



California Regional Water Quality Control Board

San Diego Region



401

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrch.ca.gov/~rwqch9/>
9771 Clairemont Mesa Boulevard, Suite A, San Diego, California 92124-1324
Phone (858) 467-2952 • FAX (858) 571-6972

Gray Davis
Governor

September 29, 1999

Frank Belock, Jr., Director
City of San Diego, Engineering and Capital Projects
1010 Second Avenue, 12th Floor
San Diego, CA 92101-3869

Dear Mr. Belock:

RE: MIDDLE SEGMENT OF STATE ROUTE 56 (SR-56), CITY OF SAN DIEGO, SAN DIEGO COUNTY, (PN) 97-20014-DZ, (CWA SEC 401 WQC 99C-014)

We have received and reviewed the application for Clean Water Act (CWA) Section 401 water quality certification for this project. We have also received and reviewed the U. S. Army Corps of Engineers (Corps) Public Notice (PN) for this same project, along with extensive additional material. Staff from the California Regional Water Quality Control Board, San Diego Region (Regional Board), have had several meetings and telephone conversations with other regulatory and resource agencies, as well as the consultants for the City of San Diego (City) regarding this project.

The subject project is to construct the middle section of State Route 56 (SR-56), extending east from the existing SR-56 alignment at Carmel Country Road and west of the existing alignment at Black Mountain Road. The proposed alignment would traverse McGonigle Canyon and tributaries of Deer, McGonigle, and Los Penasquitos Canyon Creeks. The project will be configured as a four-lane freeway under interim conditions and ultimately utilized as a six-lane freeway.

Approximately 5.559 acres waters of the United States are to be displaced by this project. Of the total jurisdictional waters impacted by this project, there are 4.38 acres of riparian wetlands, 0.045 acres of vernal pools, and 1.134 acres of non-wetland waters. Mitigation will include 14.364 acres of created wetlands and 3.360 acres of non-jurisdictional riparian habitat. The primary focus for the offsite riparian mitigation is within the Los Penasquitos Canyon Preserve.

Clean Water Act (CWA) Section 401 provides that the state issuance of water quality certification must be based on a finding that the federally licensed or permitted activity will not violate water quality standards. Such a finding should address both the short-term and long-term impacts of a project, over the life of that project. Water quality standards are specified in federal regulations (40 CFR 131) as including: the designated beneficial uses of the water, a state's numeric and narrative water quality criteria (objectives in California), and each state's anti-degradation policy, which requires that existing high-quality waters be protected and maintained.

California Environmental Protection Agency

Recycled Paper



City of San Diego
Mr. Belock

- 2 -

September 29, 1999

We believe that the City has made a considerable effort to minimize the long-term impacts of the proposed project on the beneficial uses of McGonigle Canyon and its tributary streams. The construction of oversized crossings for open space amenities and wildlife corridor usage should significantly reduce the long-term impacts of this project on both the warm freshwater habitat (WARM) and wildlife habitat (WILD) beneficial uses of the creeks that will be crossed.

Inherent in a project of this magnitude, is the potential for significant short-term impacts related to the construction activities at the site. As your letter of September 28, 1999 correctly notes, the Regional Board has identified Los Penasquitos Lagoon to be an impaired water body. In accordance with Clean Water Act Section 303(d), Los Penasquitos Lagoon has been identified as impaired by accelerated sedimentation. Sources of the sediment include both point and nonpoint sources. Unless rigorous best management practices are utilized to prevent erosion and sediment transport, the construction of SR-56 could potentially contribute to an increase in the sediment loading to the downstream drainages, and ultimately to Los Penasquitos Lagoon.

We understand from your September 28, 1999 letter that the City will develop and implement a sufficiently rigorous Construction Storm Water Pollution Prevention Plan (SWPPP) for the construction of SR-56 to insure that it does not contribute to any increased sediment loading to Los Penasquitos Lagoon. The City's commitment to maintaining sediment loading rates from the project site to levels that are no greater than they are under preconstruction conditions, addresses our short-term concerns regarding this project. Please submit a copy of your Construction SWPPP to our office prior to the initiation of construction activities.

The City's additional commitment to require similarly rigorous structural and non-structural best management practices in all SWPPPs for new residential, commercial and industrial developments in the Los Penasquitos Lagoon watershed is very reassuring. Through such a concerted effort, we can expect to prevent further exacerbation of the impairment of the downstream lagoon. We will continue to work with the City, and other municipalities within the Los Penasquitos Lagoon watershed, to achieve reductions in sediment loading from all sources and restore Los Penasquitos Lagoon to a non-impaired status.

With the City's implementation of rigorous structural and non-structural best management practices to prevent increases in sediment loading from the subject project site, the Regional Board is confident that water quality standards will be protected by this project. Pursuant to Resolution No. 83-21, which has been subsequently incorporated into the Water Quality Control Plan for the San Diego Basin (9) (Basin Plan), waste discharge requirements are hereby waived for the subject SR-56 project. This waiver of waste discharge requirements is equivalent to a waiver of CWA Section 401 water quality certification for this project. Should new information

City of San Diego
Mr. Belock

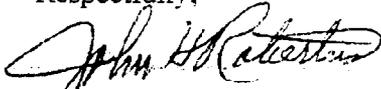
- 3 -

September 29, 1999

come to our attention that indicates a water quality problem, we may issue waste discharge requirements at that time.

If you have any questions regarding this matter, please contact Greig Peters of my staff, at (858) 467-2976.

Respectfully,



JOHN H. ROBERTUS
Executive Officer
San Diego Regional Water Quality Control Board

Cc: USACOE
KEA Environmental
CALIF DFG
USEPA
USFWS
SWRCB