

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

MEETING OF APRIL 9 AND 10, 2008
BARSTOW

ITEM: 8

SUBJECT: RITTER RANCH DEVELOPMENT PROJECT, PHASES I AND III,
SUNCAL COMPANIES, LOS ANGELES COUNTY – NEW
WASTE DISCHARGE REQUIREMENTS

CHRONOLOGY The Board has not heard this item before.

ISSUES: Should the Water Board adopt Waste Discharge Requirements for the Ritter Ranch Development Project (hereinafter Project), a multi-phase project that, at build-out, would involve the development of 3,024 acres for houses, parks, schools and recreation areas? Also, should the Water Board require the Applicant (Developer), SunCal Companies, to provide the Water Board a performance bond totaling 120 percent of the amount required to complete onsite mitigation for Phases I and III?

DISCUSSION: SunCal Companies (Applicant or Discharger) provided a Report of Waste Discharge (RWD) for dredge and fill impacts to State waters at the Ritter Ranch Project site located west of Palmdale and south of Elizabeth Lake Road in Los Angeles County. Approximately 7,601 acres of the 10,625-acre Ritter Ranch property will be designated as open space. The 3,024 acres that are planned for development in the northern, eastern, and central lower portions of the property will be developed in five phases over an estimated 20-year period. The proposed Project involves residential, commercial and infrastructure development for Phases I and III (300 acres and 1,100 acres, respectively). The Applicant had begun grading a section of Phase I (Phase IA) when they provided the Water Board with their RWD. This Order regulates the continued development of Phase I and development of Phase III. Phases II, IV and V are not covered by this Order. The Discharger must provide a RWD for Phases II, IV, and V as an application for amended WDRs prior to initiating construction for those phases.

The drainages and wetlands affected by the Project are waters of the State only, as the Army Corps of Engineers deemed the waters in the area to be non-jurisdictional (not waters of the U.S.) in 2004. A Clean Water Act section 401 water quality certification is, therefore, not applicable for impacts to waters in the Project area. Discharges to these waters are potentially subject to State requirements under the

08-0001

California Water Code (CWC), and staff is recommending WDRs for discharges of fill material and waste from storm water.

Permanent impacts in the form of grading activity "fill" to State waters in the 300-acre Phase I Project area total 3.14 acres, while Phase III development would involve permanent impacts to 5.82 acres, for a total of 8.96 acres of permanent impacts. Nineteen percent of these impacts are to wetlands (1.73 acres). The Project proposes to mitigate these impacts by creating 7.55 acres of mitigation wetlands that will consist of 5.5 acres of wet meadow and 2.05 acres of southern willow scrub. Of the 7.55 acres created, 6.55 acres will be created for Phase I impacts. A performance bond and conservation easement are required to ensure the development and continued preservation of the mitigation area.

Since the Project site does not involve waters of the U.S. (federal waters), the National Pollutant Discharge Elimination System (NPDES) regulations are not applicable to the discharges associated with this Project. Although the Applicant applied for coverage under the Statewide NPDES Construction Storm Water Permit and has been proceeding under those regulations by implementing a Storm Water Pollution Prevention Plan (SWPPP), there is no federal nexus for enforcing federal water quality regulations. This Order, therefore, also regulates the Project's storm water discharges associated with construction and post-construction activities under State regulations.

Water Board staff solicited comments on a Tentative Order and received comments from the Applicant. Staff made changes in response to these comments that are incorporated in the Proposed Order.

**RECOMMEN-
DATION:**

Adoption of the Order as proposed.

Enclosures:

1. Proposed Order
2. Comments Received February 13, 2008

ENCLOSURE 1

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION
BOARD ORDER NO. R6V-2008-00XX (PROPOSED)

WDID NO. 6B190609004

NEW WASTE DISCHARGE REQUIREMENTS

FOR

RITTER RANCH DEVELOPMENT PROJECT
PHASES I AND III, SUNCAL COMPANIES

Los Angeles County

The California Regional Water Quality Control Board, Lahontan Region (hereinafter Water Board), finds:

1. Discharger

Suncal Companies (hereinafter Discharger) submitted a Report of Waste Discharge (RWD) to construct Phases I and III of the Ritter Ranch Development Project (Project), located south of Elizabeth Lake Road in Palmdale, Los Angeles County, on September 19, 2006. The RWD was deemed complete on January 9, 2008. The Discharger proposes to discharge wastes, dredged, and/or fill material to State waters associated with construction activity at the Project site.

2. Project Location

Ritter Ranch is located south of Elizabeth Lake Road and north of Anaverde Creek in the Amargosa Creek watershed. The 10,625-acre site is located in Sections 22 through 27 and 36, Township 6 North, Range 13 West, and Section 30, Township 6 North, Range 12 West. The Project is located at Nad 27 UTM Coordinates 388351mE, 3826939 mN. See Attachment A for a general location map.

3. Receiving Waters

The receiving waters are Anaverde Creek, Amargosa Creek and tributaries to these creeks, located in the Lancaster Hydrologic Area of the Antelope Hydrologic Unit. The Department of Water Resources (DWR) designation for the Lancaster Hydrologic Area is 626.50.

4. Project Description, Site History and Development Phases

The overall development is depicted in Attachment A. The Project involves developing 1,400 acres, including 300 acres in Phase I and 1,100 acres in Phase III, of the larger 10,625-acre

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Ritter Ranch site to build homes, commercial areas, parks, schools, and associated infrastructure. Approximately 7,601 acres of the 10,625-acre Ritter Ranch property will be designated as open space, including approximately 353 acres of parks, an equestrian center, a trail system, and fuel modification zones. Of the 7,601 acres, 4,000 acres have been donated to the Mountains Recreation and Conservation Authority (MRCA), a Joint Powers Authority of the Santa Monica Mountains Conservancy, the Conejo Recreation and Park District, and the Rancho Simi Recreation and Park District. The remaining 3,600 acres will be conveyed to MRCA or a similar approved entity for management in the future. The 3,024 acres that is planned for development in the northern, eastern, and central lower portions of the property will be developed in five phases over an estimated 20-year period. A portion of Phase I (Phase IA) is currently under construction, while grading at Phase IB has not been initiated. Both portions of Phase I together comprise 300 acres of residential development (1,094 units), 31.1 acres of park, a system of pedestrian and bicycle trails, and an 8-acre elementary school. This Order covers the continued development of Phase I and development of Phase III. Development of Phase II has been postponed due to a request by the Westside School District to make construction of the middle school located in Phase III a priority and is not covered by this Order. Phase III, covered by this Order, involves approximately 1,100 acres of residential, commercial and infrastructure development. Development of Phases IV and V is not covered by this Order. The Discharger must provide a RWD for Phases II, IV, and V as an application for amended WDRs at least 180 days in advance of initiating construction for those phases.

5. Regulatory Authority and Reason for Action

The U.S. Army Corps of Engineers (Corps) determined on June 17, 2004 that Amargosa Creek in Los Angeles County was non-jurisdictional for purposes of Section 404 of the federal Clean Water Act (CWA) due to its nature as a non-navigable, isolated water body that does not exhibit substantial interstate-commerce subject to the *Solid Waste Association of Northern Cook Counties v. United States Corps of Engineers* (SWANCC) Supreme Court decision. However, the drainages and wetlands affected by the Project are waters of the State, as defined by section 13050 of the California Water Code (CWC), and are therefore subject to State requirements in accordance with section 13260 of the CWC.

The Project involves the proposed discharge of structural materials and/or earthen wastes (fill) to all or portions of approximately fifteen natural watercourses in the Project area, including wetlands. The Water Board will regulate the proposed discharge of fill material, including structural material and/or earthen wastes, into wetlands and other waters of the State by Waste Discharge Requirements (WDRs) issued pursuant to Section 13263 of the CWC. The Water Board considers WDRs necessary to adequately address potential and planned impacts to waters of the State from this project, to require mitigation for these impacts to comply with the water quality standards specified in the Basin Plan and the objectives of the California Wetlands Conservation Policy (Executive Order W-59-93, signed August 23, 1993), and to fulfill its obligation to act on the Discharger's RWD. The goals of the California Wetlands Conservation Policy include ensuring "no overall loss" and achieving a "...long-term net gain in the quantity, quality, and permanence of wetland acreage and values."

This Order also regulates waste discharges in storm water runoff and other discharges associated with Project construction activity (Phases I and III), and post-construction storm water runoff. The Discharger filed a Notice of Intent to comply with State Water Resources Control Board (State Water Board) Order No. 99-08-DWQ, *Waste Discharge Requirements For Discharges of Storm Water Runoff Associated With Construction Activity* (Construction General Permit), a National Pollutant Discharge Elimination System (NPDES) permit. The Construction General Permit covers discharges to State waters that are also waters of the U.S. Therefore, coverage under the Construction General Permit is not applicable for this Project. This Order issues similar prohibitions, limitations and provisions as does the Construction General Permit, but applies for discharges to waters of the State.

6. Previous Orders Issued on the Site

The Water Board Executive Officer determined that construction of an access road and water tank associated with Phase I could be regulated under General WDRs prescribed in Board Order No. R6T-2003-0004, which authorizes discharges associated with minor fill and disturbance in waters of the State not subject to CWA section 404 requirements. On October 2, 2007, the Executive Officer issued a Notice of Applicability (NOA) for the access road and water storage tank to supply water to the Phase I project area (thereby enrolling the Discharger into General WDR coverage). An amended NOA was issued on December 28, 2007 to include a slightly larger area than originally proposed for the access road and water storage tank area in Phase I. The total impacts to waters of the State (ephemeral streams) authorized under the amended NOA for developing the road and water storage tank total 2,560 linear feet (1,660 feet permanent and 900 feet of temporary impacts) and 0.61 acre (0.2 acre of permanent and 0.41 acre of temporary). The NOA did not authorize impacts to waters of the State outside the 44-acre project area for the Phase I Tank, Site and Access Road Project and did not regulate discharges of storm water. This Order does not regulate the fill-related discharges in the 44-acre project area regulated under Board Order No. R6T-2003-0004, but does regulate discharges of storm water for the overall 1,400 acres of the Project that includes the 44-acre portion.

7. Site Description

The land forms within the Ritter Ranch boundaries range from steep mountains to rolling hills to lowland foothills and flatlands. These are all located within the southwest portion of the Antelope Valley, and include Leona and Anaverde Creeks tributary to the Amargosa Creek. The elevation ranges from approximately 2,830 feet above mean sea level (msl) at Amargosa Creek to 5,217 feet above msl at Mt. Odell summit. The San Andreas Fault Zone traverses from east to west through the northern portion of the property along Elizabeth Lake Road. Numerous seeps and wetlands associated with the San Andreas and other associated faults are scattered throughout the property. The mountainous southern portions of the property are dominated primarily by semi-desert chaparral, with big-sagebrush scrub and oak woodland at higher elevations, and occasional stands of California juniper woodland. The central and northern portions of

the property are characterized by rolling hills and pastures dominated by non-native grassland/wildflower fields with patches of Mojave desert scrub, foothill grassland, rabbit bush scrub, and semi-desert chaparral. Scattered stands of cottonwood and willow riparian forest, and patches of wet meadow and freshwater marsh, dominate areas along Amargosa Creek in the vicinity of the northern property boundary. Drainages are characterized by stands of riparian vegetation intermixed with surrounding upland associations.

Waters of the State associated the 10,625-acre Ritter Ranch site total approximately 80-acres including approximately 40 acres of wetland. Specifically, the Phase I Project site encompasses 5.94 acres of waters of the State, of which 0.40 acre consists of wetland. The Phase III Project site encompasses 9.69 acres of waters of the State, of which 1.78 acres consist of vegetated riparian habitat including 0.28 acre of isolated wetlands or seeps. Fifteen drainage courses (Drainages A through N and an unnamed tributary to Amargosa Creek) and four isolated wetlands have been delineated within the Phase I and III Project areas. The delineations were made using the Corps' 1987 Wetland Delineation Manual.

8. Description of Direct Impacts to State Waters

The overall purpose of the Project is to develop Phases I and III of the Ritter Ranch development, which involves a total of 1,400 acres for residential and commercial development (300 acres in Phase I and 1,100 acres in Phase III).

Phase I

In Phase I, the Discharger proposes to build 1,094 houses, 31 acres of park and 8 acres of schools on the 300-acre Phase I site area. This will involve impacts to four drainages, Amargosa Creek and three other creeks that flow from the Phase III area, and an isolated pond. Impact areas and linear feet are shown in the table below. (See project details in Attachment B.)

