and services are prohibited. Maintenance activities are limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species and remedial measures deemed necessary for the success of the restoration program.
- K. If at any time during the implementation and establishment of the mitigation areas, and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation areas, the California Department of Transportation is responsible for repair and replanting of the damaged areas.
- L. For the purpose of determining mitigation credit for the removal of exotic/invasive plant species, only the actual area occupied by exotic/invasive plant species must be quantified to comply with mitigation requirements.
- M. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the U.S. and/or State where the resource has never previously existed (e.g. conversion of nonnative grassland to a freshwater marsh). Restoration is divided into two activities, re-establishment and rehabilitation. Re-establishment is defined as the return of natural/historic functions to a site where vegetated or unvegetated waters of the U.S. and/or State previously existed (e.g., removal of fill material to restore a drainage). Rehabilitation is defined as the improvement of the general suite of functions of degraded vegetated or unvegetated waters of the U.S. and/or State (e.g., removal of a heavy infestation or monoculture of exotic plant species from jurisdictional areas and replacing with native species). Enhancement is defined as the improvement to one or two functions of existing vegetated or unvegetated waters of the U.S. and/or State (e.g., removal of small patches of exotic plant species from an area containing predominantly natural plant species). Preservation is defined as the acquisition and legal protection from future impacts in perpetuity of existing vegetated or unvegetated waters of the U.S. and/or State (e.g., conservation easement).
- N. Mitigation site monitoring must continue until the mitigation site has met the success criteria stated in the mitigation plan(s). The mitigation site must be maintained free of non-native and invasive plant species and maintained in accordance with specified success criteria in perpetuity.

VI. MONITORING REQUIREMENTS

A. Bioassessment -

The California Department of Transportation must conduct bioassessment monitoring, as described in this section, to assess effects on the biological integrity of the Deer Canyon mitigation site. Bioassessment shall include: 1) the collection and reporting of specified instream biological data, and 2) the collection and reporting of specified instream physical and habitat data. The results of the Bioassessment must be submitted **each year with the Mitigation Monitoring Reports.**

Site Locations and Frequency

Macroinvertebrate samples shall be collected at Deer Canyon mitigation site. Annual sampling must occur for 5 years until established success criteria are met for the Deer Creek mitigation site.

Index Period

Macroinvertebrate sampling shall be conducted between April 1st and October 1st. Sampling should be conducted when water is present and preferably flowing.

Field Methods for Macroinvertebrate Collections

In collecting macroinvertebrate samples, the California Department of Transportation shall use the "Reachwide Benthos (Multihabitat) Procedure" specified in Standard Operating Procedures for Collecting Benthic Macroinvertebrate Samples and Associated Physical and Chemical Data for Ambient Bioassessments in California (Ode 2007, available at: http://www.swrcb.ca.gov/swamp/docs/phab_sopr6.pdf).

Habitat Assessment Methods

The California Department of Transportation shall conduct, concurrently with all required macroinvertebrate collections, the "Full" suite of physical/habitat characterization measurements as specified in Standard Operating Procedures for Collecting Benthic Macroinvertebrate Samples and Associated Physical and Chemical Data for Ambient Bioassessments in California (Ode 2007), and as summarized in the Surface Water Ambient Monitoring Program's Stream Habitat Characterization Form — Full Version.

Laboratory Methods

Macroinvertebrates shall be identified and classified according to the Standard Taxonomic Effort (STE) Level II of the Southwestern Association of Freshwater Invertebrate Taxonomists (SAFIT; requirements for Level I and Level II taxonomic effort, and are located at: <http://www.safit.org/ste.html>) and using a fixed-count of 600 organisms per sample.

Quality Assurance

The California Department of Transportation shall have and follow a quality assurance (QA) plan that covers the required bioassessment monitoring. The QA plan shall include, or be supplemented to include, a specific requirement for external QA checks (i.e., verification of taxonomic identifications and correction of data where errors are identified). External QA checks shall be performed on one of the discharger's macroinvertebrate samples collected per calendar year, or ten percent of the samples per year (whichever is greater). QA samples shall be randomly selected. The external QA checks shall be paid for by the discharger, and performed by the California Department of Fish and Game's Aquatic Bioassessment Laboratory. An alternate laboratory with equivalent or better expertise and performance may be used if approved in writing by the San Diego Water Board.

Sample Preservation and Archiving

The original sample material shall be stored in 70 percent ethanol and retained by the discharger until: 1) all QA analyses specified herein and in the relevant QA plan are completed; and 2) any data corrections and/or re-analyses recommended by the external QA laboratory have been implemented. The remaining subsampled material shall be stored in 70 percent ethanol and retained until completeness checks have been performed according to the relevant QA plan. The identified organisms shall be stored in 70 percent ethanol, in separate glass vials for each final ID taxon. (For example, a sample with 45 identified taxa would be archived in a minimum of 45 vials, each containing all individuals of the identified taxon.) Each of the vials containing identified organisms shall be labeled with taxonomic information (i.e., taxon name, organism count) and collection information (i.e., site name/site code, waterbody name, date collected, and method of collection). The identified organisms shall be archived (i.e., retained) by the discharger for a period of not less than three years from the date that all QA steps are completed, and shall be checked at least once per year and "topped off" with ethanol to prevent desiccation. The identified organisms shall be relinquished to the San Diego Water Board upon request.

Definitions: The "original sample material" is that material (i.e., macroinvertebrates, organic material, gravel, etc.) remaining after the subsample has been removed for identification. The "remaining subsampled material" is that material (e.g., organic material, gravel, etc.) that remains after the organisms to be identified have been removed from the subsample for identification. (Generally, no macroinvertebrates are present in the remaining subsampled material, but this needs to be verified via QA completeness checks.) The "identified organisms" are those organisms within the subsample that are specifically identified and counted.

Data Submittal

The macroinvertebrate results (i.e., taxonomic identifications consistent with the specified SAFIT STEs, and number of organisms within each taxa) shall be submitted to the San Diego Water Board in electronic format. The Water Board's Surface Water Ambient Monitoring Program (SWAMP) is currently developing standardized formats for reporting bioassessment data. All bioassessment data collected after those formats

become available shall be submitted using the SWAMP formats. Until those formats are available, the biological data shall be submitted in MS-Excel (or equivalent) format. The physical/habitat data shall be reported using the standard format titled SWAMP Stream Habitat Characterization Form - Full Version.

B. California Rapid Assessment Method

The California Department of Transportation must conduct a quantitative, function-based assessment of the health of wetland and riparian habitats in the Deer Canyon mitigation site using the California Rapid Assessment Method (CRAM)¹ upstream, within, and downstream of Deer Canyon mitigation site. Monitoring must occur prior to impacts and for at least three consecutive years after impacts. The results of the CRAM assessment must be submitted **each year with the Mitigation Monitoring Reports.**

C. Invasive Species Prevention

In conducting the required monitoring, the discharger and its consultants shall take precautions to prevent the introduction or spread of aquatic invasive species. At minimum, the California Department of Transportation and its consultants shall follow the recommendations of the California Department of Fish and Game to minimize the introduction or spread of the New Zealand mudsnail.

VII. NOTIFICATION REQUIREMENTS

- A. The California Department of Transportation must report to the San Diego Water Board any noncompliance that may endanger human health or the environment. Any information shall be provided orally within **24 hours** from the time the California Department of Transportation becomes aware of the circumstances. A written submission shall also be provided within **five (5) days** of the time the California Department of Transportation becomes aware of the circumstances. The written submission shall contain a written description of the incident and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The San Diego Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours.

