
Santa Ana Regional Water Quality Control Board

October 29, 2012

Steve Altfillisch
Altfillisch Construction Company
13200 Cypress Street
Eastvale, CA 92880

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE ALTFILLISCH PARCEL GENERAL PLAN AMENDMENT
PROJECT, COUNTY OF RIVERSIDE, CALIFORNIA (ACOE REFERENCE NO. SPL-
2012-00123-JEM) (SARWQCB PROJECT NO. 332012-08)**

Dear Mr. Altfillisch:

On May 09, 2012, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from Altfillisch Construction Company for a project located in the city of Eastvale, in northwestern Riverside County. The project includes grading activities, in preparation for the development of 38.1 acres of APN 152-040-034 for residential purposes. 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) (Basin Plan) and subsequent Basin Plan amendments:

Project Description: The project takes place on 38.1 acres of a 85.4 acre parcel. 10.5 acres within the southern half of the parcel will be graded for supply fill material for the portion of the site proposed for development. The proposed grading activities will result in permanent impacts to approximately 0.12 acre of riparian/riverine areas under Corps jurisdiction. Of the 0.12 acre of Corps jurisdiction, 0.11 acre contains disturbed freshwater marsh habitat. This habitat is located within an intermittent earthen drainage that bisects the parcel. This drainage extends southerly from a storm drain culvert, which crosses under Citrus Street, to the southern end of the project area. This section of the drainage will be filled as a result of grading activities. The remaining 0.01 acre of Corps jurisdiction is riparian vegetation, located in an inlet structure on the northern side of a constructed basin, commonly

referred to as the "duck pond". The work will take place within Section 36 of Township 2 South, Range 7 West, of the U.S. Geological Survey *Corona North* quadrangle map (33.950138° N/ -117.572582° W).

Receiving water: Unnamed intermittent earthen drainage to culvert under Citrus Street

Fill area: 0.09 acre of permanent impact to wetland habitat, 0.01 acre of temporary impact to wetland habitat, and 0.02 acre of permanent impacts to riparian habitat.

Dredge/Fill volume: 180 cubic yards

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. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed:

- Standard water quality related best management practices (BMPs) will be employed during construction activities.
- The project applicant proposes to establish native riparian habitat on site at a greater than 4:1 ratio to mitigate for permanent impacts to 0.11 acre of riparian and wetland areas under RWQCB jurisdiction. The proposed location of the mitigation site is located at the current southern berm surrounding the duck ponds. Native riparian vegetation will be replanted in the 0.01-acre temporary impact area following the completion of construction activities. A total of 0.52 acre of compensatory mitigation (0.51 acre created, 0.01 acre restored) is proposed. This mitigation program is described in detail in the project's Habitat Mitigation and Monitoring Plan, April 2011, and in the project's Water Quality Management Plan, May 19, 2011.

Offsite Water Quality Standards Mitigation Proposed:

- None.

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 BMPs will be implemented to reduce construction-related impacts to Waters of the State Pursuant to the requirements of the General Permit for Discharges of Storm Water Associated with Construction Activity Order No. 2009-00009-DWQ, commonly known as the Statewide

General Construction Stormwater Permit (General Permit). Provisions within this permit require the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and subsequent Water Quality Management Plan (WQMP).

On February 23, 2012, The City of Eastvale, Planning Department approved a Notice of Determination for a Mitigated Negative Declaration (MND) to Proactive Engineering Consultants (on behalf of the Altfillisch Construction Company). Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an EIR or MND prepared by the lead agency in determining whether to approve a Section 401 Certification. A responsible agency has responsibility for mitigating and avoiding only the direct and indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve. Further, the responsible agency must make findings as required by Sections 15091 and, if necessary, 15093, for each and every significant impact of the project. Based on the mitigation proposed and the conditions set forth in this Certification, Board staff has concluded that the project's impacts to water quality will be reduced to a less than significant level and beneficial uses will be protected. The Regional Board has independently considered the City's Mitigated Negative Declaration in making this certification and finds that changes or alterations have been required or incorporated into the proposed project which avoid or mitigate impacts to water quality to a less than significant level.

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

- 1) The applicant must comply with the requirements of the applicable Clean Water Act section 404 permit.
- 2) All materials generated from construction activities associated with this project shall be managed appropriately. This shall include identifying all potential pollution sources within the scope of work of this project, and incorporating all necessary pollution prevention BMPs as they relate to each potential pollution source identified.
- 3) The project proponent shall utilize BMPs during project construction to minimize the controllable discharges of sediment and other wastes to drainage systems or other waters of the state and of the United States.
- 4) Substances resulting from project-related activities that could be harmful to aquatic life, including, but not limited to, petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, portland cement concrete or asphalt concrete, and washings and cuttings thereof, shall not be discharged to soils or waters of the state. All waste concrete shall be removed.

- 5) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such a manner that petroleum products or other pollutants from the equipment may enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the state on-site, except as necessary to complete the proposed project. No equipment shall be operated in areas of flowing water.
- 6) 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.
- 7) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 8) Applicant shall ensure that all fees associated with this project shall be paid to each respective agency prior to conducting any on-site construction activities.
- 9) Construction de-watering discharges, including temporary stream diversions necessary for project construction may be regulated under Regional Board Order No. R8-2009-0003, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality. For more information, please review Order No. R8-2009-0003 at www.waterboards.ca.gov/santaana/
- 10) The applicant shall ensure that mitigation for impacts created by on-site activities shall be implemented within 90 days from completion of the project. All mitigation activities, including monitoring and reporting, shall be consistent the project's Habitat Mitigation and Monitoring Plan, April 2011 (HMMP) and the project's WQMP dated, May 19, 2011.
- 11) The applicant shall ensure that the mitigation site is perpetually managed in a manner that is consistent with the success criteria established for it in the project's HMMP. Appropriate restrictive covenants shall be recorded for the mitigation site, copies of which shall be provided to the Regional Board. The applicant shall identify the entity responsible for perpetual management of the mitigation site. This entity must be acceptable to the Regional Board.
- 12) Prior to any grading for the project in areas slated to be impacted, functional assessments of these proposed areas of wetland and riparian habitats and riparian mitigation sites shall be conducted using the California Rapid Assessment Method, February 2012.

Site mitigation assessments shall be conducted from October through December, until success criteria are met for consecutive years. This information shall be reported to <http://www.californiawetlands.net/tracker/>

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.

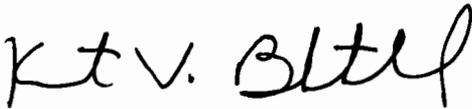
This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related 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. 2003-0017-DWQ is available at:

www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/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
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

LSA Associates – Principal – Jim Harrison
U. S. Army Corps of Engineers, Los Angeles Office -Jason Lambert
Department of Fish and Game – Juan J. Lopez-Torres
State Water Resources Control Board, Office of Chief Counsel-David Rice State
Water Resources Control Board DWQ -Water Quality Certification Unit
U.S. EPA -Supervisor of the Wetlands Regulatory Office WTR-8