Phase I - Table of Impacts to Waters of the State

Drainage Feature Name	Vegetated Area	Unvegetated Area	Total Area	Linear Feet	Impacts		
					Acres	% Wetland	Linear Feet
Tributary to Amargosa Crk	0.00	0.02	0.02	903	0.02	0	903
Isolated Pond	0.30	0.00	0.30	337	0.30	100	337
Drainage H	0.10	0.90	1.00	6,758	1.00	10	6,758
Drainage J	0.00	1.62	1.62	5,787	1.62	0	5,787
Drainage K (Anaverde Crk)	0.00	3.00	3.00	3,831	3.00 Temp	0	3,831 Temp
Total (Temp)					3.00	0	3,831
Total (Perm)					2.94	13.6% (0.4)	13,785
Total	0.4	5.54	5.94	17,616	5.54		17,616

The impacts listed in the above table do not include the impacts regulated under Board Order No. R6T-2003-0004. The total permanent impacts for Phase I, including those regulated under Board Order No. R6T-2003-0004, are 3.14 acres (15,445 linear feet) and the total temporary impacts are 3.41 acres (4,731 linear feet).

Phase III

Phase III involves developing 1,100 acres, including 688 acres for residential development, 40.7 acres for commercial development, 37 acres for parks, and 33 acres for a middle school and elementary school. This development would involve temporary and permanent impacts to 7.39 acres of the 9.69 total acres of waters of the State within the 1,700-acre Phase III portion of the property. Seventy-six percent of the area and 67,799 of the 104,078 linear feet of existing waters of the State on the Project site will be impacted. These impacts will occur within seventeen water features identified as Drainages A through N and Wetlands A through C in Attachment B. Of the 7.39 acres of proposed impacts, 1.34 acres (18%) of vegetated waters, including wetlands, will be permanently impacted. (See project details in Attachment B.) Phase III development involves temporary and permanent impacts that total 1.57 and 5.82 acres, respectively. Impacts to these drainages and wetlands are tabulated below. Drainages A through I are tributaries to Amargosa Creek. Drainages J, L, M and N are tributaries to Anaverde Creek (Drainage K is Anaverde Creek).

Phase III - Table of Impacts to Waters of the State

Water Feature Name	Vegetated Area	Unvegetated Area	Total Area	Linear Feet	Impacts		
					Area	% Wetland	Linear Feet
Drainage A	0.04	0.30	0.34	4,678	0.19	21% (0.04)	2,983
Drainage B	0.00	0.02	0.02	663	0.00		0
Drainage C	0.00	0.13	0.13	3,061	0.03	0	190
Drainage D	0.05	0.50	0.55	7,979	0.25	20% (0.05)	4,133
Drainage E	0.00	0.05	0.05	1,602	0.00	0	160
Drainage F	0.00	0.50	0.5	5,265	0.22	0	3,198
Drainage G	0.00	0.17	0.17	2,960	0.11	0	1,924
Drainage H	0.58	1.02	1.60	15,657	1.41	44% (0.62)	11,088
Drainage I	0.62	1.09	1.71	20,805	1.05	20% (0.21)	13,806
Drainage J	0.16	1.44	1.60	23,268	1.26	9% (0.11)	18,767
Drainage K (Anaverde Crk)	0.01	1.92	1.93	7,374	1.57 (T) 0.34 (P)	0	4,621 (T) 600 (P)
Drainage L	0.00	0.01	0.01	621	0.01	0	345
Drainage M	0.03	0.44	0.47	4,624	0.35	3% (0.01)	2,498
Drainage N	0.00	0.35	0.35	4,788	0.31	0	3,351
Isltd WtInd A	0.02	0.00	0.02	-	0.02	100% (0.02)	-
Isltd WtInd B	0.01	0.00	0.01	-	0.01	100% (0.01)	-
Isltd WtInd C	0.26	0.00	0.26	-	0.26	100% (0.26)	-
Total (Temp)					1.57	0	4,621
Total (Perm)					5.82	23% (1.33)	63,178
Total	1.78	7.94	9.69	104,078	7.39		67,799

Approximately 4,621 feet of Anaverde Creek will be realigned to the south into a soft-bottomed channel. The permanent impacts to the remainder of the tributaries and wetlands involve placing native soils in the drainages and wetlands for the purposes of constructing the proposed residential community.

9. Mitigation and Monitoring Plan (and long-term management)

The Discharger has proposed to mitigate effects of the discharges of fill to waters of the State through the creation of wetlands within the overall Project area (see Mitigation Map in Attachment A). The Project avoids permanent impacts to 50% of the waters of the State and avoids 97% of Amargosa Creek located within the Project boundaries. The Project design minimizes impacts to aquatic function by incorporating permeable landscaped surfaces, biobasins and bioswales. All waters of the State receiving temporary discharges will be restored.

The Discharger has prepared and submitted a Functional Assessment document that demonstrates a net gain in water resource area and functions from implementation of the proposed mitigation. The proposed mitigation plan provided to the Water Board is to create 7.55 acres of wetlands as compensatory mitigation for the permanent impacts to 8.76 acres of State waters in Phases I and III, of which approximately 20% (1.73 acres) are wetlands (an approximately 4:1 wetland mitigation ratio). The 7.55 acres of mitigation wetlands will consist of 5.5 acres of wet meadow and 2.05 acres of southern willow scrub. Of the 7.55 acres created, 6.55 acres will be created for Phase I impacts. The Discharger also proposes to preserve and enhance 1,021 acres of watershed associated with Anaverde Creek including 6.5 acres of State jurisdictional waters, which includes 3.50 acres of non-wetland riparian vegetation and 1.05 acres of wetland. As such, the mitigation plan will adequately compensate for loss of wetlands and habitat within waters of the State associated with the discharge of fill material. This Order requires the Discharger to proceed with the proposed mitigation plans and requires monitoring and adaptive management measures to ensure successful implementation of the mitigation plan.

10. Construction Storm Water Management

This Order includes requirements for discharges of wastes in storm water associated with construction activity. Flows generated from off the Project site will discharge to a debris basin and then travel through the storm drain system to portions of either Amargosa Creek or Anaverde Creek. Storm water runoff generated within the Project area will be treated using various methods and discharged through the storm drain system. This Order does not preclude the Discharger from requirements imposed by municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to separate storm sewer systems or other watercourses under their jurisdiction.

11. Post-Construction Storm Water Management

This Order also requires the Discharger to maintain pre-development infiltration, surface retention and recharge rates in order to minimize post-development impacts to offsite water bodies and underlying groundwater. The Discharger is required to avoid adverse effects of altering the hydrologic characteristics (hydromodification) of the Project site by site design and construction activity practices in accordance with this Order.

As part of the Water Board's consideration of appropriate mitigation measures for the Project's post-construction direct and cumulative impacts to water quality and beneficial uses of waters of the State, this Order requires the Discharger to prepare and implement a site-specific Water Quality Control Plan (WQCP) that includes appropriate design measures and storm water treatment controls as specified in this Order. The WQCP must identify parties responsible for maintaining the storm water treatment controls.

12. Lahontan Basin Plan

In accordance with Section 13244 et seq. of the CWC, the Water Board adopted a Water Quality Control Plan for the Lahontan Region (Basin Plan), which became effective on March 31, 1995. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including surface waters and groundwaters. This Order is in compliance with and implements the Basin Plan.

13. Beneficial Uses – Surface Waters

The Basin Plan designates beneficial uses for surface waters within each watershed of the Lahontan region. Beneficial uses of surface waters within the project area and vicinity that could be impacted by the project include: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Groundwater Recharge (GWR); Freshwater Replenishment (FRSH); Water Contact Recreation (REC-1); Non-contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); and Wildlife Habitat (WILD); Water Quality Enhancement (WQE); and Flood Peak Attenuation/Flood Water Storage (FLD).

14. Beneficial Uses – Ground Waters

The Basin Plan designates beneficial uses for ground waters within each watershed of the Lahontan region. Beneficial uses of ground waters within the project area and vicinity that could be impacted by the project include: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Surface Supply (IND); and Freshwater Replenishment (FRSH).

15. Non-Degradation

The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 requires that existing quality of

waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, state antidegradation policies. The permitted discharge is consistent with the antidegradation provision of State Water Board Resolution No. 68-16.

In accordance with State Water Resources Control Board (State Water Board) Resolution No. 68-16 (*Statement of Policy with Respect to Maintaining High Quality of Waters in California*) and the Water Quality Control Plan for the Lahontan Region (Basin Plan), water quality degradation may be allowed if the following conditions are met:

- 1) *Any change in water quality must be consistent with maximum benefit to the people of the State;*

Discharges from the Project may cause some increase in degradation provided that the discharge is controlled through the application of best management practices for construction and post-construction activities and the discharge does not cause a violation of water quality objectives. The Water Board expects that control measures will be implemented in an iterative manner as needed to meet applicable receiving water quality objectives. The slight changes in water quality are consistent with the maximum benefit to the people of the state because the project provides over 1000 housing units and community amenities including schools and parks.

- 2) *The degradation will not unreasonably affect present and anticipated beneficial uses;*

This Order contains requirements to ensure beneficial uses are maintained or enhanced, such as the mitigation requirements for impacts to waters of the State.

- 3) *The degradation will not result in water quality less than that prescribed in the Basin Plan; and*

This Order requires water quality monitoring in the Monitoring and Reporting Program to determine whether degradation is occurring due to the Project.

- 4) *Discharges must use the best practicable treatment or control to avoid pollution or nuisance and maintain the highest water quality consistent with maximum benefit to the people of the State.*

Storm water runoff generated within the Project area will be treated using best practicable treatment using various methods, such as treatment bio-swales and basins. This Order requires the Discharger to maintain pre-development infiltration, surface retention and recharge rates in order to minimize post-development impacts to offsite water bodies and underlying groundwater to minimize adverse effects of altering the hydrologic characteristics (hydromodification) of the Project site.

16. California Environmental Quality Act

The City of Palmdale, acting as California Environmental Quality Act (CEQA, Public Resources Code section 21000, et seq.) Lead Agency, certified the Final Environmental Impact Report (EIR) 90-04 for the Ritter Ranch development (*Ritter Ranch Specific Plan*) on February 27, 1992 (SCH No. 90010124). A Notice of Determination was filed with the State Clearinghouse on March 6, 1992 by the City of Palmdale.

The City Council adopted a Statement of Overriding Considerations for significant impacts considered unavoidable and not reduced by mitigation. The unavoidable significant impacts not expected to be reduced by mitigation listed in the EIR were related to biological resources (loss of over 3,000 acres of habitat) and earth resources (increased groundwater recharge and ground shaking due to future seismic activity along known and undiscovered faults in the surrounding region). The EIR stated that the significant impacts identified in the water quality section (alteration of existing drainage patterns) would be reduced to less than significant by mitigation.

The Water Board, acting as a CEQA Responsible Agency in compliance with California Code of Regulations (CCR), title 14, section 15096, subdivision (g)(2), evaluated the significant and potentially significant impacts to water quality identified in the final *Ritter Ranch Specific Plan* EIR. Mitigation measures for significant and potentially significant water quality impacts (flood hazards and increase in urban pollutants) include designing and constructing drainage facilities in accordance with Los Angeles County's Hydrology Manual and to accommodate a "50-year Los Angeles County Capital Flood" (50-year storm event), constructing drainage facilities according to the Palmdale City Engineer's requirements, and requiring a Water Quality Control Plan be submitted to the City Engineer. The Water Board finds these mitigation measures for significant and potentially significant water quality impacts in the Final EIR, supplemented with the provisions in this Order, are adequate to reduce water quality impacts to less than significant levels. The Water Board will file a Notice of Determination for the above-referenced Final EIR with the State Clearinghouse upon adoption of this Order.

17. Notification of Interested Parties

The Water Board has notified the Discharger and all known interested parties of its intent to adopt new WDRs for the project.

18. Consideration of Comments

The Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that, pursuant to California Water Code section 13263, the Discharger must comply with the following:

I. DISCHARGE SPECIFICATIONS

A. Effluent Limitations

Waste in discharges, including waste in discharges of storm water and non-storm water, must be reduced or prevented to achieve the best practicable treatment level through the use of controls, structures, and management practices.