¹ Information on CRAM is available at the California Rapid Assessment Method homepage at <http://www.cramwetlands.org/>

- B. The California Department of Transportation must notify the San Diego Water Board of any transfer in responsibility for implementation of the requirements of this Certification. Notification must include, but not be limited to, a statement that the California Department of Transportation has provided the transferee with a copy of the Certification and that the transferee understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so. The California Department of Transportation and transferee must sign and date the notification and including a designated date of transfer. The California Department of Transportation must provide such notification to the Executive Officer of the San Diego Water Board **prior to the intended date of transfer**. Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the California Department of Transportation will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the California Department of Transportation of this Certification in the event that a transferee fails to comply.
- C. **Prior to the start of construction**, the California Department of Transportation must provide the San Diego Water Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. **Within one year of the start of construction**, the California Department of Transportation must submit proof of a completed preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation property must be adequate to demonstrate that the site will be maintained without future development or encroachment on the site which could otherwise reduce the functions and values of the site for the variety of beneficial uses of waters of the United States that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the site. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

VIII. REPORTING REQUIREMENTS

- A. The California Department of Transportation must submit annual progress reports describing status of compliance with all requirements of this Certification to the San Diego Water Board prior to **August 1** of each year following the issuance of this Certification until the project has reached completion. The California Department of Transportation must submit a Final Project Annual Report to the San Diego Water

Board prior to **August 1** following completion of the project. The reports must include, but not be limited to, the following:

1. Date of construction initiation.
 2. Projected date of construction completion.
 3. Status of BMPs for the project.
 4. Final Project Report: As-built drawings no larger than 11"X17", GPS readings of all post-construction BMPs, and photodocumentation of post-construction BMPs.
- B. Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful. Annual monitoring reports must be submitted prior to **December 1** of each year. Monitoring reports must include, but not be limited to, the following:
1. Names, qualifications, and affiliations of the persons contributing to the report;
 2. Date of initiation of mitigation installation and date mitigation installation was completed.
 3. Mitigation as-builts, including topography maps and planting locations.
 4. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data;
 5. Topographic complexity characteristics at each mitigation site;
 6. Upstream and downstream habitat and hydrologic connectivity;
 7. Source of hydrology;
 8. Width of native vegetation buffer around the entire mitigation site;
 9. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results, including evaluation of Benthic Macroinvertebrate Community Analysis, California Rapid Assessment Method, and other success criteria.
 10. Stream Photodocumentation, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation areas, prior to and after implementation. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf. In addition, photo documentation must include

Geographic Positioning System (GPS) coordinates for each of the photo points referenced.

11. A Survey report documenting boundaries of mitigation area(s), including Geographic Information System (GIS) shape files (polygons) of the impact and mitigation areas (Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points). GIS metadata must also be submitted.
- C. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the San Diego Water Board for failure to furnish requested information pursuant to CWC section 13268.
 - D. All reports and information submitted to the San Diego Water Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.
 - E. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:
 1. For a corporation, by a responsible corporate officer of at least the level of vice president.
 2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
 4. A duly authorized representative may sign applications, reports, or information if:
 - a. The authorization is made in writing by a person described above.
 - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c. The written authorization is submitted to the San Diego Water Board Executive Officer.

- F. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

- G. The California Department of Transportation 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. 12C-033
9174 Sky Park Court, Suite 100
San Diego, California 92123

IX. CEQA FINDINGS

- A. The California Department of Transportation is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and issued the Interstate 5/Genesee Avenue Interchange Reconstruction Project, Initial Study with Mitigated Negative Declaration/Environmental Assessment With Finding of No Significant Impact, State Clearinghouse No. 2010091064, June 2011.
- B. The San Diego Water Board has reviewed the lead agency's Mitigated Negative Declaration and finds that the project as proposed will not have a significant effect on the environment if compensatory mitigation is accomplished as conditioned in this Certification.

X. PUBLIC NOTIFICATION OF PROJECT APPLICATION

On April 10, 2012, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

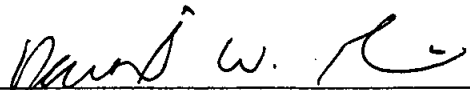
XI. SAN DIEGO WATER BOARD CONTACT PERSON

Mike Porter, Engineering Geologist
California Regional Water Quality Control Board San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
Telephone: 858-467-2726
Email: mporter@waterboards.ca.gov

XII. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **I-5/Genesee Interchange Project** (Certification No. 12C-033) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)*," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue individual waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited to, and all proposed mitigation being completed in strict compliance with, the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Water Quality Control Plan for the San Diego Basin Region (9) (Basin Plan).



DAVID W. GIBSON
Executive Officer
Regional Water Quality Control Board

31 May 2012
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map(s)
 4. Site and Mitigation Figures(s)

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: Mr. Arturo Jacobo
Project Manager
California Department of Transportation
4050 Taylor Street
San Diego, CA 92110
Telephone: 619-688-6866
Fax: 619-688-4258
Email: arturo_jacobo@dot.ca.gov

**Applicant
Representatives:** Ms. Kim Smith
Chief Environmental Stewardship and
Ecological Services Branch
California Department of Transportation
4050 Taylor Street
MS 331
San Diego, CA 92110
Telephone: 619-688-0220
Fax: 619-688-4258
Email: kim_t_smith@dot.ca.gov

Project Name: I-5/Genesee Interchange Project

Project Location: The proposed project is located at the intersection of Interstate-5 and Genesee Avenue. The project is located within the City of San Diego's communities of La Jolla and Torrey Pines, coastal-central San Diego County, California. The project is located approximately at latitude 32.886849° north and longitude -117.227747° east.

Type of Project: Highway onramp and offramp improvements.

Project Description and Need: The project consists of improvements to Interstate-5 (I-5) and Genesee Avenue to improve traffic flow and provide a connection for bicyclists between two, existing bicycle paths. The project will occur in two phases. The first phase of construction will include the reconstruction of I-5/Genesee interchange, the addition of auxiliary lanes north of Genesee Avenue, construction of a bicycle path, and improvement to Sorrento Valley on-ramps and off-ramps. The second phase of construction will include the addition of auxiliary lanes south of Genesee Avenue, replacement of the Voigt Drive overcrossing, and realignment of Gilman Drive.

Federal Agency/Permit: U.S. Army Corps of Engineers §404, Nationwide Permits 14 and 42, Ms. Stephanie Hall, Los Angeles District.

Other Required Regulatory Approvals: California Department of Fish and Game (CDFG) § 1602 Streambed Alteration Agreement, Mr. Tim Dillingham.

California Coastal Commission, Coastal Development Permit, Mr. Gabe Buhr.

California Environmental Quality Act (CEQA) Compliance: Interstate 5/Genesee Avenue Interchange Reconstruction Project, Initial Study with Mitigated Negative Declaration/Environmental Assessment With Finding of No Significant Impact, California Department of Transportation, State Clearinghouse No. 2010091064, June 2011.

Receiving Waters: An unnamed tributary to Soledad Canyon Creek; Penasquitos hydrologic unit, Miramar Reservoir hydrologic area (906.10).

Impacted Wetlands and Waters of the United States and State: Permanent –
Unvegetated streambed 0.11-acre, 1,290-linear feet
Temporary - none

Impacted Waters for CDFG jurisdiction only: Permanent - Riparia as Southern willow scrub 1.01-acre, 1,290-linear feet

Temporary - none

Dredge Volume: None.

