ATTACHMENT B
INFORMATION SHEET

Table of Contents

1.0 Applicant 2

2.0 Project Description 2

3.0 Regulatory Background ..... 3~~3~~

4.0 California Environmental Quality Act ..... 5~~5~~

5.0 Water Quality Standards and Prohibitions ..... 6~~6~~

6.0 Basis for Waste Discharge Requirements ..... 10~~11~~

7.0 Mitigation Measures ..... 10~~11~~

8.0 Runoff Management Plan (RMP) ..... 14~~15~~

9.0 Monitoring and Reporting Requirements ..... 14~~15~~

10.0 Public Participation ..... 14~~15~~

11.0 Information and Copying ..... 15~~16~~

12.0 Submission of Written Comments ..... 15~~16~~

13.0 Public Hearing ..... 16~~17~~

14.0 Additional Information ..... 17~~18~~

15.0 WDR Petitions ..... 18~~18~~

16.0 Documents Used in Preparation of the Information Sheet and Order 18~~18~~

17.0 Interested Parties ..... 19~~19~~

1.0 Applicant

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(Hereinafter Discharger)
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2.0 Project Description

The Project is an approximate 5.5 mile long extension of the existing State Route (SR) 241 from its current terminus at Oso Parkway to the future Cow Camp Road immediately north of SR-74 in Orange County. The Project is located within the Cañada Gobernadora and San Clemente US Geological Survey 7.5-minute quadrangle maps.

The purpose of the Project is to provide a transportation facility that will reduce existing and forecasted deficiencies and congestion on the I-5 freeway and the arterial network in southern Orange County. The Project will serve both local (existing and future) and intra- and inter-regional trips.

The Project includes four general-purpose travel lanes, two in each direction. The center median from Oso Parkway to the Cow Camp Road will be revegetated with a native seed mix and will include drainage improvements, similar to the median along the existing SR-241. The median offers future opportunities for bus rapid transit, light rail, or additional lanes as traffic conditions warrant.

Cow Camp Road will be constructed by Rancho Mission Viejo and the County of Orange prior to, or concurrent with, the construction of the Tesoro Extension Project. An interchange at "G" Street and SR-241 will be constructed 0.6 mile north of Cow Camp Road (See Project Site Maps, Attachment A).

The footprint for the Tesoro Extension Project includes areas for grading, remedial grading, and construction disturbance areas. In addition to the paved road and associated bridges and interchanges, the construction area includes access roads, materials storage areas, areas for utility relocations, and areas for the construction of Best Management Practices (BMPs). The Project adds approximately 100 acres of impervious surface.

The Project will discharge waste (fill) in a total of 0.64 acre of waters of the State, including 0.40 acre (5,297 linear feet) of permanent impacts and 0.24 acres (1,819 linear feet) of temporary impacts to jurisdictional waters in the Mission Viejo Hydrologic Area (901.20) in the San Juan Hydrologic Unit (901.00), as summarized in Table 1.

By letter dated November 5, 2012, the United States Army Corps of Engineers (USACE) determined that the Project activities will not occur within waters of the United States and therefore the Project is not subject to USACE jurisdiction under Section 404 of the Clean Water Act (CWA) and a Section 404 permit is not required for the Project. The 0.64 acre of wetland and non-wetland waters was determined by the USACE to be isolated waters outside of federal jurisdiction. These isolated waters remain non-federal waters of the State, and discharges to these waters are thereby regulated pursuant to California Water Code Section 13260, et. seq.

Table 1: Jurisdictional Impact Summary

Jurisdiction Type	Permanent Impact		Temporary Impact	
	Area (acres)	Length (LF)	Area (acres)	Length (LF)
Surface Waters of the State (non-wetland; ephemeral)	0.20	5,297	0.15	1,819
Waters of the State (wetland)	0.20	NA	0.09	NA
Total	**0.40**	**5,297**	**0.24**	**1,819**

3.0 Regulatory Background

Section 13260(a) of the California Water Code (Water Code) requires that any person discharging waste or proposing to discharge waste within any region, other than to a community sewer system, which could affect the quality of the waters of the State, file a Report of Waste Discharge (ROWD). The discharge of dredged or fill material constitutes a discharge of waste that could affect the quality of waters of the State. Water Code section 13263(a) requires that Waste Discharge Requirements (WDRs) be prescribed as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge. Such WDRs must implement any relevant water quality control plans, taking into consideration beneficial uses to be protected, the water quality objectives reasonably required for those purposes, other waste discharges, the need to prevent nuisance, and the provisions of Water Code section 13241.

