



Santa Ana Regional Water Quality Control Board

May 22, 2014

Adam Smith
CV Communities, LLC
1900 Quail Street
Newport Beach, CA 92660

adam@cityventures.com

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR TRACT 36436 CACTUS/QUINCY CHANNEL RESIDENTIAL
DEVELOPMENT PROJECT, MORENO VALLEY, RIVERSIDE COUNTY (ACOE
CORPS FILE NO. N/A) (SARWQCB PROJECT NO. 332013-20)**

Dear Mr. Smith,

On November 14, 2013, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification) from CV Communities, LLC for a project in Moreno Valley, Riverside County. The project involves the construction of a residential development within Tentative Tract Map 36436. The applicant has also submitted the appropriate fees, as 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: The project entails the construction of a residential development within Tentative Tract Map 36436. The project involves the subdivision of 43.52 acres into 159 single-family residential lots, local streets, and associated infrastructure. The project also includes the expansion and reconfiguration of the existing Quincy Channel, which bisects the relatively flat project area. The channel is an ephemeral drainage feature, which accepts urban runoff and stormwater flows from the City of Moreno Valley and surrounding areas. The proposed channel expansion is necessary to accommodate 100 year flood capacities. Channel expansion includes

WILLIAM RUH, VICE-CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

♻️ RECYCLED PAPER

excavating the existing channel into a 58 foot wide earthen channel with a trapezoidal-cross section, lining of the channel bottom with rip-rap, constructing a multi-use trail on the west side of the channel, and a maintenance/access road on the east side of the channel.

The existing dry weather crossing at Brodiaea Avenue will be replaced with a four cell, reinforced concrete box culvert, with each cell measuring ten feet wide by seven feet high. A concrete apron will continue for approximately 220 linear feet downstream from Brodiaea Avenue. At this point, the rip-rap-lined channel will continue in a southerly direction to a new proposed concrete apron (approximately 70 feet in length) immediately upstream from the existing box culvert beneath Cactus Avenue. This reinforced concrete box culvert, measuring seven feet wide by four feet high, will be extended approximately thirty feet northerly of the existing box culvert. The modified channel will be maintained by the Riverside County Flood Control District. The box culverts will be maintained by the City of Moreno Valley.

The work will take place within Sections 11 and 14 of Township 3 South, Range 3 West, of the U.S. Geological Survey *Sunnymead* 7.5 minute topographic quadrangle map (33.911698° N/ -117.165339° W).

Receiving water: Perris Valley Storm Drain Channel, Canyon Lake, Lake Elsinore, and San Jacinto River (Reach 1 & Reach 3) which have present or potential, or intermittent, beneficial uses, including: municipal and domestic supply (MUN), agricultural supply (AGR), groundwater recharge (GWR), contact recreation (REC1), non-contact recreation (REC2), wildlife habitat (WILD), and warm water habitat (WARM).

Fill area:

Permanent Impact to Streambed Habitat	0.57 acre	1,791 linear feet
---------------------------------------	-----------	-------------------

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Permit Nationwide No. 29 & 43

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.

Offsite Water Quality Standards Mitigation Proposed:

- The Project Applicant will mitigate 0.57 acre of permanent impacts, through acquisition of credits at a minimum 2:1 ratio from an approved in-lieu fee program, such as the Riverside-Corona Resource Conservation District (RCRCD) In Lieu Fee Program, or another mitigation program acceptable to the Regional Board within the Santa Ana River Watershed, which includes the San Jacinto River Watershed.

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, commonly known as the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity and subsequent iterations thereof.

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 conditions contained in any other permit or approval for this project issued by the State of California, or any subdivision thereof, may result in appropriate enforcement action, including imposition of administrative civil liability.

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 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 Mitigated Negative Declaration (MND) prepared for the proposed project and filed with the City of Moreno Valley on July 2, 2013, and information provided subsequently in the applicant's application, in approving this Certification. More specifically, the Regional Board has independently considered those sections of the MND relating to water quality. Based on the mitigation proposed in the MND, 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. Thus, the Regional Board finds that changes or alterations have been required in, or incorporated into the 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) Proposed mitigation shall be timely implemented. Materials documenting the purchase of necessary mitigation credits shall be provided to this office prior to the discharge of fill to, or the dredging or excavation of material from, waters of the state.
- 3) 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.
- 4) 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.
- 5) Modifications of Quincy Channel shall be constructed as described in the application and summarized above. Any significant deviation from the modifications described shall be reported to the Regional Board.

- 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) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 10) 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/
- 11) 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.

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 certify 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

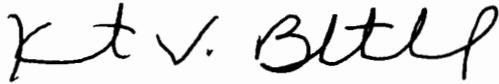
Adam Smith
CV Communities, LLC
RWQB #: 332012-11 CIWQS #: 800909

- 7 -

May 22, 2014

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):

Glenn Lukos Associates – Martin Rasnick – mrasnick@wetlandpermitting.com
U. S. Army Corps of Engineers, Los Angeles Office - Jason Lambert
CA Department of Fish and Wildlife – Joana 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