Related Projects Implemented/to be Implemented by the Applicant(s): None disclosed.

Compensatory Mitigation: Unavoidable impacts will be mitigated through the Establishment of 3.36-acres of Southern willow scrub (1,290-linear feet) consisting of willows (4 species), Fremont's cottonwood, Coast live oak, and Western sycamore, Mulefat, and herbaceous understory at the Deer Canyon Mitigation site (Miramar Reservoir hydrologic area, 906.10).

Best Management Practices (BMPs): Proposed Construction BMPs will include:

- Sediment Control
- Erosion Control
- *Material Delivery and Storage*
- Material Use
- Stockpile Management
- Spill Prevention and Control
- Solid Waste Management
- Hazardous Waste Management
- Sanitary/Septic Waste Management
- Water Conservation Practices
- Dewatering Operations
- Paving and Grinding Operations
- Vehicle and Equipment Cleaning
- Vehicle and Equipment Fueling
- Vehicle and Equipment Maintenance
- Concrete Curing
- Concrete Finishing

Proposed post-construction BMPs (three bioswales) will treat 18.27-acres of project impervious areas. Proposed new impervious areas total 14.79-acres.

Public Notice: On April 10, 2012, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No comments were received.

Fees: Total Due: \$13,122.00
Total Paid: \$13,122.00 (Check No. 082-989028)

CIWQS: Regulatory Measure ID: 384327
Place ID: 779849
Party ID: 7222
Person ID: 526363
WDID 9 000002398

**ATTACHMENT 2
DISTRIBUTION LIST**

Ms. Stephanie Hall
Environmental Protection Specialist/Senior PM
USACOE-Los Angeles District
Regulatory Division
Stephanie.J.Hall@usace.army.mil

Mr. Tim Dillingham
California Department of Fish and Game
South Coast Region
Habitat Conservation Planning – North
tdillingham@dfg.ca.gov

Mr. Gabe Buhr
California Coastal Commission
San Diego Coast District Office
gbuhr@coastal.ca.gov

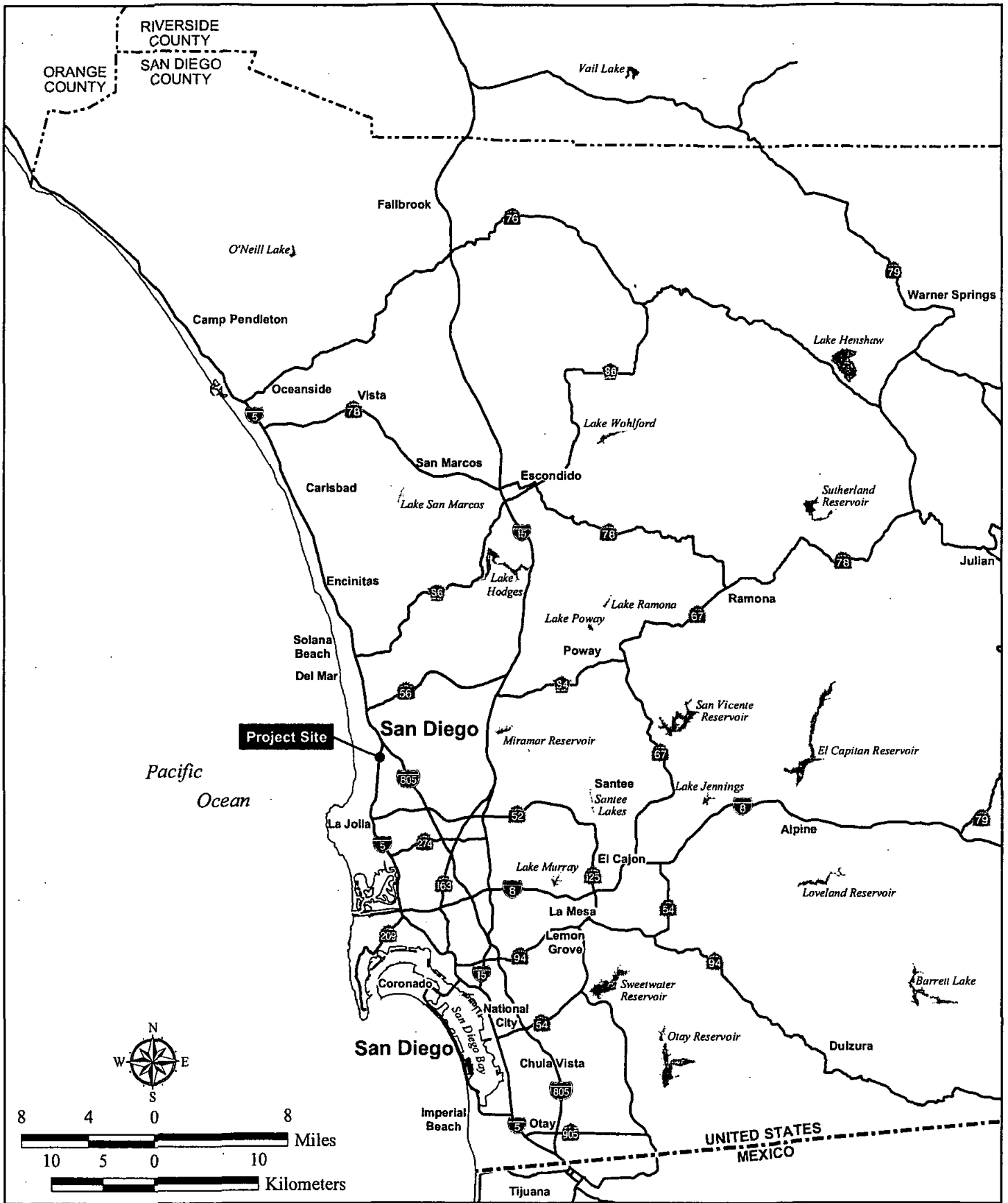
Mr. Eric Raffini
Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region 9
R9-WTR8-Mailbox@epa.gov

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

Ms. Kim Smith
Chief Environmental Stewardship and Ecological Services Branch
California Department of Transportation
kim_t_smith@dot.ca.gov

Ms. Michele Madigan
Associate Environmental Planner
Community Impacts and Permits
California Department of Transportation
michelle_madigan@dot.ca.gov

ATTACHMENT 3
LOCATION MAP(S)

