



# California Regional Water Quality Control Board

## Santa Ana Region



Linda S. Adams  
Secretary for  
Environmental Protection

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Arnold Schwarzenegger  
Governor

June 10, 2008

Grace Liu  
HL Hawarden Group  
1806 Milan Avenue  
South Pasadena, CA 91030

### **CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR TRACT MAP 29606, CITY OF RIVERSIDE, RIVERSIDE COUNTY (ACOE REFERENCE NO. NOT AVAILABLE)**

Dear Ms. Liu:

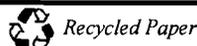
On November 12, 2003, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification), submitted on your behalf by The Planning Associates, for residential Tract Map 29606 (TM 29606) in the City of Riverside. On January 14, 2008, we received amended site plans and supporting documentation for structural treatment controls to remove pollutants from storm water discharges from the project. On February 26, 2008, we received additional information requested to clarify the earlier submittal. Your application was deemed complete on March 26, 2008. Following a lack of response to a draft Certification provided to you on April 4, 2008, your request for Certification was denied on May 20, 2008. However, we received a response from you later that day.

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:**

Site grading and construction of infrastructure for 32 single-family custom home sites on 75.56 acres. The project includes the extension of Chartewell and Chateau View Drives and related crossings of ephemeral drainages tributary to the Alessandro Arroyo. Individual homes will be constructed by the future owners of the lots. The project is generally located north of Overlook Parkway, east of Wyndham Hill Road, and south of the Alessandro Arroyo within Section 12 of Township 3 South, Range 5 West, of the U.S. Geological Survey *Riverside East, California*, 7.5-minute topographic quadrangle map (34 deg. 05 min. 30 sec. N/ -117 deg. 22 min. 40 sec. W).

**California Environmental Protection Agency**



Receiving water:	Four un-named ephemeral drainages tributary to Alessandro Arroyo.
Fill area:	0.11 acres of permanent impact to ephemeral drainages (3,725 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 Lots 4-18 and 21-24 will be treated in an extended detention basin located in Lot 3 at the corner of Chateau View and Chartewell Drives. The basin will be operated and maintained by a homeowner's association.
- Additional site-specific best management practices (BMPs) are specified in the site's Storm Water Pollution Prevention Plan (SWPPP).
- The main drainage crossing, adjacent to the extended detention basin, will be spanned using an arched culvert sized to allow for wildlife passage.
- An Open Space Easement will be placed on all un-graded areas of the project, inclusive of the remaining waters of the State.

Offsite Water Quality Standards Mitigation Proposed:

- An in-lieu fee will be paid to the Santa Ana Watershed Association towards the eradication of 0.33 acre of invasive plant species.

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 99-08 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 Riverside adopted a Mitigated

Negative Declaration for TM 29606 on April 6, 2000. The Executive Officer has considered the City's Mitigated Negative Declaration 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. All structural storm water treatment facilities must be constructed and operational prior to the occupancy of any on-site residential home.
2. Vehicular access must be provided from the roadway to the extended detention basin for maintenance purposes. The access road must consist of durable materials, capable of withstanding erosion and degradation over the long-term, and be secured with a lockable gate to prevent unauthorized access from the roadways.
3. Structural treatment controls located on Lots 1-3, 19, and 25-32 or that otherwise do not drain to the extended detention basin, must address pollutants and hydraulic conditions of concern. The structural treatment controls must be required for the development of each individual lot as part of covenants, conditions, and restrictions, or through another effective and binding legal instrument. The selected instrument must specify that the structural treatment controls are to be sized and designed according to published and generally accepted engineering design standards and that the homeowners must operate and maintain the structural treatment controls in a manner that assures their pollutant removal and hydraulic control functions.
4. HL Hawarden Group, its successors or assigns, must operate and maintain the extended detention basin until such time that the City of Riverside or the homeowner's association accepts this responsibility.
5. HL Hawarden Group must pay an in-lieu fee to the Santa Ana Watershed Association towards the eradication of a minimum of 0.33 acre of invasive plant species in the City of Riverside or its Sphere of Influence. The fee payment must include a minimum of 6-years of follow-on maintenance. Evidence of the payment must be provided to the Executive Officer by August 10, 2008.
6. 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.
7. This Certification and any subsequent amendments must be maintained on site as a denoted element of any project SWPPP.

8. 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.

**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 five (5) 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 Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT  
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  
City of Riverside – Sandy Caldwell

APF:401/certifications/TM 29606 332003-44