Construction activities associated with the proposed discharges of fill threaten beneficial uses on-site and downstream. The Discharger will file a Notice of

Intent to the State Water Resources Control Board (State Board) for coverage under State Board Order No. 2009-0009-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit, For Storm Water Discharges Of Associated With Construction And Land Disturbance Activities* (Order No. 2009-0009-DWQ). The San Diego Water Board may conduct inspections to verify compliance with Order No. 2009-0009-DWQ, including, but not limited to, implementation of a storm water pollution prevention plan.

Since all federal waters can also be considered waters of the State, the State of California largely relies on Section 401 of the federal Clean Water Act (CWA) (33 U.S.C. § 1341) to regulate discharges of dredged or fill material to waters of the State. That section requires an applicant to obtain "water quality certification" from California that the project will comply with State water quality standards before certain federal licenses or permits may be issued. Each water quality certification includes a condition of coverage with State Water Resources Control Board's General Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Dredge and Fill Discharges that have Received State Water Quality Certification*.

In light of recent U.S. Supreme Court rulings, isolated waters, or waters lacking a significant nexus to a traditionally navigable waterbody, are no longer considered waters of the U.S. (i.e. federal waters), and therefore no longer require certification pursuant to Section 401 of the CWA. In order to comply with the State's "No Net Loss" Policy for wetlands (Executive Order W-59-93), discharges of waste to these nonfederal, State wetlands are being regulated pursuant to California Water Code Section 13260.

On November 5, 2012, the USACE determined the Project property contained no waters of the U.S. On August 10, 2012, the Discharger submitted a ROWD, along with required fees in accordance with the State Water Board's Dredge and Fill Fee Calculator, for discharges of fill associated with the Project to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). Pursuant to fee schedules currently set in CCR Title 23, no annual fees are required, and a threat to water quality (TTWQ) and complexity (CPLX) rating is not applicable for the site. By letter dated November 14, 2012, the San Diego Water Board informed the Discharger that the application was complete.

Order No. R9-2013-0007 serves as individual waste discharge requirements for discharges of fill to non-federal waters of the State.

4.0 California Environmental Quality Act

~~Before the San Diego Water Board can issue WDRs, the project must have a final, valid environmental document meeting the criteria of the California Environmental Quality Act (CEQA). The CEQA document must fully disclose the potential significant adverse impacts of the project and identify measures to avoid, minimize, rectify, reduce or compensate for the impacts identified, including a monitoring and reporting program to ensure compliance with the proposed mitigation measures.~~

The Discharger is the ~~l~~Lead ~~a~~Agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)). The San Diego Water Board is a responsible agency (CEQA Guidelines section 15096). Before the San Diego Water Board can issue WDRs, a project must have a final, valid environmental document meeting the criteria of the California Environmental Quality Act (CEQA) (See section II.N of the Order for a more complete discussion of CEQA, the San Diego Water Board's role under CEQA, and its findings).
~~The Discharger certified a Final Environmental Impact Report (EIR) for the South Orange County Transportation Improvement Project, and filed a Notice of Determination (SCH # 2001061046) on February 23, 2006, under CEQA Guidelines Title 14, California Code of Regulations. The Discharger determined the Project, without mitigation, will have a significant effect on the environment. Therefore, the Final EIR incorporates mitigation measures that mitigate many of the Project's effects on the environment to less than significant. For those impacts the Discharger determined to be unavoidable impacts, the Discharger adopted a Statement of Overriding Considerations finding that the benefits of the project outweighed the impacts.~~

As a responsible agency under CEQA, ~~T~~the San Diego Water Board has reviewed the ~~lead agency's~~Discharger's ~~Final~~ Final Supplemental EIR, Findings, ~~and~~ Statement of Overriding Considerations, and Addendum F/ETCA prepared for the Tesoro Extension. ~~None of the significant unavoidable environmental impacts triggering the lead agency's adoption of the Statement of Overriding Considerations are within the areas of responsibility of the San Diego Water Board.~~ The San Diego Water Board ~~also~~ concludes that without mitigation, the Project as proposed may have a significant effect on resources within the San Diego Water Board's purview.~~on the environment.~~ The San Diego Water Board finds that with~~This Order requires implementation of~~ the mitigation measures required by this Order, ~~that will reduce~~ effects on the environment that are within the San Diego Water Board's ~~jurisdiction~~ responsibility will be avoided or lessened to less than significant (CEQA Guidelines section 15091 subd. (a)(1)). Pursuant to CEQA Guidelines section 15097, ~~T~~the Order requires the Discharger to comply with monitoring and reporting programs that will ensure that the mitigation measures are implemented and the requirements of this Order are met.