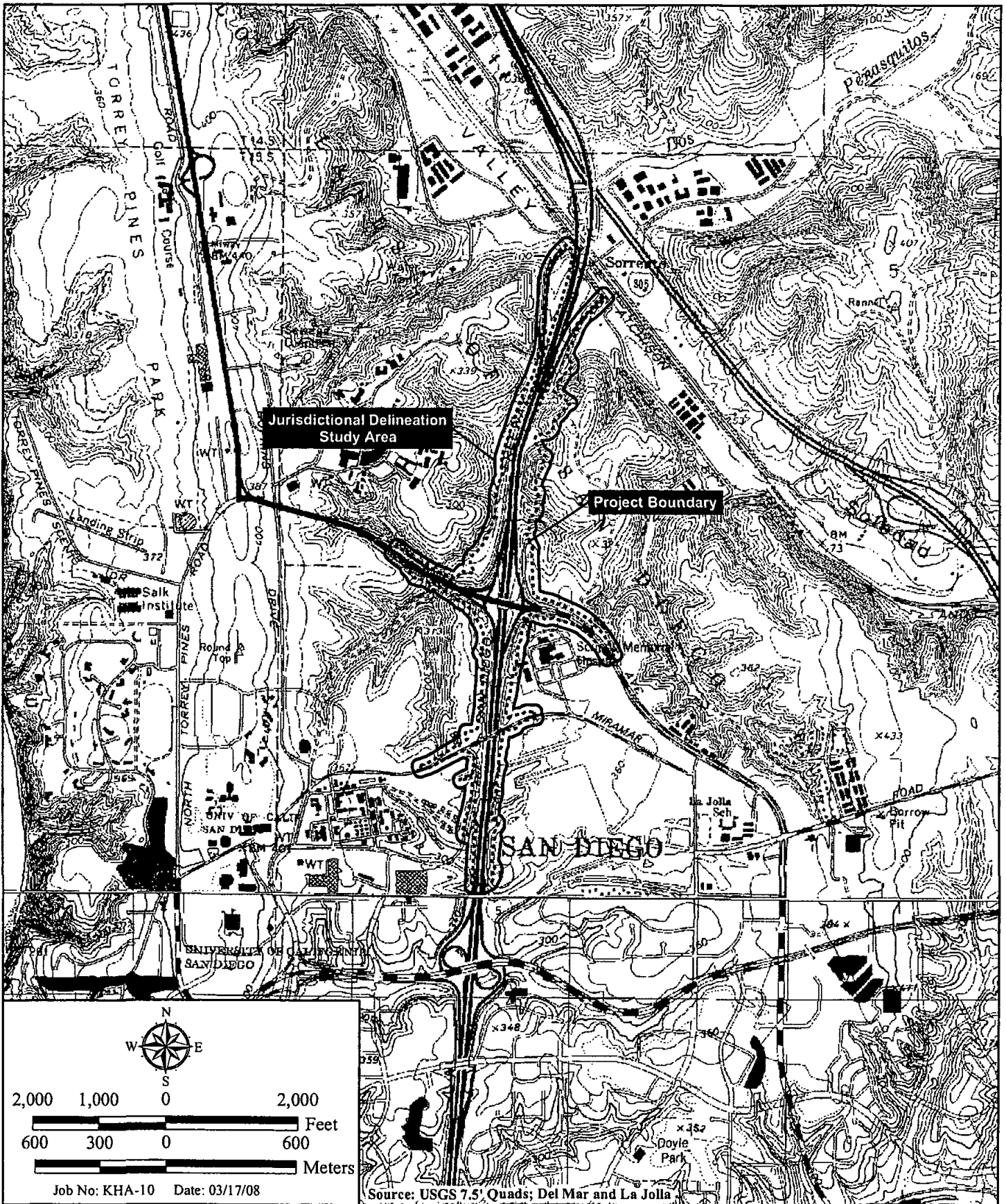


I:\ArcGIS\KVKHA-10 I-5 Genesee Interchange\Map\UD\Fig1_Regional.mxd -CG

Regional Location Map

INTERSTATE 5/GENESEE AVENUE INTERCHANGE RECONSTRUCTION

Figure 1



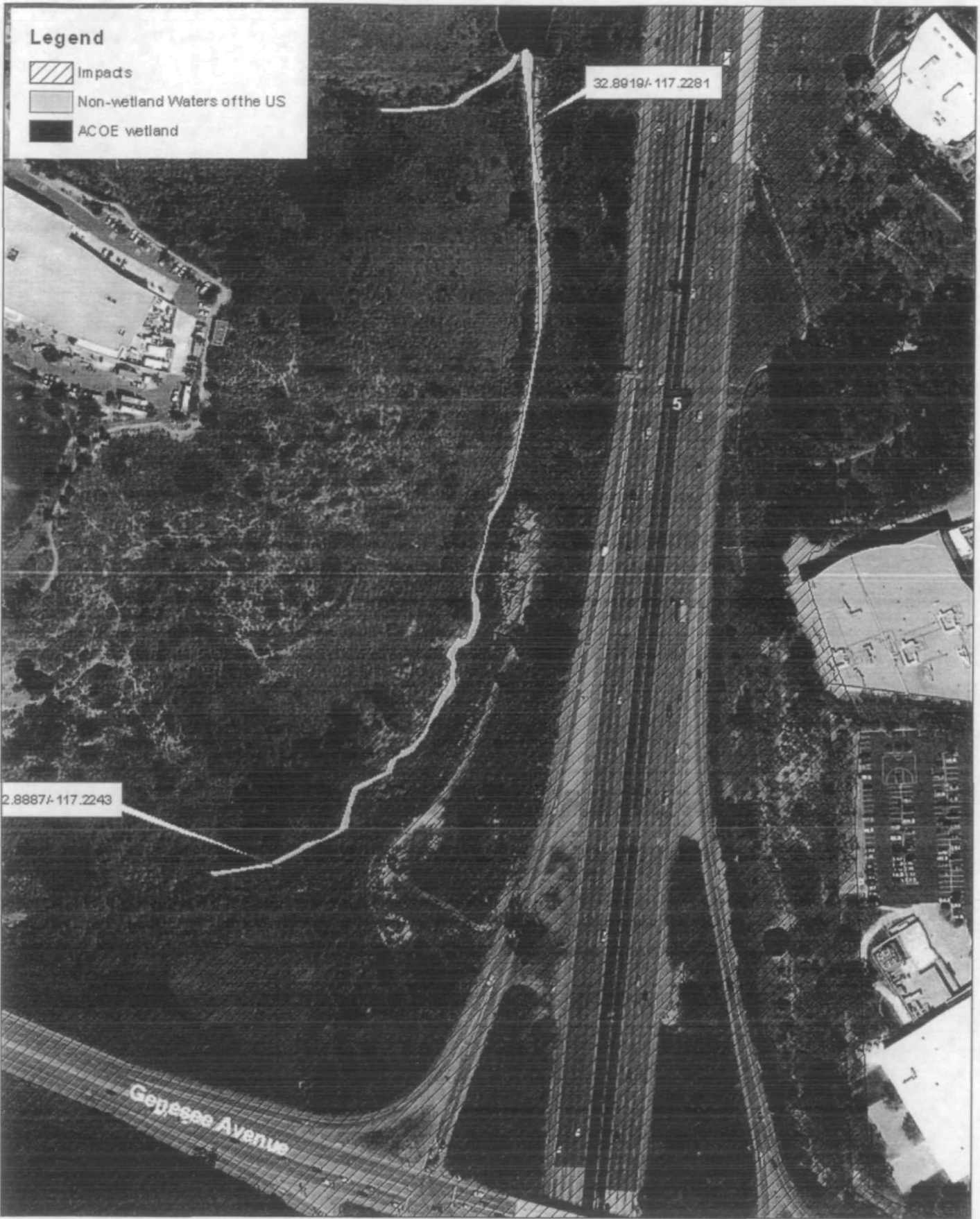
Project Location

INTERSTATE 5/GENESEE AVENUE INTERCHANGE RECONSTRUCTION

Figure 2

ATTACHMENT 4

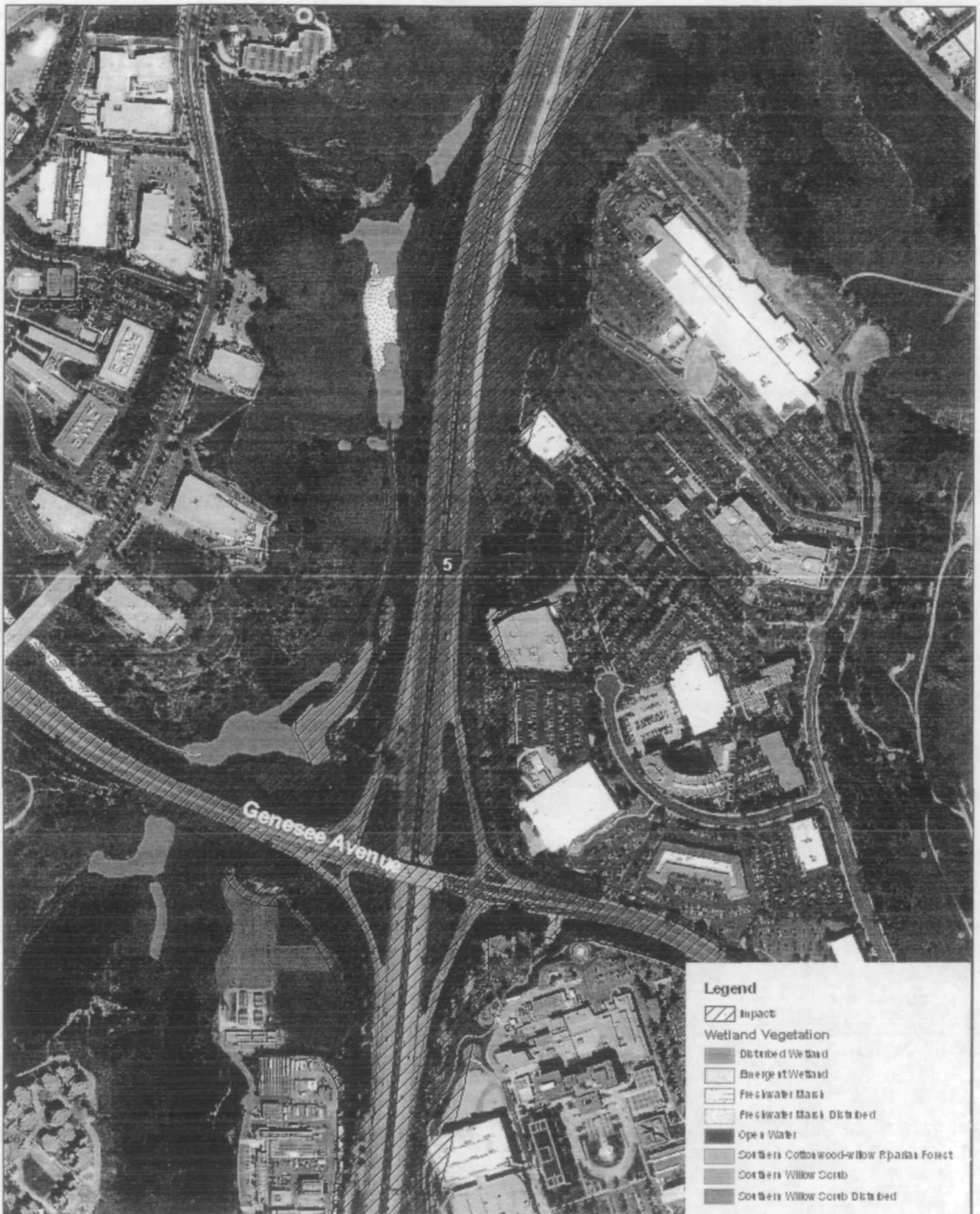
SITE FIGURES



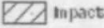
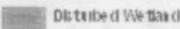
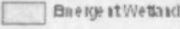
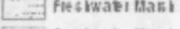
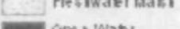
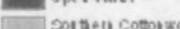
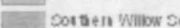
