



# California Regional Water Quality Control Board

## Santa Ana Region



Linda S. Adams  
Acting Secretary for  
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Edmund G. Brown, Jr.  
Governor

February 9, 2011

James Martinez  
La Floresta, LLC  
145 South State College Blvd. 4<sup>th</sup> Floor  
Brea, CA 92821

**AMENDED CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
CERTIFICATION FOR TENTATIVE TRACT MAP 16934, CITY OF BREA, ORANGE  
COUNTY (REGIONAL BOARD REFERENCE NUMBER 302007-13) (ACOE  
REFERENCE NO. NOT AVAILABLE)**

Dear Mr. Martinez:

We received your January 13, 2011,, request to revise the July 26, 2010, Clean Water Act Section 401 Water Quality Standards Certification (Certification) for the subject project. We have considered your request, and revised the Certification accordingly. Revisions are shown by striking out removed text, and underlining added text. Text that is neither stricken nor underlined remains unchanged. This amended Certification replaces the amended Certification for this project dated February 7, 2011.

On July 19, 2007, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification), submitted on your behalf by Tetra Tech, Inc., for residential Tentative Tract Map 16934 (TTM 16934, a.k.a. La Floresta) in the City of Brea. On November 29, 2007, we received amended site plans and supporting documentation for structural treatment controls to remove pollutants from storm water discharges from the project. On July 20, 2010, we received the City's June 16, 2010 Notice of Determination that it had approved the final Environmental Impact Report for the project.

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:

**Project Description:** Construction of a 119-acre, mixed-use residential and commercial project. The project will consist of 11 planning areas that include 14.7 acres of retail use, 4.6 acres of recreational use, and 88.4 acres of residential use of varying densities, totaling approximately 1,088 dwelling units. The project will include the replacement of a concrete-lined channel with an underground storm drain and the construction of a related storm drain outfall to Carbon

*California Environmental Protection Agency*



Canyon Channel at Imperial Highway. The project is generally bounded by Rose Drive, Valencia Avenue, Imperial Highway, Vesuvius Drive and Tolbert Street, within Section 17 of Township 3 South, Range 9 West, of the U.S. Geological Survey *La Habra, California*, 7.5-minute topographic quadrangle map (33 deg. 54 min. 44.7 sec. N/ - 117 deg. 50 min. 48.1 sec. W).

Receiving water: Carbon Canyon Channel and an un-named ephemeral drainage tributary thereto.

Fill area: 0.23 acres of permanent impact to an ephemeral drainage (concrete-lined) channel (1,500 linear feet).

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 39

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:

- As described in the amended WQMP, received on November 29, 2007, nuisance flow and 'first-flush' discharges from the residential portions of the project will be treated in extended detention basins and ~~Filterra-Bioretention~~ Katchall Purestream Biofiltration®, or other equally effective devices. Nuisance and 'first-flush' discharges from the commercial and higher residential areas will be treated in ~~Filterra-Bioretention~~ Katchall Purestream Biofiltration®, or other equally effective devices. The basins and devices will be maintained by their respective homeowner's or property owner's associations.
- Additional site-specific best management practices (BMPs) will be specified in the site's Storm Water Pollution Prevention Plan (SWPPP) and final Water Quality Management Plan (WQMP).

Offsite Water Quality Standards Mitigation Proposed:

- No offsite Water Quality Standards Mitigation is proposed.

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 Storm Water Pollution Prevention Plan (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 Brea certified an Environmental Impact Report (EIR) for TTM 16934 on June 10, 2010. The Executive Officer 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 storm water treatment facilities as proposed. Any revisions to proposed storm water treatment facilities shall be reported to the Regional Board. All structural storm water treatment facilities must be constructed and operational prior to the occupancy of any structure.
2. 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.
3. This Certification and any subsequent amendments must be maintained on site as a denoted element of any project SWPPP.
4. 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.
5. This Water Quality Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any the conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.

**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.

Although we anticipate no further regulatory involvement, 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, we may formulate Waste Discharge Requirements.

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

In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (Regional Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

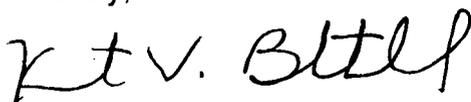
In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. Please notify our office fifteen (15) days before construction begins on this project.

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 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.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf](http://www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf)

Should there be any questions, please contact Marc Brown at (951) 321-4584, or Mark Adelson at (951) 782-3234.

Sincerely,



Kurt V. Berchtold  
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Mark Durham  
State Water Resources Control Board, OCC – David Rice  
State Water Resources Control Board, DWQ-Water Quality Certification Unit –  
Bill Orme  
California Department of Fish and Game, Ontario Office – Jeff Brandt  
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini  
and David Smith

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