
Santa Ana Regional Water Quality Control Board

October 7, 2013

Mike Byer
Richland Communities, Inc.
3161 Michelson Drive, Suite 425
Irvine, CA 92612

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE GOLDEN MEADOWS PROJECT, COUNTY OF
RIVERSIDE, CALIFORNIA (ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB
PROJECT NO. 332013-09)**

Dear Mr. Byer,

On May 13, 2013, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from Richland Communities, Inc. for construction of a residential development and substructure in the City of Canyon Lake. The applicant has also submitted a filing fee of \$944.00, which satisfies this project's fee requirement for consideration of a 401 Certification. This fee amount was determined using the Dredge and Fill Fee Calculator on the State Water Resources Control Board (SWRCB) web site, which is based on the most current iteration of California Code of Regulations, Division 3, Chapter 9, Article 1, section 2200 (a)(3).

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: This 167.0 acre project proposes to prepare 103 acres into 468 residential lots. In addition, 43.6 acres will be developed into roads, 2.7 acres for water quality basins, 0.5 acre for drainage easements and approximately 50 acres for landscaping and open space. Within the open space area, 2.6 acres will be utilized as an on-site mitigation area for permanent impacts to 0.030 acre of streambed habitat. Approximately 30 acres at the northeastern boundary of the project will be designated as a natural open space area. The project's grading activities will include 793,000 cubic yards of cut and 793,000 cubic yards of fill. All cut material is anticipated to be used on site. The work will affect several unnamed, discontinuous, intermittent drainage courses in the Salt Creek drainage of the Canyon Lake subwatershed.

Specifically, the project is located east of Evans Road, north of Wickerd Road, West of Ascot Way and south of Daniel Road, within Sections 15 & 16 of Township 6 South, Range 3 West, of the U.S. Geological Survey *Romoland* quadrangle map (33° 38' 51.40" N/ -117° 11' 17.56" W).

Receiving water: Intermittent, unnamed tributaries in the Salt Creek drainage, Canyon Lake subwatershed of the San Jacinto River Watershed

Fill area:

Permanent impact to Streambed Habitat	0.030 acre	388 linear feet
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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. 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.
- Onsite mitigation includes a total area of 156,380 sq. ft. (3.59 ac 416 lf) of which 0.96 acres of state wetland is avoided and preserved and 2.63 acres of unvegetated drainages/Waters of the U.S. is created.

IMPACTS	MITIGATION TYPE	MITIGATION AREA
0.030 acre of permanent impact to Streambed Habitat	Creation of intermittent streambed	2.63 acres intermittent streambed created

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 Wildlife 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 according to the requirements of Order No. 2009-0009 DWQ, State Water Resources Control Board's

General Permit for Storm Water Discharges Associated with Construction Activity.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an Environmental Impact Report (EIR) or Negative Declaration prepared by the lead agency in determining whether to approve a project. 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.

As required by Section 15096, the Regional Board has considered the EIR prepared for the proposed project, and information provided subsequently in the applicant's application, in approving this Certification. In the issuance of this Certification, the Executive Officer has considered those sections of Riverside County's EIR for the project relating to water quality. Based on the mitigation proposed and the conditions set forth in this Certification, impacts to water quality will be reduced to a less than significant level and beneficial uses will be protected. The Regional Board independently finds that changes or alterations have been required or incorporated into the project that 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) Proposed mitigation shall be timely implemented. Materials documenting the compliance with California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement Notification No. 1600-2013-0069-R6 shall be provided to this office in conjunction with the discharge of fill to, or the dredging or excavation of material from, waters of the state.
- 3) Applicant shall follow all procedures and policies specified within the project's aforementioned CDFW Streambed Alteration Agreement.
- 4) 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.

- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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.
- 9) A copy of this Certification and any subsequent amendments must be maintained on site for the duration of work as a denoted element of any project SWPPP or WQMP.
- 10) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 11) Applicant shall ensure all procedures and policies specified within the project's WQMP shall adequately address any hydraulic conditions of concern generated during and as a result of this project.
- 12) 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/
- 13) 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.

- 14) Prior to any grading for the project in wetlands or areas of riparian or streambed habitat ("impact area"), functional assessments of the impact area's existing conditions shall be conducted using the California Rapid Assessment Method, February 2012 (CRAM 2012). Assessments shall be conducted during the period from October through December. In addition, CRAM 2012 functional assessments of proposed wetland and riparian mitigation sites shall be conducted to establish a baseline for comparison with mitigation objectives, including functional lift, and to assess compliance with mitigation ecological success criteria. Mitigation site 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.

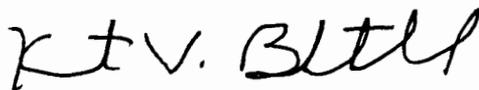
In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean 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/wqo_2003-0017.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):

L & L Environmental Inc. – Leslie Irish – Lirish@lleviroinc.com
U. S. Army Corps of Engineers, Los Angeles Office -Jason Lambert
CA Department of Fish and Wildlife – Joanna Gibson
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