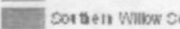


I-5/Genesee Interchange Project ACOE Waters of the US Impacts



ATTACHMENT 3



Legend

-  Impact
- Wetland Vegetation**
-  Disturbed Wetland
-  Emergent Wetland
-  Freshwater Marsh
-  Freshwater Marsh Disturbed
-  Open Water
-  Cowardin Cottonwood-willow Riparian Forest
-  Cowardin Willow Scrub
-  Cowardin Willow Scrub Disturbed
-  Unvegetated Channel

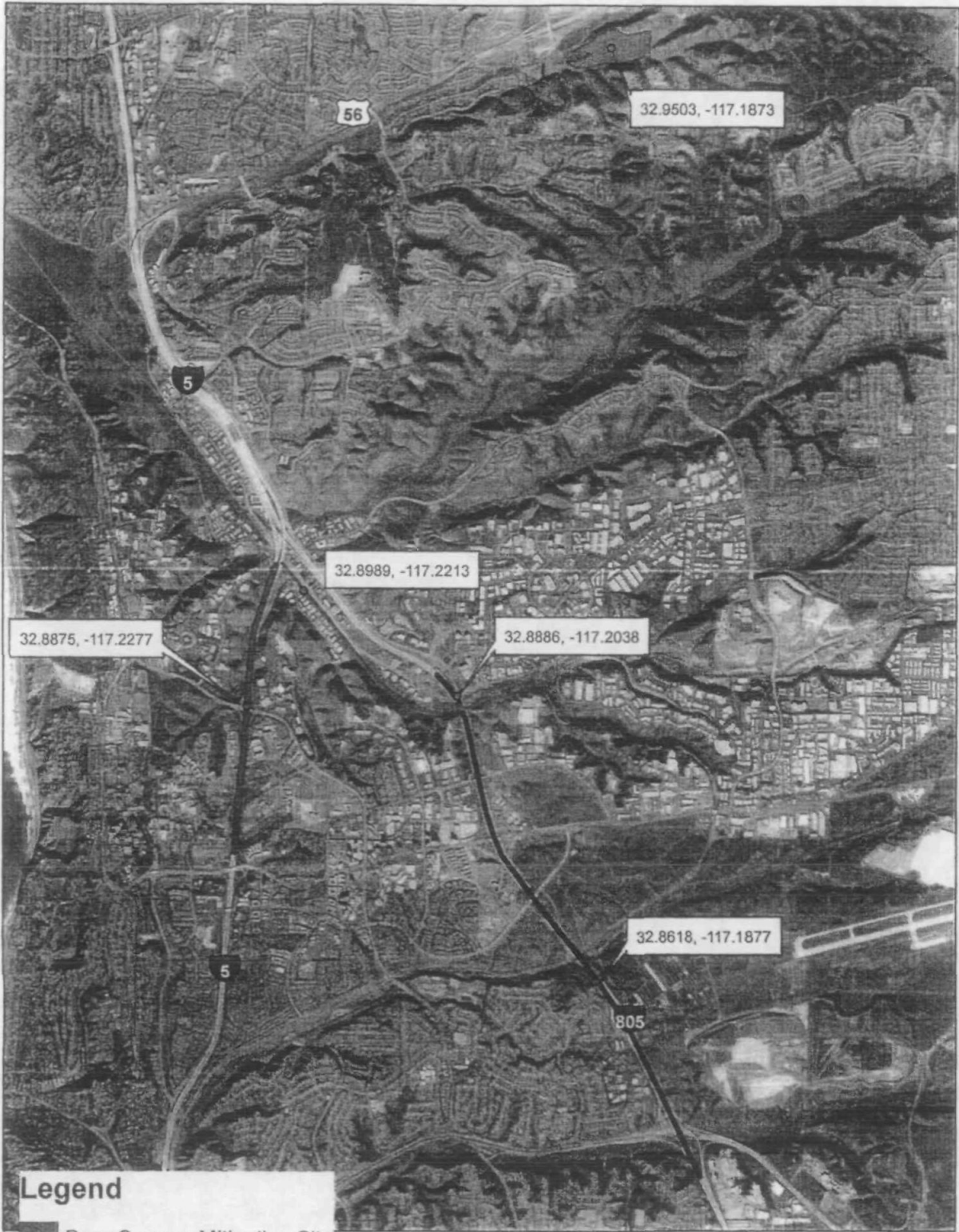
530 265 0 530 Feet



I-5/Genesee Interchange Project CDFG Wetland Impacts



ATTACHMENT 4



Legend

- Deer Canyon Mitigation Site
- I-5/Genesee Interchange Project
- I-805 North Managed Lanes Project
- Carroll Canyon Road Extension
- LOSSAN S2HP1