B. Receiving Water Limitations

1. Surface Water Objectives

Receiving water limitations are narrative and numerical water quality objectives contained in the Basin Plan for all surface waters of the Region, watershed-specific numerical objectives, and objectives based on the CCR. As such, they are a required part of this Order. The discharge of waste to surface waters or other controllable water quality factors must not cause, or contribute to, a violation of the following narrative water quality objectives for waters of the Antelope Hydrologic Unit. Numerical water quality objectives are not currently established in the Basin Plan for the Amargosa and Anaverde Creeks in the Antelope Hydrologic Unit.

a. Ammonia

Ammonia concentrations must not exceed the values listed in Tables 3-1 to 3-4 of the Basin Plan for the corresponding conditions in these tables. Tables 3-1 to 3-4 of the Basin Plan are incorporated into this Order by reference.

b. Bacteria, Coliform

- i. Waters must not contain concentrations of coliform organisms attributable to anthropogenic sources, including human and livestock wastes.
- ii. The fecal coliform concentration during any 30-day period must not exceed a log mean of 20/100 ml, nor must more than 10 percent of all samples collected during any 30-day period exceed 40/100 ml. *The log mean must ideally be based on a minimum of not less than five samples collected as evenly spaced as practicable during any 30-day period. However, a log mean concentration exceeding 20/100 ml, or one sample exceeding 40/100ml, for any 30-day period must indicate violation of this objective even if fewer than five samples were collected.*

c. Biostimulatory Substances

Waters must not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect the water for beneficial uses.

d. Chemical Constituents

- i. Waters designated as MUN must not contain concentrations of chemical constituents in excess of the maximum contaminant level (MCL) or secondary maximum contaminant level (SMCL) based upon drinking water standards specified in provisions of the CCR, Title 22, Division 4, Chapter 15, hereby incorporated by reference into this Order. This incorporation is prospective including future changes to the incorporated provisions as the changes take effect.
- ii. Waters must not contain concentrations of chemical constituents in amounts that adversely affect the water for beneficial uses.

e. Chlorine, Total Residual

For the protection of aquatic life, total chlorine residual must not exceed either a median value of 0.002 mg/L or a maximum value of 0.003 mg/L. Median values must be based on daily measurements taken within any six-month period.

f. Color

Waters must be free of coloration that causes nuisance or adversely affects the water for beneficial uses.

g. Dissolved Oxygen

- i. The dissolved oxygen concentration as percent saturation must not be depressed by more than 10 percent, nor must the minimum dissolved oxygen concentration be less than 80 percent of saturation.
- ii. For waters with the beneficial uses of COLD, COLD with SPWN, WARM, and WARM with SPWN, the minimum dissolved oxygen concentration must not be less than that specified in Table 3-6 of the Basin Plan. Table 3-6 of the Basin Plan is incorporated herein by reference.

h. Floating Materials

- i. Waters must not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect the water for beneficial uses.
- ii. The concentrations of floating material must not be altered to the extent that such alterations are discernible at the 10 percent significance level

i. Oil and Grease

- i. Waters must not contain oils, greases, waxes or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect the water for beneficial uses.

- ii. For natural high quality waters, the concentration of oils, greases, or other film or coat generating substances must not be altered.

j. Non-degradation of Aquatic Communities and Populations

- i. All wetlands must be free from substances attributable to wastewater or other discharges that produce adverse physiological responses in humans, animals, or plants; or which lead to the presence of undesirable or nuisance aquatic life.
- ii. All wetlands must be free from activities that would substantially impair the biological community as it naturally occurs due to physical, chemical and hydrologic processes.

k. Pesticides

- i. For the purposes of this Order, pesticides are defined as (a) any spray adjuvant, or (b) any substance, or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, as defined in Section 12754.5, which may infest or be detrimental to vegetation, man, animals, or households, or be present in any agricultural or nonagricultural environment whatsoever (Food & Agric. Code § 12753).
- ii. Pesticide concentrations, individually or collectively, must not exceed the lowest detectable levels, using the most recent detection procedures available. There must not be an increase in pesticide concentrations found in bottom sediments. There must be no detectable increase in bioaccumulation of pesticides in aquatic life.
- iii. Waters designated as MUN must not contain concentrations of pesticides or herbicides in excess of the limiting concentrations set forth in the CCR, Title 22, Division 4, Chapter 15.

l. pH

- i. In fresh waters with designated beneficial uses of COLD or WARM, changes in normal ambient pH levels must not exceed 0.5 pH units. For all other waters of the Region, the pH must not be depressed below 6.5 nor raised above 8.5.
- ii. The Water Board recognizes that some waters of the Region may have natural pH levels outside of the 6.5 to 8.5 range. Compliance with the pH objective for these waters will be determined on a case-by-case basis.

m. Radioactivity

- i. Radionuclides must not be present in concentrations which are deleterious to human, plant, animal, or aquatic life nor which result in the accumulation of radionuclides in the food web to an extent which presents a hazard to human, plant, animal, or aquatic life.

- ii. Waters must not contain concentrations of radionuclides in excess of the limits specified by the more restrictive of the CCR, Title 22, Division 4, Article 5 (Cal. Code Regs., tit. 22, § 64441 et seq.).

n. Sediment

The suspended sediment load and suspended sediment discharge rate of surface waters must not be altered in such a manner as to cause nuisance or adversely affect the water for beneficial uses.

o. Settleable Materials

Waters must not contain substances in concentrations that result in deposition of material that causes nuisance or that adversely affects the water for beneficial uses. For natural high quality waters, the concentration of settleable materials must not be raised by more than 0.1 milliliter per liter.

p. Suspended Materials

- i. Waters must not contain suspended materials in concentrations that cause nuisance or that adversely affects the water for beneficial uses.
- ii. For natural high quality waters, the concentration of total suspended materials must not be altered to the extent that such alterations are discernible at the 10 percent significance level.

q. Taste and Odor

Waters must not contain taste or odor-producing substances in concentrations that impart undesirable tastes or odors to fish or other edible products of aquatic origin, that cause nuisance, or that adversely affect the water for beneficial uses. For naturally high quality waters, the taste and odor must not be altered.

r. Temperature

- i. The natural receiving water temperature of all waters must not be altered unless it can be demonstrated to the satisfaction of the Water Board that such an alteration in temperature does not adversely affect the water for beneficial uses.
- ii. For waters designated WARM, water temperature must not be altered by more than five degrees Fahrenheit (5°F) above or below the natural temperature. For waters designated COLD, the temperature must not be altered.

s. Toxicity

- i. All waters must be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life.

- ii. The survival of aquatic life in surface waters subjected to a waste discharge, or other controllable water quality factors, must not be less than that for the same water body in areas unaffected by the waste discharge, or when necessary, for other control water that is consistent with the requirements for "experimental water" as defined in the most recent edition of *Standard Methods for the Examination of Water and Wastewater* (American Public Health Association, et al.).

t. Turbidity

Waters must be free of changes in turbidity that cause nuisance or adversely affect the water for beneficial uses. Increases in turbidity must not exceed natural levels by more than 10 percent.

2. Groundwater Objectives

Receiving water limitations are narrative and numerical water quality objectives contained in the Basin Plan for all ground waters of the Region, watershed-specific numerical objectives, and objectives based on the CCR. As such, they are a required part of this Order. The discharge of waste to surface waters or other controllable water quality factors must not cause, or contribute to, a violation of the following narrative water quality objectives for waters of the Antelope Hydrologic Unit. Numerical water quality objectives are not currently established in the Basin Plan for the Amargosa and Anaverde Creeks in the Antelope Hydrologic Unit.

a. Coliform Bacteria

In groundwaters designated as MUN, the median concentration of coliform organisms over any seven-day period must be less than 1.1/100 milliliters.

b. Chemical Constituents

- i. Groundwaters designated as MUN must not contain concentrations of chemical constituent in excess of the maximum contaminant level (MCL) or secondary maximum contaminant level (SMCL) based upon drinking water standards specified in the provisions of Title 22, Division 4, Chapter 15 of the CCR.
- ii. Waters designated as AGR must not contain concentration of chemical constituents in amounts that adversely affect the water for beneficial uses (i.e., agricultural purposes).
- iii. Groundwaters must no contain concentrations of chemical constituents that adversely affect the water for beneficial uses.

c. Radioactivity

- i. Groundwaters designated as MUN must not contain concentrations of radionuclides in excess of limits specified by the more restrictive of the CCR, Title 22, Division 4, Article 5 (Cal. Code Regs., tit. 22, § 64441 et seq.).

d. Taste and Odor

Groundwaters must not contain taste or odor-producing substances in concentrations that cause nuisance or that adversely affect beneficial uses. For groundwaters designated as MUN, at a minimum, concentrations must not exceed adopted secondary maximum contaminant levels specified in Title 22, Division 4, Chapter 15 of the CCR.

C. General Requirements and Prohibitions

1. Activities and waste discharges associated with the Project must not cause or threaten to cause a nuisance or pollution as defined in CWC section 13050.
2. The discharge, including discharges of fill material, must be limited to that which is described in the RWD. The Project must be constructed and operated in accordance with the information provided in the RWD. Deviation from the Project description in the RWD constitutes a violation of this Order.
3. Pursuant to CWC section 13260, the Discharger must provide a complete RWD for Phases II, IV, and V as an application for amended WDRs at least 180 days in advance of initiating construction of Phases II, IV, and V, respectively.
4. The direct or threatened discharge or deposition of any wastes into channels, surface water, or any place where it would be discharged or deposited where it would be eventually transported to surface waters, including 100-year floodplain, is a violation of CWC section 13304.
5. The discharge must not contain or consist of any substance in concentrations toxic to animal or plant life.
6. The discharge must not contain or consist of oil or other floating materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity, or discoloration in surface waters.
7. The discharge must not contain or consist of silt, sand, clay, or other earthen materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity, or discoloration in surface waters.
8. No equipment may be operated in areas of flowing or standing water; no fueling, cleaning, or maintenance of vehicles or equipment must take place within any areas where an accidental discharge to waters of the State may occur; construction materials and heavy equipment must be stored outside of the flow of the creek. When work within the boundaries of waters of the State is necessary, the entire streamflow must be diverted around the work area, temporarily, as needed to control waste discharge.

D. Discharge Prohibitions

The discharge of wastes and fill associated with the Project must not violate the following waste discharge prohibitions. These waste discharge prohibitions do not apply to discharges of stormwater when wastes in the discharge are controlled through the application of management practices or other means and the discharge does not cause a violation of water quality objectives. The Water Board expects that control measures will be implemented in an iterative manner as needed to meet applicable receiving water quality objectives.

1. The discharge of waste, as defined in the Water Code, that causes violation of any narrative water quality objective contained in the Basin Plan, including the Nondegradation Objective, is prohibited.
2. The discharge of waste that causes violation of any numeric water quality objective contained in the Basin Plan is prohibited.
3. Where any numeric or narrative water quality objective contained in the Basin Plan is already being violated, the discharge of waste that causes further degradation or pollution (as defined in CWC Section 13050) is prohibited.
4. The discharge of untreated sewage, garbage, or other solid waste, or industrial wastes into surface waters of the Region is prohibited. (For the purposes of this prohibition, "untreated sewage" is that which exceeds secondary treatment standards of the Federal Water Pollution Control Act.)
5. The discharge of waste to surface water, except for storm water and fill-related discharge authorized by this Order, is prohibited above elevation 3,500 feet.
6. The discharge of septic tank pumpings (septage) or chemical toilet wastes to other than a sewage treatment plant or certified waste hauler is prohibited.

II. PROVISIONS

A. Standard Provisions

The Discharger must comply with the Standard Provisions in Attachment C, which is made part of this Order.

B. Monitoring and Reporting Program Requirements

1. The Discharger must comply with Monitoring and Reporting Program, No. 2008-00XX, which is made a part of this Order, and future revisions thereto as specified by the Executive Officer.
2. Any and all monitoring reports required by this Order are required pursuant to CWC section 13267.
3. The Discharger must attach a signed, certified cover letter to any monitoring report provided to the Water Board. The certified letter must include the information in the example cover letter provided in Attachment F, which is made part of this Order. The certified cover letter must clearly identify any violations of

this Order, discuss corrective actions taken or planned, and propose a time schedule for completing identified corrective actions. Identified violations must include a description of the violation.

C. Reopener Provision

The Water Board may revise or modify this Order for reasons including, but not limited to, revised application for future phases at the Ritter Ranch site and ensuring consistency with changes in the Water Board's riparian and wetland policy. The Water Board may review and revise waste discharge requirements in accordance with CWC section 13263, subdivisions (e) and (f).

