



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

August 24, 2010

Robert C. Pack
Stonefield Development, Inc.
23333 Avenida La Caza
Coto De Caza, CA 92679

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR STONEFIELD CHINO HILLS 37-TTM 18393, CITY OF CHINO
HILLS, SAN BERNARDINO COUNTY (ACOE REFERENCE NO. UNAVAILABLE)
(SARWQCB PROJECT NO. 362009-17)**

Dear Mr. Pack:

On December 7, 2009, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification"), submitted on your behalf by Glenn Lukos Associates, Inc., for the development of the Stonefield Chino Hills residential development project in the City of Chino Hills. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) and subsequent Basin Plan amendments ("Basin Plan"):

Project Description: Development of 28 single-family residential units and associated infrastructure on 34.73 acres. The project includes the extension of a storm drain system master-planned by the City of Chino Hills, with corresponding storm drain laterals serving the proposed development. The project is located immediately east of the Western Hills Golf & Country Club, east of Fairway Drive and north of Carbon Canyon (SR-142) Road within an unsectioned area of Township 2 South, Range 8 West, of the U.S. Geological Survey Yorba Linda, *California*, 7.5-minute topographic quadrangle map (33.96789 N/ -117.759370 W).

Receiving water: Carbon Canyon Creek and an un-named tributary thereto.

California Environmental Protection Agency



Fill area: 0.12 acre of permanent impact and 0.002 acre of temporary impact to streambed habitat.
0.05 acre of permanent and 0.002 acre of temporary impact to wetland habitat.
0.001 acre of temporary impact to riparian habitat (21 linear feet).

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 29.

You have proposed to mitigate water quality impacts as described in your Certification application and subsequent submittals. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed:

- Nuisance flow and 'first-flush' discharges from landscaped portions of the project will be treated in bio-filters, including vegetated swales, located throughout the project site.
- Additional site-specific best management practices ("BMPs") will be specified in the site's Storm Water Pollution Prevention Plan ("SWPPP") and Water Quality Management Plan ("WQMP").

Offsite Water Quality Standards Mitigation Proposed:

- Impacts to 0.17 acre of Corps and Regional Water Quality Control Board (RWQCB) jurisdiction will be mitigated through purchase of credits in an approved habitat mitigation bank or in-lieu fee program within the Santa Ana River watershed to be used for the restoration of 2.88 acres of riparian/wetland habitat, providing a replacement ratio of 17:1.
- All temporary impacts will be restored at a 1:1 ratio following completion of impacts.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. Appropriate Best Management Practices will be implemented to reduce construction-related impacts to Waters of the State. This project is over one acre. Therefore, coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 2009-0009 DWQ, is required, as is development of a SWPPP to control the discharge of pollutants from the project site.

You have applied for a Nationwide Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have applied for a Streambed Alteration Agreement with the California Department of Fish and Game. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Chino Hills approved an Environmental Impact Report (EIR) for the Stonefield Chino Hills 37, TTM 18393 project on October 27, 2009. Pursuant to California Code of Regulations, Title 14, Section 15096, subdivision (f), the Regional Board must consider the environmental effects of the project as shown in the associated EIR prior to reaching a decision on the project. The Regional Board has considered the City's EIR in the issuance of this Certification.

This 401 Certification is contingent upon the execution of the following conditions:

1. This Certification is conditioned upon the construction of all nuisance and storm water runoff treatment facilities, as proposed, according to published and generally accepted engineering design criteria. All such structural treatment facilities must be operational and fully functional prior to the occupancy of any residence.
2. Not less than 120 days prior to the discharge of fill to the areas identified above and described in your application, you shall provide evidence to the Regional Board of the purchase of 2.88 acres of credits in an approved riparian and/or wetland habitat mitigation bank or in-lieu fee program within the Santa Ana River watershed in the area from Prado Basin to the Pacific Ocean.
3. Restoration of temporarily impacted areas shall be conducted under the supervision of an appropriately qualified professional and utilize locally native plant species. Restored areas shall be maintained until such time as they meet established success criteria.
4. Regional Board staff and other authorized representatives shall be allowed:
 - a. Entry upon premises where storm water treatment facilities are located, or where records are kept under the requirements of this Certification and applicable waste discharge requirements;
 - b. Access to copy any records that are kept under the requirements of this Certification and applicable waste discharge requirements;
 - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations related to the treatment of storm water runoff from the project site; and
 - d. To photograph, sample and monitor for the purpose of assuring compliance with this Certification and applicable waste discharge requirements.
5. This Certification and any subsequent amendments must be maintained on site as a denoted element of any project SWPPP or WQMP.



6. This Certification is transferable only upon written notice to the Executive Officer. The notice must include written acknowledgement of this Certification by the transferee's authorized representative.
7. The applicant must comply with the conditions and provisions of the Corps' Clean Water Act Section 404 permit(s).

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent

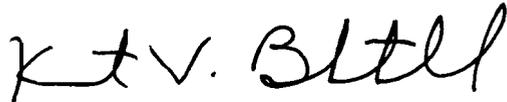
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Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law.

This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 200-0017-DWQ is available at: www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo_2003-0017.pdf

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



Kurt Berchtold
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Jim Mace
State Water Resources Control Board, OCC – David Rice
State Water Resources Control Board, DWQ – Water Quality Certification Unit
California Department of Fish and Game – Michael Flores
U.S. EPA – Supervisor of the Wetlands Regulatory Office WTR- 8

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