Figure 1. Project Location



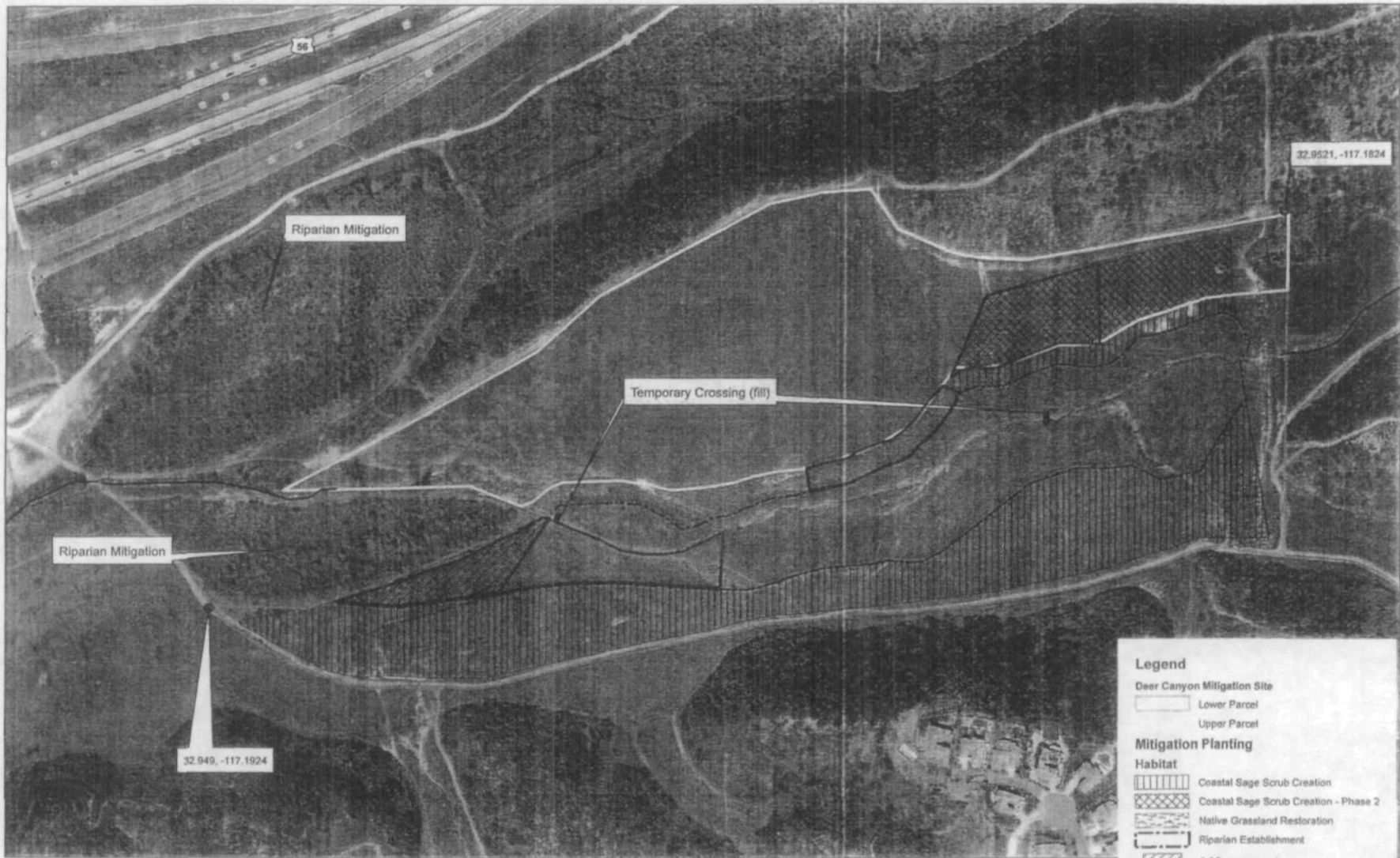




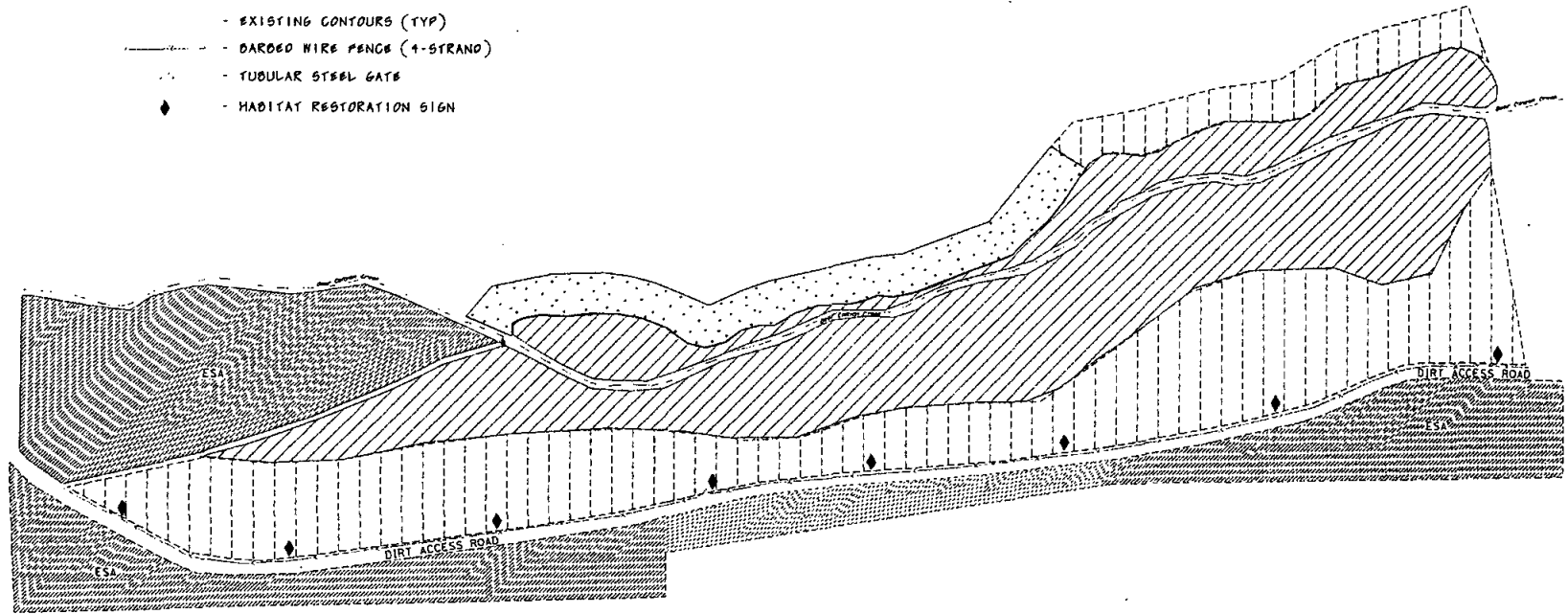


Figure 6. Deer Canyon Mitigation Site

LEGEND

-  - WETLAND PLANTING AREA (12.26 ACRES)
-  - COASTAL SAGE SCRUB PLANTING AREA (12.14 ACRES)
-  - NATIVE GRASSLAND SEEDING AREA (2.18 ACRES)
-  - ENVIRONMENTALLY SENSITIVE AREA (ESA)
NO WORK OR EQUIPMENT STORAGE TO OCCUR IN THIS AREA
- EXISTING CONTOURS (TYP)
- BARBED WIRE FENCE (4-STRAND)
- TUBULAR STEEL GATE
- HABITAT RESTORATION SIGN