D. Special Provisions for Fill Impacts to State Waters

1. The Discharger must, at all times, maintain appropriate types and sufficient quantities of material 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 State.
2. Detailed final grading plans for Phase III must be provided to the Water Board a minimum of 60 days prior to commencement of construction activities.
3. The Discharger proposes to create 7.55 acres of wetland (5.5 acres of wet meadow and 2.05 acres of southern willow scrub) as compensatory mitigation for Phases I and III (6.55 acres for Phase I and 1.0 for Phase III). The mitigation site is located in the vicinity of Amargosa Creek near the intersection of Elizabeth Lake Road and Goode Hill Road. The Discharger must implement the plans for mitigation as proposed in the RWD and as modified following review by the Water Board Executive Officer to assure compliance with this Order. The initial construction of the compensatory mitigation for discharge of fill to waters of the State in the Phase I project areas must be completed by **April 1, 2009**, and no later than 120 days of initiating grading for Phase III.
4. All mitigation areas must be protected in perpetuity from land-use and maintenance activities that would threaten water quality or beneficial uses within the mitigation area. By **December 15, 2008**, the Discharger must submit a technical report for the Conservation Easement for the Ritter Ranch mitigation site to the Executive Officer of the Water Board for review and acceptance. The language of the Conservation Easement must follow the California Department of Fish And Game (CDFG) and/or U.S. Fish and Wildlife Service (USFWS) templates and guidelines for conservation easements and must identify the third-party non-profit entity qualified to hold a conservation easement under California Civil Code section 815.3, to whom the Conservation Easement would be granted. The Conservation Easement must include provisions and responsibilities of the Discharger and the designated land trust organization, including any future transfers of the easement or fee interest that may be anticipated, and must grant access rights to Water Board staff. The Conservation Easement must also specify the purposes for which it is established and include a list of prohibited activities that are inconsistent with the maintenance of the mitigation site, such as

- development, dredging, mowing, and/or other non-emergency activities that would result in permanent or temporary disturbance of the mitigation area.
5. By **December 15, 2008**, the Discharger must provide to the Executive Officer of the Water Board a performance bond for 120 percent of the amount required to complete onsite restoration for Phase I. If the management entity to whom the Open Space will be conveyed requires annual fees in perpetuity, then prior to release of the financial security, the Discharger must provide to the Executive Officer of the Water Board evidence that funding has been provided for in perpetuity. The Discharger must also provide the Water Board the terms of the financial endowment fund to be established for monitoring and perpetual management and maintenance of the mitigation features and habitat in the conserved mitigation site. The principal in the endowment should generate sufficient revenue to cover the costs described in the MMP, including funding for any extended monitoring and maintenance activities, as well as contingency measures, that the Water Board's Executive Officer may determine are necessary to meet the mitigation requirements for the Project.
 6. One-hundred and twenty (120) days prior to initiating grading within Phase III, the Discharger must provide the Executive Officer of the Water Board a performance bond for 120 percent of the amount required to complete on-site restoration for Phase III.
 7. Restoration of temporary disturbances and temporary discharges of fill to waters of the State must be achieved **within six months** of completing work in the area of the temporary impact. Initial restoration must include implementing measures to fully restore conditions to support all beneficial uses for the waterbody temporarily impacted in the shortest feasible time. Restoration must include, but is not limited to, grading to pre-project contours and revegetation with native species. The Discharger must implement Best Management Practices (BMPs) to control erosion and runoff from areas associated with temporary fills.
 8. The Discharger must provide the name and contact information of any third party accepting responsibility (liability) for implementing the mitigation requirements of this Order. Written notification must be submitted to the Water Board within **30 days of the proposed transfer of responsibility**. The notification must include a signed statement from the new party demonstrating acceptance and understanding of the responsibility to meet the mitigation conditions and applicable requirements of this Order, or the liability will remain with the Discharger.
 9. The Discharger must implement BMPs to prevent the discharge of pollutants into off-site mitigation areas from storm water and non-storm water runoff.
 10. **No later than five years** from the date that the as-built plans for the mitigation area are submitted to the Water Board (see Attachment D, Section II.B.2), the

mitigation area must fully meet the established functional success criteria of the Mitigation and Monitoring Plan. If the mitigation areas fail to meet the criteria, the Discharger must provide by this date a technical report proposing remedial measures, for acceptance by the Water Board Executive Officer, to be implemented within one year following the determination that success criteria were not met.

11. Prior to verification of meeting success criteria, if a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation area(s), the Discharger is responsible for repairing and replanting damaged area(s).

E. Special Provisions for Storm Water

1. The Discharger provided a revised Storm Water Pollution Prevention Program (SWPPP) as part of the RWD. This SWPPP, or any future revision to this SWPPP, is required to be implemented according to the requirements of this Order.
2. By **June 13, 2008**, the Discharger must provide to the Executive Officer of the Water Board for review and acceptance the Water Quality Control Plan (WQCP) for Phase IA required in the final EIR, and certification that the WQCP is the same as that provided to the City Engineer for the City of Palmdale. The site-specific WQCP must include appropriate post-construction design measures and storm water treatment controls as specified in this Order. The WQCP must identify parties responsible for long-term maintenance the storm water treatment controls after the Project is completed.
3. **Sixty days** prior to initiating grading for either Phase IB or III, the Discharger must provide to the Executive Officer of the Water Board for review and acceptance the Water Quality Control Plan (WQCP) for Phase IB and/or Phase III required in the final EIR, and certification that the WQCP is the same as that provided to the City Engineer for the City of Palmdale. The site-specific WQCP must include appropriate post-construction design measures and storm water treatment controls as specified in this Order. The WQCP must identify parties responsible for maintaining the storm water treatment controls after the Project is completed.
4. The Discharger must ensure that storm water discharges and non-storm water discharges do not cause or contribute to an exceedance of any applicable water quality standards.
5. By **June 13, 2008**, the Discharger must develop and implement a Construction Area Monitoring Program (CAMP) for Phase 1A in accordance with the Monitoring Program and Reporting Requirements in Attachment D.
6. **Sixty days** prior to initiating grading for either Phase IB or III, the Discharger must develop and implement a Construction Area Monitoring Program (CAMP)

for Phase 1B and/or Phase III in accordance with the Monitoring Program and Reporting Requirements in Attachment D.

7. Post-construction storm water flows emanating from the Project site must not exceed predevelopment levels. Runoff from newly constructed impervious areas that is greater than background levels must be treated and detained to predevelopment runoff levels. Methods such as Low-Impact Development may be used to achieve this requirement. Detention and/or infiltration facilities for a 20-year, one-hour storm event fulfills this requirement for the purposes of this Order.
8. The Discharger must implement BMPs to prevent or reduce the discharge of wastes associated with water contacting construction materials or equipment.
9. The Discharger must provide effective cover, mulch, fiber blankets, or other erosion control for soils disturbed by construction activities.
10. The Discharger must provide BMPs for erosion stabilization for all areas of disturbed soil regardless of time of year, including erosion from rainfall, non-storm water runoff, and wind.
11. The Discharger must stabilize from erosion all finished slopes, open space, utility backfill, and graded or filled lots within two weeks from when excavation or grading activity has been completed.
12. The Discharger must control runoff from offsite areas, route flows away from disturbed areas in a manner that does not cause onsite or offsite erosion, and provide controls to minimize runoff and problems from storm water flows into active or disturbed project areas from offsite areas.
13. The Discharger must, at all times, maintain effective perimeter controls and stabilize all construction entrances/exits sufficiently to control erosion and soil or sediment discharges from the site.
14. The Discharger must properly install and effectively maintain all BMPs for storm drain inlets and perimeter controls, runoff control BMPs, and stabilized entrances/exits.
15. The Discharger must ensure that construction activity traffic to and from the Project is limited to entrances and exits that employ effective controls to prevent offsite tracking of soil.
16. The Discharger must ensure that all storm drain inlets and perimeter controls, runoff control BMPs, and pollutant control at entrances/exits are maintained and protected from activities that could reduce their effectiveness.

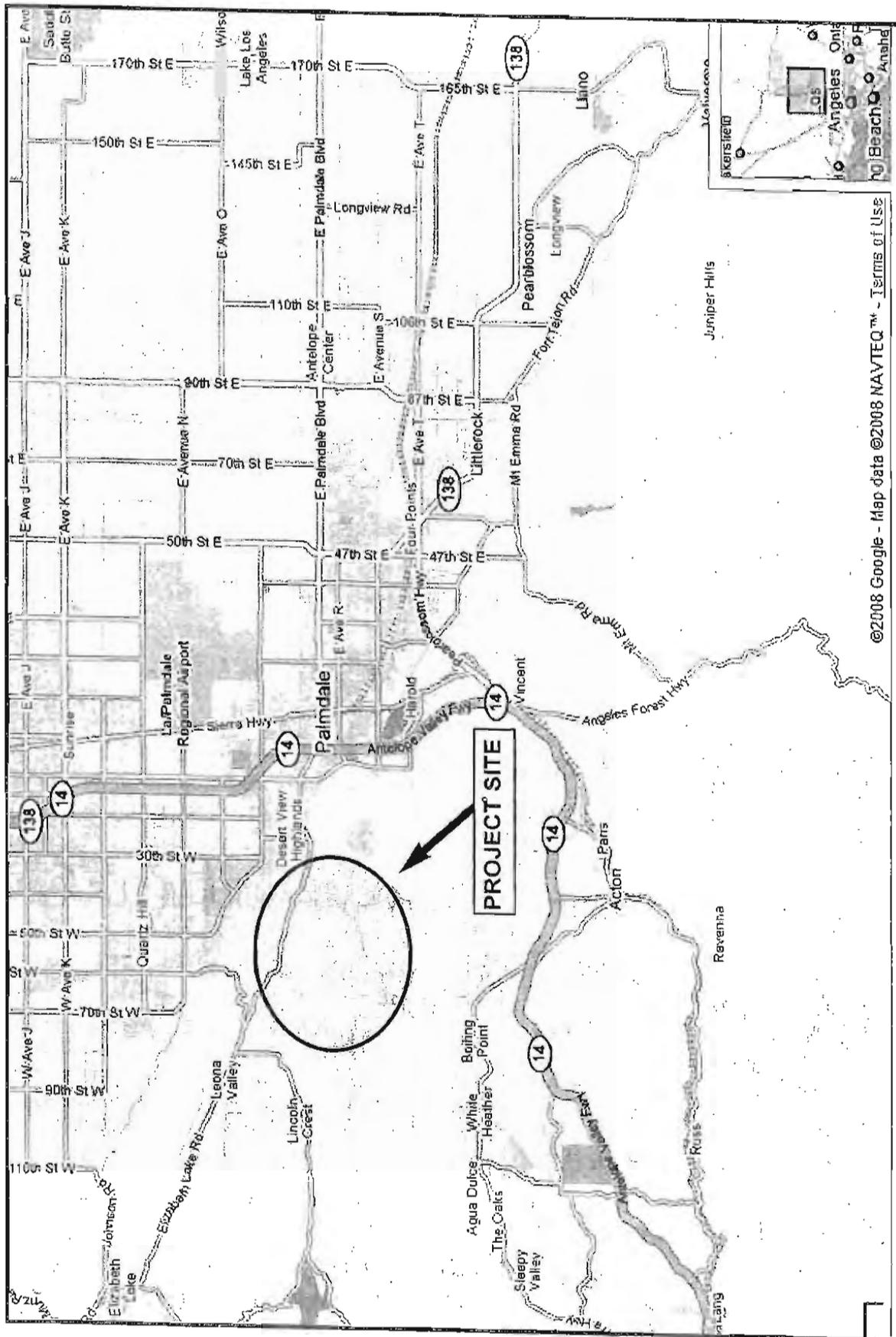
17. The Discharger must comply with the following source control requirements:
- a. Maintain vegetative cover to the extent possible by developing the project in a way that reduces the amount of soil exposed to erosion at any time.
 - b. Inspect and remove accumulated deposits of soil at all inlets to the storm drain system at frequent intervals during rainy periods.
 - c. Provide buffer strips and/or vegetation protection fencing between the active construction area and any water bodies.
 - d. Provide "good housekeeping" measures for construction materials, waste management, vehicle storage and maintenance, and landscape materials at all times including, but not limited to, the list of required measures in Attachment E, which is made a part of this Order.
18. The Discharger must maintain, in perpetuity, post-construction control and treatment measures for storm water, or must identify in writing to the Water Board, the entity that is legally responsible for maintaining the post-construction controls at the Project site.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on April 9, 2008.

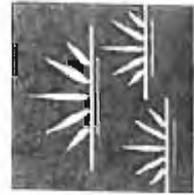
HAROLD J. SINGER
EXECUTIVE OFFICER

- Attachments:
- A. Location Map, Phases Map, and Project Area Map
 - B. Project Details
 - C. Standard Provisions for Waste Discharge Requirements
 - D. Monitoring and Reporting Program
 - E. Good Housekeeping BMP