DEER CANYON MITIGATION

CONCEPTUAL PLANTING PLAN

1100020036

FIGURE 7



10
11
9

**STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY
IN SAN DIEGO COUNTY
IN SAN DIEGO
FROM VOIGT DRIVE OVERCROSSING
TO SORRENTO VIADUCT**

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
11	SD	5	R28.6/R30.1		



APPROVED AS TO IMPACT ON STATE FACILITIES AND CONFORMANCE WITH APPLICABLE STATE STANDARDS AND PRACTICES AND THAT TECHNICAL OVERSIGHT WAS PERFORMED.

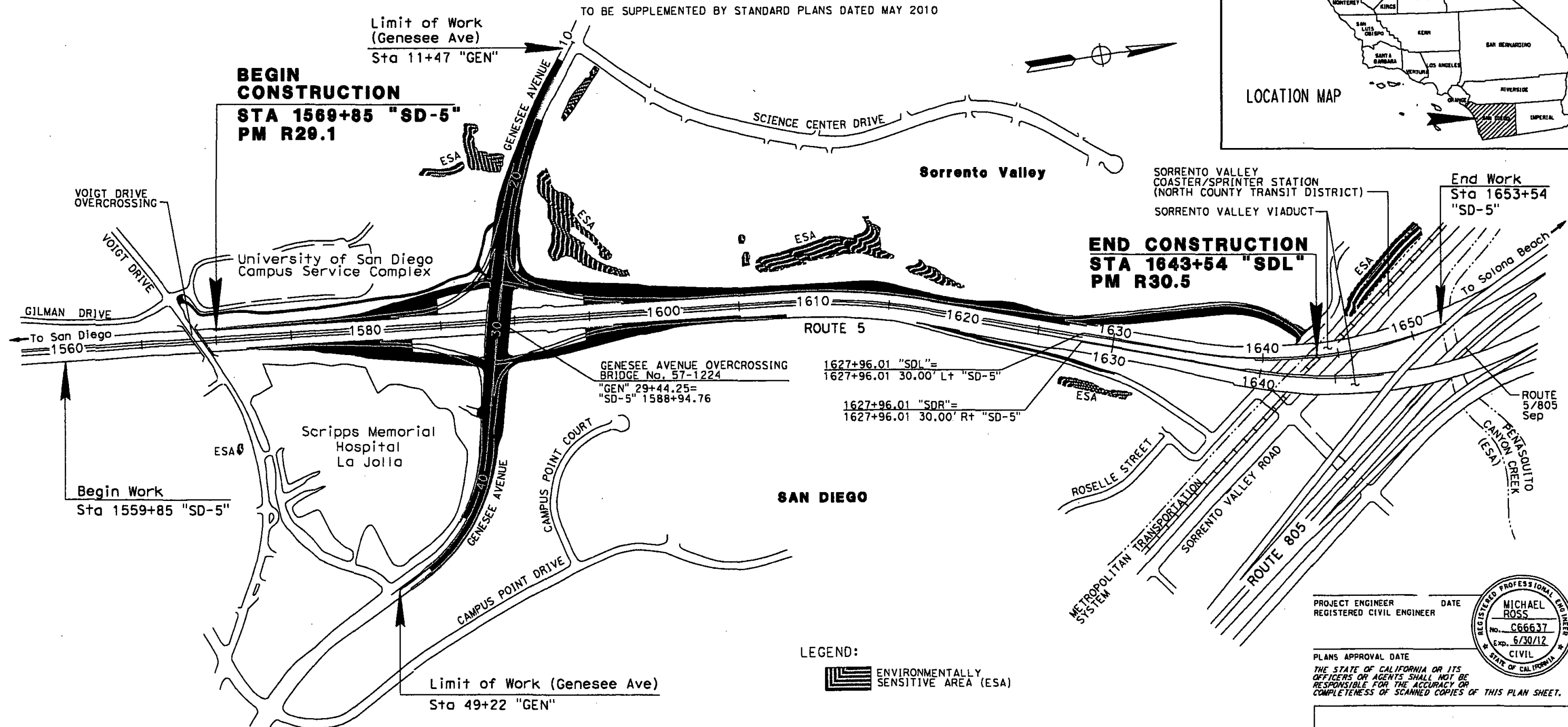
DATE SIGNED

LICENSE Exp DATE

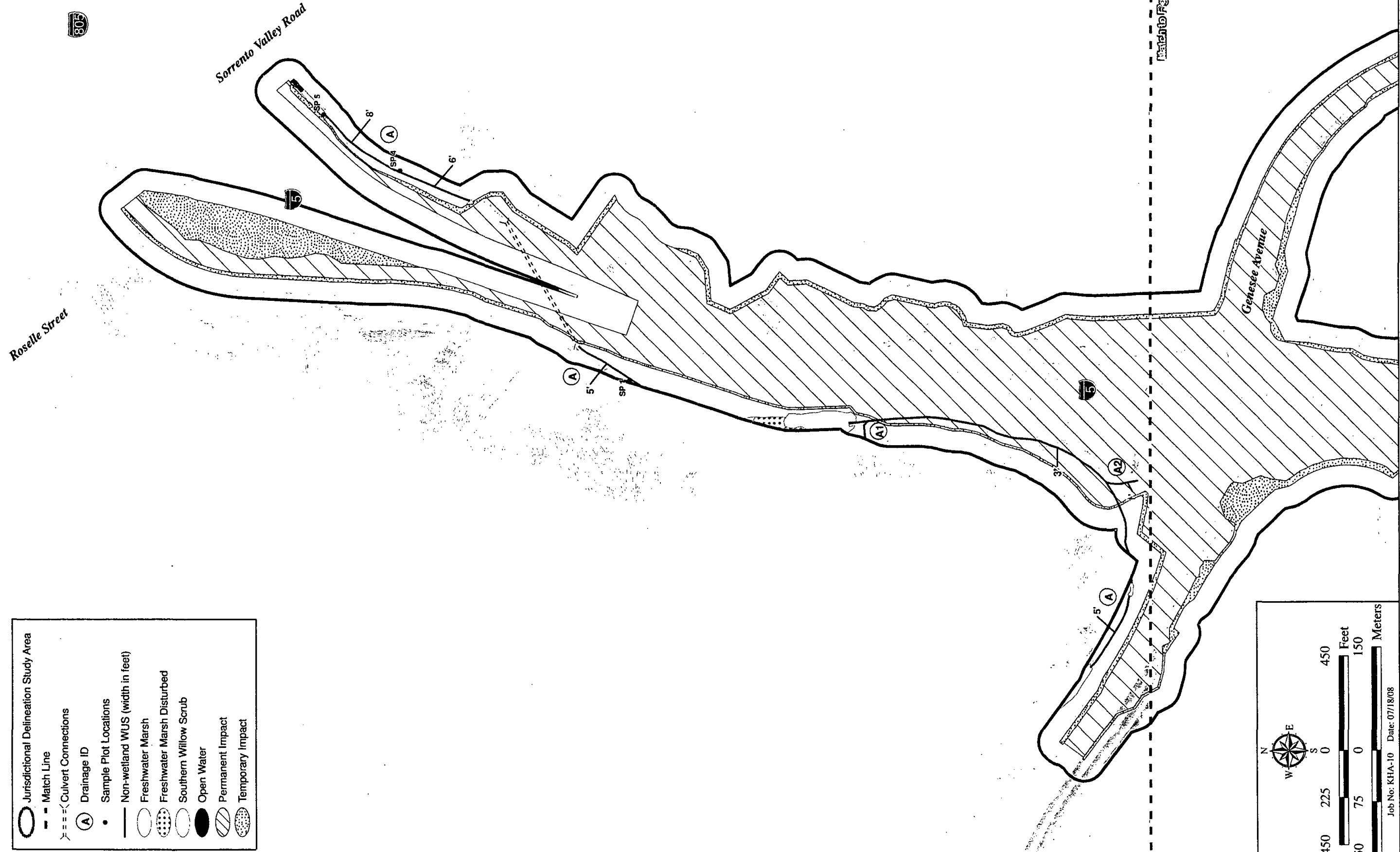
REGISTRATION No.

CALTRANS DESIGN OVERSIGHT APPROVAL

CONSULTANT DESIGN ENGINEER



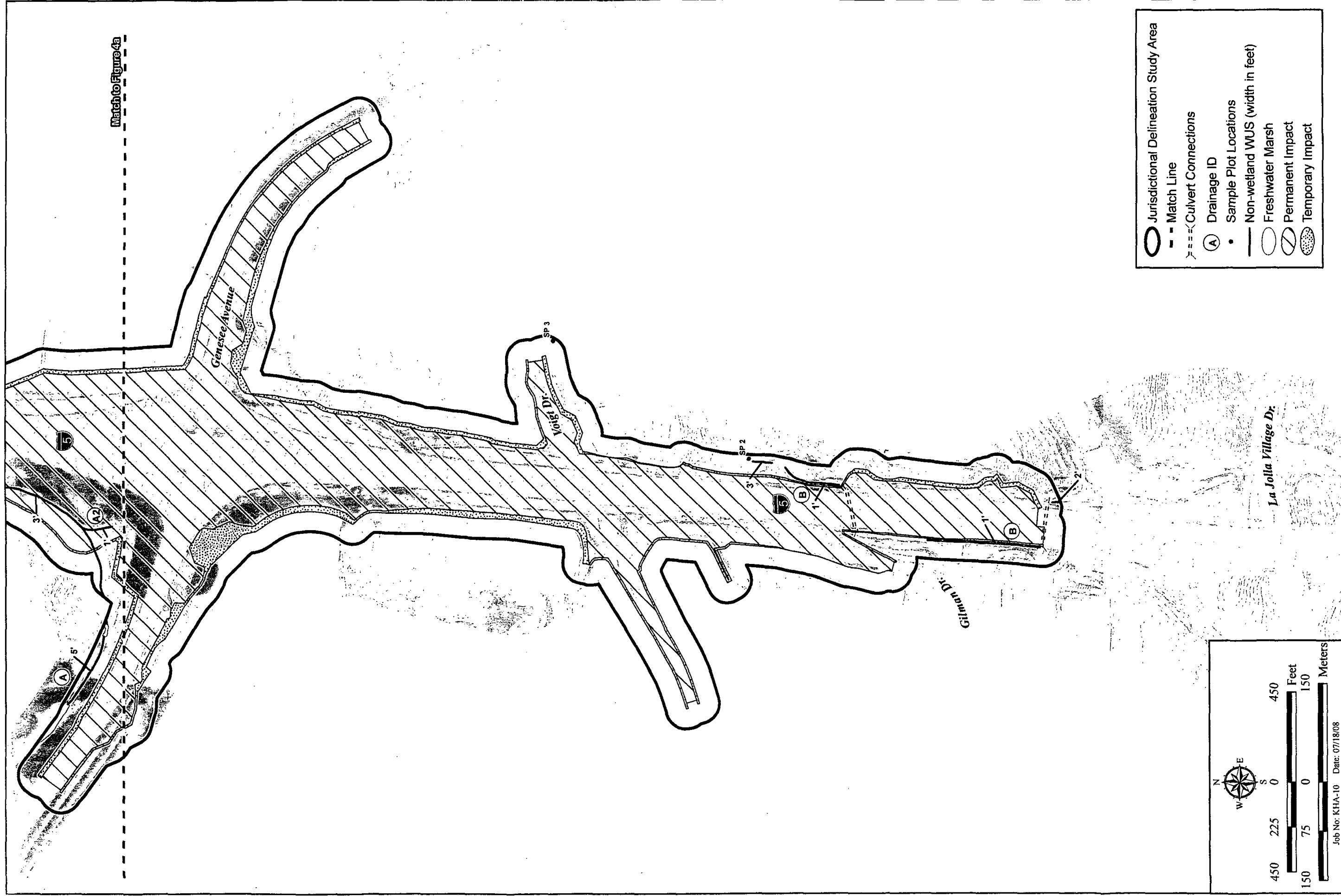
- Jurisdictional Delineation Study Area
- Match Line
- Culvert Connections
- Drainage ID
- Sample Plot Locations
- Non-wetland WUS (width in feet)
- Freshwater Marsh
- Freshwater Marsh Disturbed
- Southern Willow Scrub
- Open Water
- Permanent Impact
- Temporary Impact



450 225 0 450
 150 75 0 150
 Feet
 Meters

Job No: KHA-10 Date: 07/18/08
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Corps Jurisdictional Areas
 INTERSTATE 5/GENESEE AVENUE INTERCHANGE RECONSTRUCTION
 Figure 4a



Corps Jurisdictional Areas

INTERSTATE 5/GENESEE AVENUE INTERCHANGE RECONSTRUCTION

Figure 4b

Job No: KHA-10 Date: 07/18/08
 I:\GIS\KHA-10\5 Genesee Interchange\Map\Fig4b_Corps.mxd -A1

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Arturo Jacobo
Caltrans
4050 Taylor St
San Diego, CA
92110

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
X

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

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

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

4. Restricted Delivery? (Extra Fee) Yes

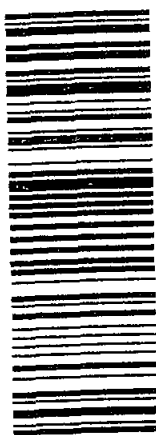
2. Article Number
 (Transfer from service label)

7011 0470 0002 8961 5582

PS Form 3811, February 2004 4-1 Domestic Return Receipt *m. Porter* 102595-02-M-1540

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

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Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$5.25	

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 Arturo Jacobo, Caltrans
 Street, Apt. No.,
 or PO Box No. 4050 ~~XXXX~~ Taylor St.
 City, State, ZIP+4
 San Diego CA 92110

PS Form 3800, August 2006 See Reverse for Instructions

11-01-03