ATTACHMENT A



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GLENN LUKOS ASSOCIATES

EXHIBIT 1

RITTER RANCH PHASES I, III AND TANK SITE/ACCESS ROAD

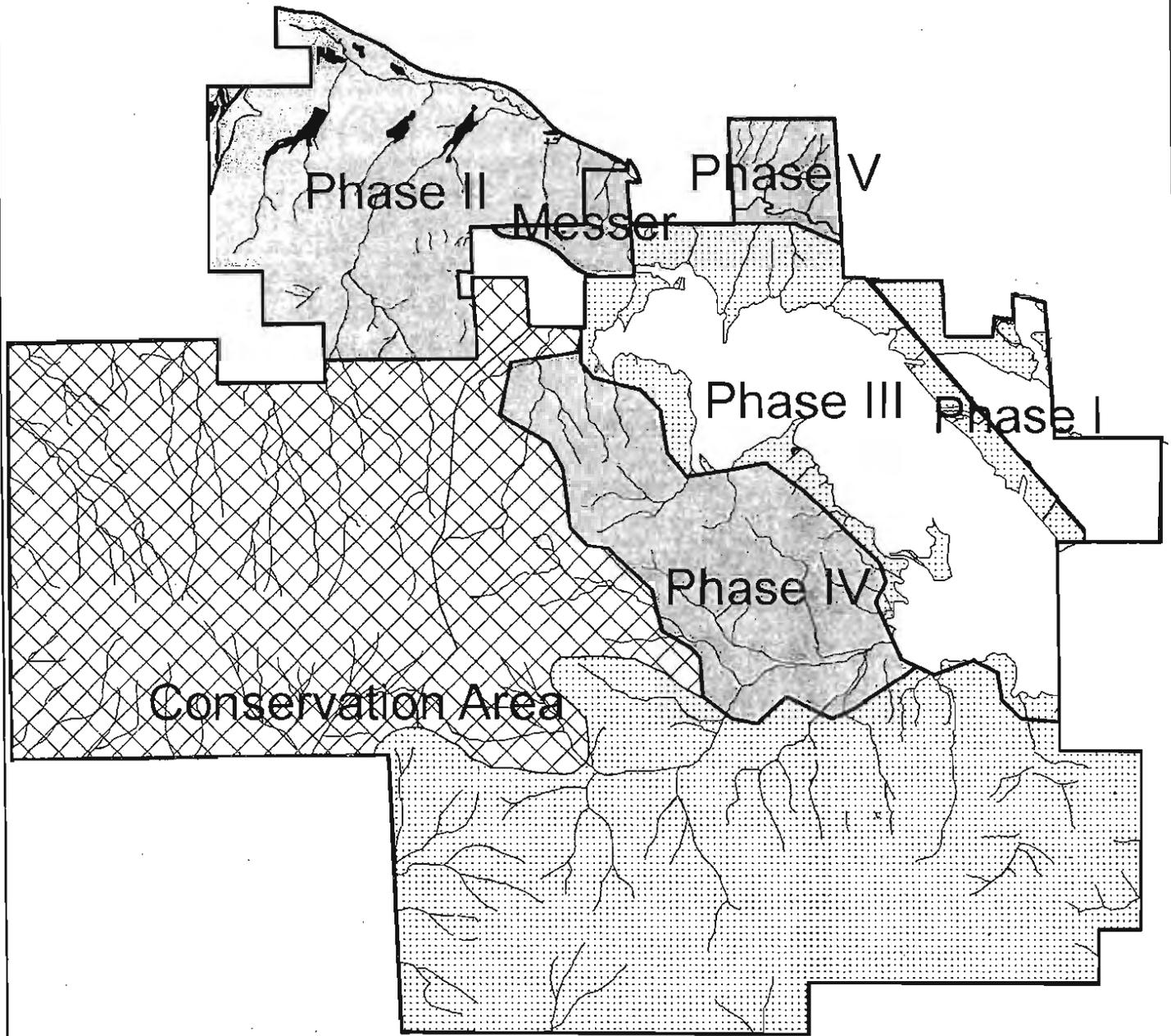
Regional Map

Adapted from USGS Los Angeles quadrangle



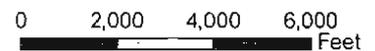
08-0024

RITTER RANCH
CONCEPTUAL PRESERVATION AND ENHANCEMENT MAP



Legend

-  Proposed Development to Date
-  Waters of the State
-  Future Phases Not Yet Addressed
-  Proposed Preservation and Enhancement for Phases I and III
-  Candidate Preservation and Enhancement for Future Impacts



Legend

- Golf Course Green
- High Density Residential
- Road
- Southern Willow Scrub (2.05 ac)
- Wet Meadow (5.5 ac)
- Phase II Impact Boundary
- Existing ELR Mitigation Site
- Existing Non-wetland Waters
- Existing Wetland
- Existing CDFG Riparian

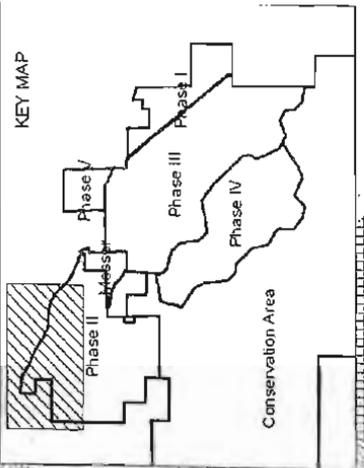
Proposed PHASE I Creation (6.55-Acres)

Proposed PHASE III Creation (1.00-Acre)

ELIZABETH LAKE ROAD

AMARGOSA CREEK

Equestrian Park



08-0025

RITTER RANCH

Phase I and Phase III Mitigation Areas

GLENN LUKOS ASSOCIATES

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ATTACHMENT B

**ATTACHMENT B
Project Details For
Ritter Ranch Development WDR**

Application Date: July 27, 2005

Applicant: Jora Sarkissian
SunCal Companies
21900 Burbank Boulevard, Suite 114
Woodland Hills, CA 91367

**Applicant's
Representatives:** Ingrid Chlup
Glenn Lukos Associates
29 Orchard
Lake Forest, CA 92630-8300

Project Name: Ritter Ranch Development Project

Application Number: WDID 6B190609004

Type of Project: Residential Development Project

Project Location: West of Palmdale and south of Elizabeth Lake Road

Lat/Long: Latitude 34°39'39" N - 34°34.209, Longitude 118°11'54" W - 118°11.718

County: Los Angeles County

Receiving Water(s) (hydrologic unit): Lancaster Hydrologic Area No. 626.50, within the Antelope Hydrologic Unit 626.

Water Body Types: Ephemeral streams, perennial streams, wetlands and isolated ponds.

Designated Beneficial Uses: The Basin Plan for the Lahontan Water Board has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Groundwater Recharge (GWR); Freshwater Replenishment (FRSH); Water Contact Recreation (REC-1); Non-contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); and Wildlife Habitat (WILD); Water Quality Enhancement (WQE); and Flood Peak Attenuation/Flood Water Storage (FLD).

Project Description (purpose/goal): The Project consists of developing 2,000 acres for residential and commercial development.

08-0026

Water Quality Concerns: Hydrologic flow alterations, groundwater recharge, loss of freshwater and wildlife habitat, and decreased flood attenuation and flood water storage.

Fill Area: 85,764 cubic yards (38,864 cubic yards for Phase I and 46,900 cubic yards Phase III) of clean soil will be placed into 1.73 (0.4 + 1.33) acres of state-jurisdictional wetland and 11.2 (5.54 – 0.4 + 7.39 – 1.33) acres of un-vegetated streambed, for a total of **12.93 acres** of fill (**85,415 linear feet** of streambed).

Phase I - Table of Impacts

Drainage Feature Name	Vegetated Area	Unvegetated Area	Total Area	Linear Feet	Impacts		
					Acres	% Wetland	Linear Feet
Tributary to Amargosa Crk	0.00	0.02	0.02	903	0.02	0	903
Isolated Pond	0.30	0.00	0.30	337	0.30	100	337
Drainage H	0.10	0.90	1.00	6,758	1.00	10	6,758
Drainage J	0.00	1.62	1.62	5,787	1.62	0	5,787
Drainage K (Anaverde Crk)	0.00	3.00	3.00	3,831	3.00 Temp	0	3,831 Temp
Total (Temp)					3.00	0	3,831
Total (Perm)					2.94	13.6% (0.4)	13,785
Total	0.4	5.54	5.94	17,616	5.54		17,616

Phase III – Table of Impacts

Water Feature Name	Vegetated Area	Unvegetated Area	Total Area	Linear Feet	Impacts		
					Area	% Wetland	Linear Feet
Drainage A	0.04	0.30	0.34	4,678	0.19	21% (0.04)	2,983
Drainage B	0.00	0.02	0.02	663	0.00		0
Drainage C	0.00	0.13	0.13	3,061	0.03	0	190
Drainage D	0.05	0.50	0.55	7,979	0.25	20% (0.05)	4,133
Drainage E	0.00	0.05	0.05	1,602	0.00	0	160
Drainage F	0.00	0.50	0.5	5,265	0.22	0	3,198
Drainage G	0.00	0.17	0.17	2,960	0.11	0	1,924
Drainage H	0.58	1.02	1.60	15,657	1.41	44% (0.62)	11,088
Drainage I	0.62	1.09	1.71	20,805	1.05	20% (0.21)	13,806
Drainage J	0.16	1.44	1.60	23,268	1.26	9% (0.11)	18,767
Drainage K (Anaverde Crk)	0.01	1.92	1.93	7,374	1.57 (T) 0.34 (P)	0	4,621 (T) 600 (P)
Drainage L	0.00	0.01	0.01	621	0.01	0	345
Drainage M	0.03	0.44	0.47	4,624	0.35	3% (0.01)	2,498
Drainage N	0.00	0.35	0.35	4,788	0.31	0	3,351
Isltd Wtlnd A	0.02	0.00	0.02	-	0.02	100% (0.02)	-
Isltd Wtlnd B	0.01	0.00	0.01	-	0.01	100% (0.01)	-
Isltd Wtlnd C	0.26	0.00	0.26	-	0.26	100% (0.26)	-
Total (Temp)					1.57	0	4,621
Total (Perm)					5.82	23% (1.33)	63,178
Total	1.78	7.94	9.69	104,078	7.39		67,799

U.S. Army Corps of Engineers Permit Number: N/A – On June 17, 2004, the U.S. Army Corps of Engineers determined Amargosa Creek to be an isolated water body under SWANCC and therefore not subject to CWA Section 404/401 jurisdiction.

Other State Permits:

Department of Fish & Game (CDFG) Streambed Alteration Agreement (SBAA):

The Suncal Companies received a Streambed Alteration Agreement, dated March 14, 2005, for Phase I of the Ritter Ranch Project. The CDFG also issued a SBAA for Phase II and III.

Possible Listed Species: California Red-legged Frog, Southwestern Pond Turtle

Status of CEQA Compliance: The City of Palmdale, acting as California Environmental Quality Act (CEQA, Public Resources Code section 21000, et seq.) Lead Agency, certified the Final Environmental Impact Report (EIR) 90-04 for the Ritter Ranch development (*Ritter Ranch Specific Plan*) on February 27, 1992 (SCH No. 90010124). A Notice of Determination was filed with the State Clearinghouse on March 6, 1992 by the City of Palmdale. The City Council adopted a Statement of Overriding Considerations for significant impacts that were considered to be unavoidable (drainage pattern alteration, increased groundwater recharge significantly affecting local groundwater levels).

Avoidance and Minimization Measures:

The Project avoids permanent impacts to 50% of the waters of the State located within the Project boundaries. Realignment of Anaverde Creek (see below under Mitigation for Temporary Impacts) will be result in an increase in jurisdiction. The Project avoids 97% of Amargosa Creek located within the Project boundaries. Project design minimizes impacts to aquatic function by incorporating permeable landscaped surfaces, biobasins and bioswales.

Compensatory Mitigation:

Proposed Mitigation to Address Concerns: The current mitigation proposal would create 7.55 acres of wetlands for Phases I and III impacts to 8.76 acres of waters of the State, of which approximately 20% (1.73 acres) are wetlands (an approximately 4:1 mitigation ratio). Other mitigation includes 1) enhancement through removal of cattle and invasive species eradication of approximately 38 acres of permanently preserved Waters of the State and 2) enhancement of the permanently preserved upland watershed for the preserved waters through removal of cattle. The mitigation program is expected to replace function loss through direct impacts.

Mitigation for Temporary Impacts:

Anaverde Creek, an ephemeral wash with little to no vegetation, will be realigned adjacent to and south of McDill Mountain and Ritter Ranch Roads. The new alignment of the creek will be anywhere from 25 feet to, at the most, 300 feet south of its current location.

Application Fee Provided: \$13,900 (\$500.00 application filing fee + 85,415 linear feet of permanent and temporary impacts at \$10.00 per linear foot up to maximum of \$40,000). Fees of \$26,100 have been submitted as required by 23 CCR §3833b(2)(A) and by 23 CCR § 2200(e).

Storm Water Best Management Practices:

The SWPPP includes the following Best Management Practices (BMPs) for use during construction where applicable:

- Limited access routes and stabilized access points;
- Stabilizing denuded areas as soon as possible with seeding, mulching, or other effective methods;
- Protecting adjacent properties with landscaped buffer strips, sediment barriers, or other effective methods;
- Delineating clearing limits, easements, setbacks, sensitive areas, vegetation, and drainage courses by marking them in the field;
- Stabilizing and preventing erosion from temporary conveyance channels and outlets;
- Using sediment controls and filtration to remove sediment from water generated by dewatering or collected on site during construction;
- Scheduling grading for the dry season, if possible;
- Designating specific areas of the site, away from streams or storm drain inlets, for storage, preparation, and disposal of building materials, chemical products, and wastes;
- Storing stockpiled materials and wastes under a roof of plastic sheeting;
- Storing containers of paint, chemicals, solvents, and other hazardous materials stored in containers under cover during rainy periods;
- Berming around storage areas to prevent contact with runoff;
- Covering open dumpsters securely with plastic sheeting, a tarp, or other cover during rainy periods;
- Designating specific areas of the site, away from streams and storm drain inlets, for auto and equipment parking and for routine vehicle and equipment maintenance;
- Routinely maintaining all vehicle and heavy equipment to avoid leaks;
- Performing major maintenance, repair, and vehicle and equipment washing off site, or in designated and controlled areas on site;
- Collecting used motor oil, radiator coolant, and other fluids with drip pans or drop cloths. Storing and labeling spent fluids carefully prior to recycling or proper disposal;
- Sweeping up spilled dry materials (cement, mortar, fertilizers, etc.) immediately- do not use water to wash them away;
- Cleaning up liquid spills on paved or impermeable surfaces using dry cleanup methods (e.g., absorbent materials, cat litter, rags) and dispose of cleanup materials properly;
- Clean up spills or dirt areas by digging up and properly disposing of the soil; and
- Keeping paint removal wastes, fresh concrete, cement mortars, cleared vegetation, and demolition wastes out of the gutter, streams, and storm drains by using proper containment and disposal.

ATTACHMENT C

ATTACHMENT C

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

STANDARD PROVISIONS
FOR WASTE DISCHARGE REQUIREMENTS

1. Inspection and Entry

The discharger shall permit Regional Board staff:

- a. to enter upon premises in which an effluent source is located or in which any required records are kept;
- b. to copy any records relating to the discharge or relating to compliance with the waste discharge requirements;
- c. to inspect monitoring equipment or records; and
- d. to sample any discharge.

2. Reporting Requirements

- a. Pursuant to California Water Code 13267(b), the discharger shall immediately notify the Regional Board by telephone whenever an adverse condition occurred as a result of this discharge; written confirmation shall follow within two weeks. An adverse condition includes, but is not limited to, spills of petroleum products or toxic chemicals, or damage to control facilities that could affect compliance.
- b. Pursuant to California Water Code Section 13260(c) and 13264(a)(2), any proposed material change in the character of the waste, manner or method of treatment or disposal, increase of discharge, or location of discharge, shall be reported to the Regional Board at least 140 days in advance of implementation of any such proposal. This shall include, but not be limited to, all significant soil disturbances.
- c. The owner(s) of, and discharger upon, property subject to waste discharge requirements shall be considered to have a continuing responsibility for ensuring compliance with applicable waste discharge requirements in the operations or use of the owned property. Any change in the ownership and/or operation of property subject to the waste discharge requirements shall be reported to the Regional Board. Notification of applicable waste discharge requirements shall be furnished

in writing to the new owners and/or operators and a copy of such notification shall be sent to the Regional Board.

- d. If a discharger becomes aware that any information submitted to the Regional Board is incorrect, the discharger shall immediately notify the Regional Board, in writing, and correct that information.
- e. Reports required by the waste discharge requirements, and other information requested by the Regional Board, must be signed by a duly authorized representative of the discharger. Under Section 13268 of the California Water Code, any person failing or refusing to furnish technical or monitoring reports, or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in an amount of up to one thousand dollars (\$1000) for each day of violation.
- f. If the discharger becomes aware that their waste discharge requirements are no longer needed (because the project will not be built or the discharge will cease) the discharger shall notify the Regional Board in writing and request that their waste discharge requirements be rescinded.

3. Right to Revise Waste Discharge Requirements

The Board reserves the privilege of changing all or any portion of the waste discharge requirements upon legal notice to and after opportunity to be heard is given to all concerned parties.

4. Duty to Comply

Failure to comply with the waste discharge requirements may constitute a violation of the California Water Code and is grounds for enforcement action or for permit termination, revocation and reissuance, or modification.

5. Duty to Mitigate

The discharger shall take all reasonable steps to minimize or prevent any discharge in violation of the waste discharge requirements which has a reasonable likelihood of adversely affecting human health or the environment.

6. Proper Operation and Maintenance

The discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the discharger to achieve compliance with the waste discharge requirements. Proper operation and maintenance includes adequate laboratory control, where appropriate, and appropriate quality assurance procedures. This

provision requires the operation of backup or auxiliary facilities or similar systems that are installed by the discharger, when necessary to achieve compliance with the conditions of the waste discharge requirements.

7. Waste Discharge Requirement Actions

The waste discharge requirements may be modified, revoked and reissued, or terminated for cause. The filing of a request by the discharger for waste discharge requirement modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any of the waste discharge requirements conditions.

8. Property Rights

The waste discharge requirements do not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

9. Enforcement

The California Water Code provides for civil liability and criminal penalties for violations or threatened violations of the waste discharge requirements including imposition of civil liability or referral to the Attorney General.

10. Availability

A copy of the waste discharge requirements shall kept and maintained by the discharger and be available at all times to operating personnel.

11. Severability

Provisions of the waste discharge requirements are severable. If any provision of the requirements is found invalid, the remainder of the requirements shall not be affected.

12. Public Access

General public access shall be effectively excluded from treatment and disposal facilities.

13. Transfers

Providing there is no material change in the operation of the facility, this Order may be transferred to a new owner or operation. The owner/operator must

request the transfer in writing and receive written approval from the Regional Board Executive Officer.

14. Definitions

- a. "Surface waters" as used in this Order, include, but are not limited to, live streams, either perennial or ephemeral, which flow in natural or artificial water courses and natural lakes and artificial impoundments of waters. "Surface waters" does not include artificial water courses or impoundments used exclusively for domestic wastewater disposal.
- b. "Ground waters" as used in this Order, include, but are not limited to, all subsurface waters being above atmospheric pressure and the capillary fringe of these waters.

15. Storm Protection

All facilities used for collection, transport, treatment, storage, or disposal of waste shall be adequately protected against overflow, washout, inundation, structural damage or a significant reduction in efficiency resulting from a storm or flood having a recurrence interval of once in 100 years.

ATTACHMENT D

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

ATTACHMENT D

MONITORING AND REPORTING PROGRAM NO. 2008-(PROPOSED)
WDID NO. 6B190609004

FOR
RITTER RANCH DEVELOPMENT PROJECT
PHASES I AND III, SUNCAL COMPANIES

I. MONITORING

A. General Requirements

1. The Discharger must comply with the "General Provisions for Monitoring and Reporting," dated September 1, 1994, which is attached to and made part of this Monitoring and Reporting Program (Attachment A).
2. The Discharger must comply with General Provision 1.d. in Attachment A.
 - a. Quality assurance/quality control (QA/QC) procedures must be followed and a QA/QP plan must be included in the Sampling and Analysis Plan (SAP) that is provided to the Water Board. The SAP may be part of the Construction Area Monitoring Plan (CAMP) as described below.
 - b. The Discharger may conduct their own field analysis of pH and specific conductance if the Discharger has sufficient capability (qualified and trained employees, properly calibrated and maintained field instruments, etc.) to adequately perform the field analysis.
 - c. All monitoring instruments and equipment (including a Discharger's own field instruments for measuring pH and turbidity) must be calibrated and maintained in accordance with manufacturer's specifications to ensure accurate measurements.
 - d. With the exception of field analyses conducted by Dischargers for pH and turbidity, all analyses must be sent to and conducted at a laboratory certified for such analysis by the State Department of Health Services.

B. Construction Site Storm Event Water Monitoring

1. During storms and/or within one business day after each half-inch of precipitation from a storm event, the Discharger must visually observe and document observations at discharge locations to Anaverde and Amargosa Creeks.
2. The Discharger must monitor precipitation continuously and keep a record of storm events that produce more than ½ inch of precipitation.

3. The Discharger must visually observe and document observations of the discharge of stored or contained storm water that is discharged subsequent to a storm event. The Discharger is only required to visually observe such discharges if they occur under daylight conditions. Stored or contained storm water that will likely discharge after operating hours due to anticipated precipitation must be observed prior to the discharge to determine whether controls and BMPs are in place and functioning as required.
4. Forty-eight (48) hours prior to each potential storm event as defined below, the Discharger must visually observe and implement appropriate corrective action for (1) all storm water drainage areas, to identify any spills, leaks, or uncontrolled pollutant sources, (2) all Best Management Practices (BMPs), to identify whether they have been properly installed and maintained, and (3) any storm water storage and containment areas, to detect leaks and ensure maintenance of adequate freeboard. For the purposes of this Order, a potential storm event is defined as any storm event with a 30% or greater chance of precipitation as predicted by the National Weather Service's nearest weather station for the local climate zone.
5. For the visual observations, the Discharger must look for and document the presence or absence of floating and suspended materials, a sheen on the surface, discolorations, turbidity, odors, and source(s) of any observed pollutants.
6. Within one business day after each storm event that produces precipitation of $\frac{1}{2}$ inch or more, the Discharger must conduct a post-storm event inspection to (1) identify whether BMPs were adequately designed, implemented, and effective, (2) identify additional BMPs needed, BMPs in need of maintenance, and (3) photograph each discharge location and associated BMPs.
7. The Discharger must analyze samples of storm water discharged from each detention basin and collected within one business day after the initial $\frac{1}{2}$ inch of precipitation from a storm event, and every inch thereafter. If no discharge occurs from a basin, no sample is required, but the absence of discharge must be documented. The Discharger must collect samples of stored or contained storm water that is discharged subsequent to a storm event producing precipitation of $\frac{1}{2}$ inch or more at the time of discharge according to the following requirements:
 - a. The Discharger must analyze the samples for pH and turbidity.
 - b. The Discharger is not required to physically collect samples or conduct visual observations during dangerous weather conditions or outside of scheduled site operation hours.
 - c. The Discharger must perform sampling of storm water discharges from all drainage areas associated with construction activity. The storm water discharge collected and observed must represent the worst quality storm water discharge in each drainage area based on visual observation of the water and upstream conditions. For example, if there has been concrete

work recently in an area, or drywall scrap is exposed to the rain, a pH sample must be taken of drainage from the relevant work area. Similarly, if muddy water is flowing through some parts of a silt fence, samples must be taken of the muddy water even if most water flowing through the fence is clear.

C. Construction Site Monitoring

1. On a daily basis, the Discharger must inspect all public and private roads serving the Project and daily remove, by vacuuming or sweeping, visible accumulations of sediment or other construction activity-related materials that are deposited on the roads. All inspections under this provision must be documented in writing.
2. The Discharger must ensure that inspections and observations at locations where runoff may discharge from the Project site are performed weekly, and at least once each 24-hour period during extended storm events, to identify problems and BMPs that (1) need maintenance to operate effectively, (2) have failed, or (3) are inadequate to achieve effective control.
3. The Discharger must visually observe construction areas and each drainage area for the presence of (or indication of prior) non-storm water discharges and their sources to ensure that all BMPs are in place and effective.
 - a. One visual observation must be conducted quarterly in each of the following periods: January – March, April – June, July – September, and October – December. Visual observations are only required during daylight hours (sunrise to sunset).
 - b. Visual observations must document the presence of evidence of any non-storm water discharge, pollutant characteristics (floating and suspended material, sheen, discoloration, turbidity, odor, etc.), and source. The Discharger must maintain on-site records indicating the personnel performing the visual observation, the dates and approximate time each drainage area and non-storm water discharge was observed, and the response taken to eliminate non-storm water discharges and to reduce or prevent pollutants from contacting non-storm water discharges.
4. The Discharger may monitor and report run-on from surrounding areas that may contribute to exceedances or excursions from Order requirements (violations).

D. Post-Construction Monitoring

On a semi-annual basis, the Discharger must inspect and document inspections of post-construction treatment controls at the Project site. Maintenance must be provided to address any controls that are not in compliance with requirements.

E. Receiving Water Monitoring

1. Receiving water sampling must occur at the following locations within Amargosa and Anaverde Creeks:

- a) 200 feet upstream of the Project site in the natural watercourse.
 - b) 200 feet downstream of the Project site in the natural watercourse.
 - c) Midpoint between the upstream and downstream samples.
 - d) 50 feet downstream of each outfall into the above creeks.
2. Twice monthly and at no less than 10-day intervals from November through May of each year, the Discharger must sample the Project's receiving waters, the Amargosa and Anaverde Creeks, with grab samples for the following constituents:
- a) Turbidity,
 - b) Temperature,
 - c) Dissolved Oxygen,
 - d) Suspended Solids,
 - e) Total Dissolved Solids, and
 - f) pH.
- If no water is present (documented by photographs), no sampling is required.
3. The Discharger must also sample the receiving waters for the above parameter(s) when discharge from any detention basin occurs.

F. Compensatory Mitigation Monitoring (Associated with Fill Discharges)

The Discharger must monitor the mitigation site in accordance with the Mitigation Monitoring Plan that was provided to the Water Board and as specified by the Executive Officer (see II.A.1 below).

II. REPORTING

A. Certified Cover Letter

The Discharger must use Attachment B to this MRP as a cover letter, or a cover letter containing the same information, for all reports provided to the Water Board.

B. Required Program Reports

1. A revised Compensatory Mitigation and Monitoring Plan (MMP), as described in II.C below, must be prepared by a qualified professional and be provided by **May 10, 2008** for acceptance by the Executive Officer.
2. By **June 1, 2009** (after completing the initial mitigation construction for impacts to Phase I, including all planting at the mitigation site), the Discharger must submit an as-built report and plan to the Water Board. The as-built report must provide the areas of actual disturbance and clearly identify and illustrate the mitigation areas, as well as the locations of permanent and temporary impacts and be signed by a California registered civil engineer or land surveyor.

3. The Discharger must develop and implement a Construction Area Monitoring Program (CAMP), as described in II.D, below, and provide the CAMP to the Water Board by **June 10, 2008**. The CAMP must include receiving water monitoring locations as required above.
4. The Discharger must provide a Sampling and Analysis Plan (SAP) as described in I.A, above, to the Water Board by **August 1, 2008**.
5. The Discharger must provide to the Water Board by **June 10, 2008** the Water Quality Control Plan (WQCP) required in the final EIR, and certification that the WQCP is the same as that provided to the City Engineer for the City of Palmdale. The WQCP must provide details of post-construction treatment controls, how they will be maintained and the entity responsible for their maintenance

C. Compensatory Mitigation Reporting

1. The MMP must include, at a minimum, the following information:
 - a. Proposed channel designs and earthwork for all creeks, including longitudinal and cross sections and plan views.
 - b. Detailed designs and construction drawings for areas to be created and areas to be enhanced, maintenance details, and other information, as appropriate.
 - c. A detailed planting plan, including species lists, plant sizes and numbers, and planting designs relative to creek cross sections and plan views.
 - d. Plants selected for the mitigation site must be native species that currently exist onsite or within the Project's watershed, and must be documented in the MMP. Plant material must be obtained from a native plant nursery, with emphasis on collection or propagation from local plant sources, or be grown by the Discharger from propagules collected from the Amargosa Creek watersheds. A qualified restoration biologist or professional horticulturalist must oversee the collecting and planting.
 - e. Plantings in mitigation areas must be monitored for a minimum period of five years for grasses, forbs, and shrubs, and ten years for trees, or until the success criteria are achieved. Percent survival must be evaluated individually for each planted species. If the success criteria are not achieved, dead plants must be replaced in kind, unless the Discharger demonstrates that the site is not conducive to the survival of a specific plant species, in which case alternate native riparian plant species may be used, with the written concurrence of the Executive Officer of the Water Board. Replacement plantings must be made within one year of survival rates failing to meet the specified success criteria. Replacement grasses, forbs, and shrubs must be monitored for five years from the date of replanting. Replacement trees must be monitored for ten years from the date of replanting. Replacement plants are subject to the same performance criteria as the initial plantings.
 - f. Success criteria for each of the types of habitat created at the mitigation site (recommend a minimum of 80 percent survival rate).
 - g. An irrigation plan, where irrigation is proposed, for the mitigation areas.

D. Construction Area Management Plan

1. The CAMP must be developed and implemented to address the following objectives:
 - a. To demonstrate that the site is in compliance with all requirements of this Order;
 - b. To determine whether immediate corrective actions, additional BMP implementation, or Storm Water Pollution Prevention Plan (SWPPP) revisions are necessary to reduce pollutants and wastes in storm water discharges and non-storm water discharges; and
 - c. To determine whether BMPs included in the SWPPP are effective in preventing or reducing pollutants in storm water discharges.
2. The Discharger must develop a written site-specific CAMP that includes all monitoring procedures and instruction, location maps, forms, and checklists as required in the Order and this MRP. This CAMP must be made a part of a revised SWPPP that is to be kept and used on the Project site.

E. Storm Water Pollution Prevention Plan Annual Report

1. The Discharger must prepare and provide an annual report no later than January 30 of each year.
2. The Annual Report must include a summary and evaluation of all sampling and analysis results, original laboratory reports, a summary of all corrective actions taken during the compliance year, identification of any recommended compliance activities or corrective actions that were not implemented.
3. The Annual Report must include all records and reports of visual observations and sample collection exceptions, the analytical method, method reporting unit, and method detection limit of each analytical parameter. Analytical results that are less than the method detection limit must be reported as "less than the method detection limit."

F. Records

1. The Discharger must maintain records on-site of all visual observations, personnel performing the observations, observation dates, weather condition, locations observed, and corrective actions taken in response to the observations.
2. All inspections and observations pursuant to Section I.C. above must be documented in writing and must include:
 - a. Inspector's name, title, and signature.
 - b. Inspection date and date the inspection report was written.

- c. Weather information: estimate of beginning of storm event, duration of event, time elapsed since last storm, and approximate amount of rainfall (inches).
 - d. A list and description of BMPs evaluated and any deficiencies noted. If there are no deficiencies, the report must indicate (under penalty of perjury) that the project is in compliance with WDRs.
 - e. Report the presence of noticeable odors or any visible sheen on the surface of any discharges.
 - f. Corrective actions required, including any changes necessary to comply with requirements, and implementation dates for completing corrective actions.
 - g. Photographs taken during the inspection.
3. Records of all storm water monitoring information and copies of all reports (including Annual Reports) required by this Order must be retained for a period of at least five years from the date of the sample, measurement, report, or application. This period may be extended when requested by the Water Board. Records must be retained on-site while construction is ongoing. The records must include:
- a. The date, place, time of facility inspections, sampling, visual observation, and/or measurement, including precipitation;
 - b. The individual(s) who performed the facility inspections, sampling, visual observations, and or measurement;
 - c. The date and approximate time of analyses;
 - d. The individual(s) and company who performed the analysis;
 - e. A summary of all analytical results from the last five years, the method detection limits and reporting units, and the analytical techniques or methods used;
 - f. Quality assurance/quality control records and results;
 - g. Non-storm water discharge inspections and visual observations and storm water discharge visual observation records; and
 - h. Visual observation and sample collection exception records.

G. Expiration

This Monitoring and Reporting Program is in effect until revoked or modified in writing by the Executive Officer.

Ordered by: _____ Date: _____

HAROLD J. SINGER
EXECUTIVE OFFICER

- Attachments:
- A. General Provisions for Monitoring and Reporting
 - B. Certified Cover Letter

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

GENERAL PROVISIONS
FOR MONITORING AND REPORTING

1. SAMPLING AND ANALYSIS

- a. All analyses shall be performed in accordance with the current edition(s) of the following documents:
 - i. Standard Methods for the Examination of Water and Wastewater
 - ii. Methods for Chemical Analysis of Water and Wastes, EPA
- b. All analyses shall be performed in a laboratory certified to perform such analyses by the California State Department of Health Services or a laboratory approved by the Regional Board Executive Officer. Specific methods of analysis must be identified on each laboratory report.
- c. Any modifications to the above methods to eliminate known interferences shall be reported with the sample results. The methods used shall also be reported. If methods other than EPA-approved methods or Standard Methods are used, the exact methodology must be submitted for review and must be approved by the Regional Board Executive Officer prior to use.
- d. The discharger shall establish chain-of-custody procedures to insure that specific individuals are responsible for sample integrity from commencement of sample collection through delivery to an approved laboratory. Sample collection, storage, and analysis shall be conducted in accordance with an approved Sampling and Analysis Plan (SAP). The most recent version of the approved SAP shall be kept at the facility.
- e. The discharger shall calibrate and perform maintenance procedures on all monitoring instruments and equipment to ensure accuracy of measurements, or shall insure that both activities will be conducted. The calibration of any wastewater flow measuring device shall be recorded and maintained in the permanent log book described in 2.b, below.
- f. A grab sample is defined as an individual sample collected in fewer than 15 minutes.
- g. A composite sample is defined as a combination of no fewer than eight individual samples obtained over the specified sampling period at equal intervals. The volume of each individual sample shall be proportional to the discharge flow rate at the time of sampling. The sampling period shall equal the discharge period, or 24 hours, whichever period is shorter.

2. OPERATIONAL REQUIREMENTS

a. Sample Results

Pursuant to California Water Code Section 13267(b), the discharger shall maintain all sampling and analytical results including: strip charts; date, exact place, and time of sampling; date analyses were performed; sample collector's name; analyst's name; analytical techniques used; and results of all analyses. Such records shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge, or when requested by the Regional Board.

b. Operational Log

Pursuant to California Water Code Section 13267(b), an operation and maintenance log shall be maintained at the facility. All monitoring and reporting data shall be recorded in a permanent log book.

3. REPORTING

- a. For every item where the requirements are not met, the discharger shall submit a statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time, and shall submit a timetable for correction.
- b. Pursuant to California Water Code Section 13267(b), all sampling and analytical results shall be made available to the Regional Board upon request. Results shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge, or when requested by the Regional Board.
- c. The discharger shall provide a brief summary of any operational problems and maintenance activities to the Board with each monitoring report. Any modifications or additions to, or any major maintenance conducted on, or any major problems occurring to the wastewater conveyance system, treatment facilities, or disposal facilities shall be included in this summary.
- d. Monitoring reports shall be signed by:
 - i. In the case of a corporation, by a principal executive officer at least of the level of vice-president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates;
 - ii. In the case of a partnership, by a general partner;
 - iii. In the case of a sole proprietorship, by the proprietor; or

- iv. In the case of a municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
- e. Monitoring reports are to include the following:
 - i. Name and telephone number of individual who can answer questions about the report.
 - ii. The Monitoring and Reporting Program Number.
 - iii. WDID Number.
- f. Modifications

This Monitoring and Reporting Program may be modified at the discretion of the Regional Board Executive Officer.

4. NONCOMPLIANCE

Under Section 13268 of the Water Code, any person failing or refusing to furnish technical or monitoring reports, or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in an amount of up to one thousand dollars (\$1,000.00) for each day of violation.

Attachment B

Date _____

California Regional Water Quality Control Board
Lahontan Region
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

Facility Name: _____

Address: _____

Contact Person: _____

Job Title: _____

Phone: _____

Email: _____

WDR/NPDES Order Number: _____

WDID Number: _____

Type of Report (circle one): **Monthly** **Quarterly** **Semi-Annual** **Annual** **Other**

Month(s) **JAN** **FEB** **MAR** **APR** **MAY** **JUN**

(circle applicable month(s)*: **JUL** **AUG** **SEP** **OCT** **NOV** **DEC**

*annual Reports (circle the first month of the reporting period)

Year: _____

Violation(s)? (Please check one): **NO** **YES***

***If YES is marked complete a-g (Attach Additional information as necessary)**

a) Brief Description of Violation: _____

b) Section(s) of WDRs/NPDES Permit Violated:

c) Reported Value(s) or Volume:

d) WDRs/NPDES Limit/Condition:

e) Date(s) and Duration of Violation(s):

f) Explanation of Cause(s):

g) Corrective Action(s) (Specify actions taken and a schedule for actions to be taken)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision following a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my knowledge of the person(s) who manage the system, or those directly responsible for data gathering, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

If you have any questions or require additional information, please contact _____ at the number provided above.

Signature: _____

Name: _____

Title: _____

08-0046

ATTACHMENT E

ATTACHMENT E:

Good Housekeeping Best Management Practices for Ritter Ranch Development Project

1. Good housekeeping measures for construction materials include:
 - a. Maintaining an inventory of the products used and/or expected to be used and the end products that are produced and/or expected to be produced.
 - b. Covering and berming loose stockpiled construction materials (i.e. soil, spoils, aggregate, fly-ash, stucco, hydrated lime, etc.).
 - c. Storing chemicals in watertight containers or in a bermed storage shed (completely enclosed), with appropriate secondary containment.
 - d. Minimizing contact of construction materials with precipitation.
 - e. Implementing BMPs to reduce or prevent the offsite tracking of loose construction and landscape materials.

2. Good housekeeping measures for waste management include:
 - a. Preventing disposal of any rinse/wash waters or materials into the storm drain system.
 - b. Berming sanitation facilities (e.g. Porta Potties) and preventing them from being kept within the curb and gutter or on sidewalks or adjacent to a storm drain.
 - c. Cleaning or replacing sanitation facilities and inspecting them regularly for leaks and spills.
 - d. Covering waste disposal containers when they are not in use and preventing them from overflowing.
 - e. Berming and securely protecting stockpiled waste material from wind and rain at all times unless actively being used where spill would enter surface drainage systems.
 - f. Addressing procedures to deal with hazardous and non-hazardous spills.
 - g. Preparing and implementing a spill response and implementation plan prior to commencement of construction activities, including:
 - i. Locations of on-site equipment and materials for cleanup of spills and leaks.
 - ii. Procedures to follow in the event of spill or leak that includes immediate cleanup.
 - iii. Locations and procedures of disposing of waste materials.
 - iv. Identification of and training for spill response personnel.
 - h. Lining and berming of concrete washout areas so there is no leakage or overflow into the underlying soil and onto the surrounding areas. Washout areas must be positioned away from drain inlets and waterways and be clearly labeled.

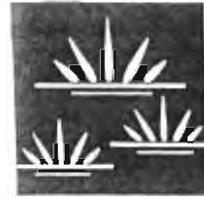
3. Good housekeeping measures for vehicle storage and maintenance include:
 - a. Not allowing oil, grease, or fuel to leak in to the soil.

- b. Placing all equipment or vehicles to be fueled, maintained and/or stored in a designated area fitted with appropriate BMPs.
 - c. Cleaning leaks immediately and disposing of leaked materials and sorbents properly.
 - d. Fix leaks immediately or remove equipment for service.
4. To assess the potential pollutant sources and identify all areas of the site where good housekeeping or additional BMPs are necessary to reduce or prevent pollutants in storm water discharges and non-storm water discharges, the Discharger must assess and report on the following:
- a. The quantity, physical characteristic (liquid, powder, solid, etc.), and locations of each potential pollutant source handled, produced, stored, recycled, or disposed of at the site.
 - b. The degree to which pollutants associated with those materials may be exposed to and mobilized by contact with storm water.
 - c. The direct and indirect pathways that pollutants may be exposed to storm water discharges and non-storm water discharges. This must include an assessment of past spills or leaks, non-storm water discharges, and discharges from adjoining areas.
 - d. Sampling, visual observation, and inspection records.
 - e. Effectiveness of existing BMPs to reduce or prevent pollutants in storm water discharges and non-storm water discharges.

ENCLOSURE 2

GLENN LUKOS ASSOCIATES

Regulatory Services



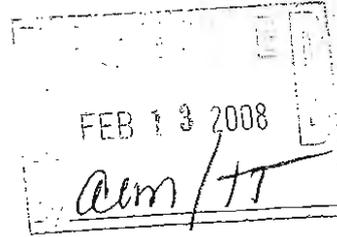
PROJECT NUMBER: 0275-27RITT

TO: Tobi Tyler

FROM: Ingrid Chlup

DATE: DRAFT

SUBJECT: Proposed Edits to Draft Tentative Order for Ritter Ranch Waste Discharge Requirements



Please find our suggested edits to the draft Tentative Order for Ritter Ranch Waste Discharge Requirements below. Unless otherwise indicated, the edits consist of changes that clarify the project description or impacts. All proposed changes are noted in redline below. Comments providing additional clarification are placed in brackets and are italicized. I have only included the portions of the Tentative Order for which we proposed some modification. Please let me know if you have any questions or concerns.

4. Project Description, Site History and Development Phases

The overall development is depicted in Attachment A. The Project involves developing 2,000 acres (300 acres in Phase I and ~~1,700~~ 1,100 acres in Phase III) of the larger 10,625-acre Ritter Ranch site to build homes, commercial areas, parks, schools, and associated infrastructure.

Approximately 7,601 acres of the ~~former~~ 10,625-acre Ritter Ranch property ~~has been~~ will be designated as open space, including approximately 353 acres of parks, an equestrian center, a trail system, and fuel modification zones. Of the 7,601 acres, ~~64,000 acres that was have already been donated to the Mountains Recreation and Conservation Authority (MRCA), a Joint Powers Authority of the Santa Monica Mountains Conservancy, the Conejo Recreation and Park District, and the Rancho Simi Recreation and Park District. The remaining 1,600 acres consists of parks, an equestrian center, a trail system, and fuel modification zones.~~ 3,600 acres will be conveyed to MRCA or a similar approved entity for management in the future. The 3,024 acres that is planned for development in the northern, eastern, and central lower portions of the property will be developed in five phases over an estimated 20-year period. Phase I is currently under construction and comprises 300 acres of residential development (1,094 units), 31.1 acres of park, a system of pedestrian and bicycle trails, and an 8-acre elementary school and a ~~25-acre middle school~~. This Order covers the continued development of Phase I.

Development of Phase II has been postponed due to ~~geotechnical issues associated with the San Andreas fault~~ a request by the Westside School District to make construction of the middle school located in Phase III a priority and is not covered by this Order. Phase III, covered by this Order, involves approximately 1,700-100 acres of residential, commercial and

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infrastructure development. Development of Phases IV and V is not covered by this Order. The Discharger must provide a RWD for Phases II, IV, and V as an application for amended WDRs at least 180 days in advance of initiating construction for those phases.

6. Previous Orders Issued on the Site

[Based on the additional information provided in my email dated December 18, 2007, the last two sentences should be modified as such to reflect the actual tank-site and access road project area (44 acres) rather than the overall Phase IA project area (154 acres).]

The NOA did not authorize impacts to waters of the State outside the 15444-acre project area for the Phase I Tank Site and Access Road Project and did not regulate discharges of storm water. This Order does not regulate the fill-related discharges in the 15444-acre project area regulated under Board Order No. R6T-2003-0004, but does regulate discharges of storm water for the overall ~~2,000~~1,400 acres of the Project that includes the 15444-acre portion.

7. Site Description

[Last Paragraph] Waters of the State associated the 10,625-acre Ritter Ranch site total approximately 80 acres including approximately 40 acres of wetland. Specifically, the Phase I Project site encompasses 5.94 acres of Waters of the State, of which 0.40 acre consists of wetland. The Phase II Project site encompasses total 9.69 acres of Waters of the State, of which 1.78 acres consist of vegetated riparian habitat including 0.28 acre of isolated wetlands or seeps. Fifteen drainage courses (Drainages A through N and an unnamed tributary to Amargosa Creek) and four isolated wetlands have been delineated within the Phase I and II Project areas (Drainages A through N). The delineations were made using the Corps' 1987 Wetland Delineation Manual.

8. Description of Direct Impacts to State Waters

The overall purpose of the Project is to develop Phases I and III of the Ritter Ranch development, which involves a total of ~~2,000~~1,400 acres for residential and commercial development (300 acres in Phase I and ~~1,700~~100 acres in Phase III).

Phase I

In Phase I, the Discharger proposes to build 1,094 houses, 31 acres of park and ~~33~~8 acres of schools on the 300-acre Phase I site area. This will involve impacts to four drainages, Amargosa Creek and three other creeks that flow from the Phase III area, and an isolated pond.

Impact areas and linear feet are shown in the table below. (See project details in Attachment B.)

Phase III

Phase III involves developing ~~1,700~~100 acres, including 688 acres for residential development, 40.7 acres for commercial development, 37 acres for parks, and 33 acres for a middle school and elementary schools. This development would involve temporary and permanent impacts to 7.39 acres of the 9.69 total acres of waters of the State ~~on~~within the ~~1,700~~700-acre Phase III Project site portion of the property. Seventy-six percent of the area and 67,799 of the 104,078 linear feet of existing waters of the State on the Project site will be impacted. These impacts will occur within seventeen water features identified as Drainages A through N and Wetlands A through C in Attachment B. Of the 7.39 acres of proposed impacts, 1.34 acres (18%) of vegetated waters, including wetlands, will be permanently impacted. (See project details in Attachment B.) Phase III development involves temporary and permanent impacts that total 1.57 and 5.82 acres, respectively. Impacts to these drainages and wetlands are tabulated below. Drainages A through ~~H~~I are tributaries to Amargosa Creek. Drainages ~~I~~, J, L, M and N are tributaries to Anaverde Creek (Drainage K is Anaverde Creek).

Approximately 4,621 feet of Anaverde Creek will be ~~rerouted~~realigned to the south into a soft-bottomed channel. The permanent impacts to the remainder of the tributaries and wetlands involve placing native soils in the drainages and wetlands for the purposes of constructing the proposed residential community.

9. Mitigation and Monitoring Plan (and long-term management)

The Discharger has proposed to mitigate effects of the discharges of fill to waters of the State through the creation of wetlands within the overall Project area (see Mitigation Map in Attachment A). The Project avoids permanent impacts to 50% of the waters of the State and avoids 97% of Amargosa Creek located within the Project boundaries. The Project design minimizes impacts to aquatic function by incorporating permeable landscaped surfaces, biobasins and bioswales. All waters of the State receiving temporary discharges will be restored.

The Discharger has prepared and submitted a functional assessment that demonstrates a net gain in water resource area and functions from implementation of the proposed mitigation. The proposed mitigation plan provided to the Water Board is to create 7.55 acres of wetlands and preserve and enhance 1,021 acres of watershed associated with Anaverde Creek including 6.50 acres of RWQCB jurisdiction, which includes 3.50 acres of non-wetland riparian vegetation and 1.05 acres of wetland, for Phases I and III permanent impacts to 8.76 acres of waters of the State, of which approximately 20% (1.73 acres) are wetlands (an approximately 4:1 mitigation ratio). As such, the mitigation plan will adequately compensate for loss of wetlands and habitat within waters of the State associated with the discharge of fill material. This Order requires the

Discharger to proceed with the proposed mitigation plans and requires monitoring and adaptive management measures to ensure successful implementation of the mitigation plan.

II. PROVISIONS

D. Special Provisions for Fill Impacts to State Waters

3. The RWD proposes the creation of ~~6.55-7.55~~ acres of wetland (~~5.0-5~~ acres of wet meadow and ~~1.55-2.05~~ acres of southern willow scrub) as compensatory mitigation. The mitigation site is located in the vicinity of Amargosa Creek near the intersection of Elizabeth Lake Road and Goode Hill Road. The Discharger must implement the plans for mitigation as proposed in the RWD and as may be modified following review by the Water Board Executive Officer to assure compliance with this Order. The initial construction of the compensatory mitigation for discharge of fill to 5.54 acres of waters of the State in the Phase I project area must be completed as proposed in the RWD by ~~April 1, 2009~~ within 120 days of initiating grading. *[Please note that the requested changes to milestones result from uncertainty in the market that may delay availability of funds necessary for initiation of construction and completion of measures detailed in the Tentative Order for Waste Discharge Requirements. We hope that you will consider accepting the proposed changes, which tie compliance to specific construction milestones. We believe the proposed language provides more flexible while still ensuring compliance.]*

4. All mitigation areas must be protected in perpetuity from land-use and maintenance activities that would threaten water quality or beneficial uses within the mitigation area. ~~By June 13, 2008,~~ Prior to initiating grading, the Discharger must submit a technical report for the Conservation Easement for the Ritter Ranch mitigation site to the Executive Officer of the Water Board for review and acceptance. The language of the Conservation Easement must follow the California Department of Fish And Game (CDFG) and/or U.S. Fish and Wildlife Service (USFWS) templates and guidelines for conservation easements and must identify the third-party non-profit entity qualified to hold a conservation easement under California Civil Code section 815.3, to whom the Conservation Easement would be granted. The Conservation Easement must include provisions and responsibilities of the Discharger and the designated land trust organization, including any future transfers of the easement or fee interest that may be anticipated, and must grant access rights to Water Board staff. The Conservation Easement must also specify the purposes for which it is established and include a list of prohibited activities that are inconsistent with the maintenance of the mitigation site, such as development, dredging, mowing, and/or other non-emergency activities that would result in permanent or temporary disturbance of the mitigation area.

5. 120 days prior to initiating grading, the Discharger will provide the Executive Officer of the Water Board with a performance bond for 120-percent of the amount required to complete on-site restoration. If the management entity to whom the Open Space will be conveyed requires annual fees in perpetuity then, prior to release of the financial security, By June 13, 2008, the Discharger must will provide the Executive Officer of the Water Board with the terms of the financial endowment fund to be established for monitoring and perpetual management and maintenance of the mitigation features and habitat in the conserved mitigation site. The principal in the endowment should generate sufficient revenue to cover the costs described in the MMP, including funding for any extended monitoring and maintenance activities, as well as contingency measures, that the Water Board's Executive Officer may determine are necessary to meet the mitigation requirements for the Projectevidence that funding has been provided for in perpetuity. [We have modified the request to be consistent with that often required by Corps and CDFG and therefore known to be feasible.]

9. By September 30, 2013No later than five years from the date that the as-built plans for the mitigation area are submitted to the RWQCB, the mitigation area must fully meet the established functional success criteria of the Mitigation and Monitoring Plan. If the mitigation areas fail to meet the criteria, the Discharger must provide by September 30, 2013this date, a technical report proposing remedial measures, for acceptance by the Water Board Executive Officer, to be implemented within one year following the determination that success criteria were not met.

E. Special Provisions for Storm Water

2. 60 days prior to initiating gradingBy June 13, 2008, the Discharger must provide to the Water Board the Water Quality Control Plan (WQCP) required in the final EIR, and certification that the WQCP is the same as that provided to the City Engineer for the City of Palmdale.

4. By June 13, 200860 days prior to initiating grading, the Discharger must develop and implement a Construction Area Monitoring Program (CAMP) in accordance with the Monitoring Program and Reporting No. 2008-(Tent).

CC: Jora Sarkissian, SunCal Companies

....NOTICE....

Submittal of Written Material for Regional Board Consideration

In order to ensure that the Regional Board has the opportunity to fully study and consider written material, it is necessary to submit it at least ten (10) days before the meeting. This will allow distribution of material to the Board Members in advance of the meeting. Pursuant to Title 23 California Code of Regulations Section 648.4, the Regional Board may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Regional Board may refuse to admit it.

A copy of the procedures governing Regional Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq., and is available upon request. Hearings before the Regional Board are not conducted pursuant to Government Code Section 11500 et seq.

Complete Form and Return

TO: California Regional Water Quality Control Board, Lahontan Region

SUBJECT: Comments on Tentative Order, Ritter Ranch Development Project

- I concur with Tentative Order
- I concur; comments attached
- I do not concur; comments attached

[Handwritten Signature] (Sign)
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