5.0 Water Quality Standards and Prohibitions

Section 303 of the federal Clean Water Act (33 U.S.C. §1313) defines the term water quality standards as the uses of the surface waters, the water quality criteria which are applied to protect those uses, and an antidegradation policy[1]. A water quality standard defines the water quality goals for a water body by designating the use or uses to be made of the water body, by setting criteria to protect the uses, and by protecting water quality through non-degradation provisions. Under the Porter-Cologne Water Quality Control Act (California Water Code, Division 7, Chapter 2 §13050), these concepts are defined separately as beneficial uses and water quality objectives. Beneficial uses and water quality objectives are required to be established for all waters of the State, both surface and ground waters.

The Project will affect Cañada Gobernadora Creek, Cañada Chiquita Creek and associated tributaries in the Mission Viejo Hydrologic Area (901.20) in the San Juan Hydrologic Unit (901.00). Individual hydrological subareas (HSA) defined in the Mission Viejo hydrologic area include Oso; Upper Trabuco; Middle Trabuco; Gobernadora; Upper San Juan; Middle San Juan; Lower San Juan; and Ortega.

The Cañada Gobernadora Creek sub-basin originates in the community of Coto de Caza and drains southerly into San Juan Creek. The northern portion of the sub-basin consists of the Coto de Caza residential community and the southern portion has undergone ranching operations. The 11.10-square mile Cañada Gobernadora sub-basin is an elongated valley that is aligned north to south. This sub-basin is predominantly underlain by sands and silts and has the potential to generate relatively high amounts of sediment where the surface is disturbed and channelized.

The Cañada Chiquita sub-basin has a catchment of 9.24 square miles and is aligned north to south. Below the “narrows” in middle Chiquita Canyon, soils are predominantly sands, silts, and clays. Above the narrows, the soils contain slightly more gravels and cobbles. The sandy substrates mean that the main creek is prone to incision under altered hydrologic regimes. Several active headcuts are present in Cañada Chiquita Creek, and the channel is presently incising in several locations. The Chiquita sub-basin produces substantially less sediment than Gobernadora Canyon. Cañada Chiquita Creek rises at an elevation of about 1,000 feet, near the Plano Trabuco, and flows southwest for 1

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[1] Pursuant to the federal Clean Water Act, water quality standards are composed of three parts: (1) designated uses, e.g., protection of fish and wildlife, recreation and drinking water supply (40 C.F.R. 131.10); (2) numeric or narrative water quality criteria to protect those uses (40 C.F.R. 131.11); and (3) an antidegradation policy (40 C.F.R. 131.12).

mile, then due south for about 6 miles to the confluence with San Juan Creek about 1 mile west of Cañada Gobernadora Creek.

The Water Quality Control Plan for the San Diego Basin (9) (Basin Plan), adopted on September 8, 1994 as amended, designates existing and potential beneficial uses for surface and ground waters within the San Diego region. Beneficial uses within the project area are summarized in Table 2 below.

Table 2. Beneficial Uses of the Project Site Surface and Ground Waters

Beneficial Use	Description
Municipal and Domestic Supply (MUN)	Uses of water for community, military, or individual water supply systems, including, but not limited to, drinking water supply.
Agricultural Supply (AGR)	Uses of water for farming, horticulture, or ranching, including, but not limited to, irrigation, stock watering, or support of vegetation for range grazing.
Industrial Service Supply (IND)	Uses of water for industrial activities that do not depend primarily on water quality, including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, and oil well repressurization.
Contact Water Recreation (REC1)	Uses of water for recreational activities involving body contact with water where ingestion of water is reasonably possible. These uses include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, whitewater activities, fishing, and uses of natural hot springs.
Non-contact Water Recreation (REC2)	Uses of water for recreational activities involving proximity to water, but not normally involving contact with water where water ingestion is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tide pool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.
Warm Freshwater Habitat (WARM)	Uses of water that support warm water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.
Cold Freshwater Habitat (COLD)	Uses of water that support cold water ecosystems, including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.
Wildlife Habitat (WILD)	Uses of waters that support wildlife habitats, including, but not limited to, the preservation and enhancement of vegetation and prey species used by wildlife, such as waterfowl.

The Basin Plan establishes Water Quality Objectives for surface waters within the Mission Viejo Hydrologic Area (901.20) as shown in Table 3 below.

Table 3. Water Quality Objectives for Surface Waters in the Mission Viejo Hydrologic Area

Constituent	Concentration[a]
Total Dissolved Solids	500
Chloride	250
Sulfate	250
Percent Sodium	60
Nitrogen and Phosphorus	b
Iron	0.3
Manganese	0.05
Methylene Blue-Activated Substances	0.5
Boron	0.75
Turbidity (NTU)	20
Color Units	20
Fluoride	1

a. All units are mg/L unless otherwise noted.
b. Concentrations of nitrogen and phosphorus, by themselves or in combination with other nutrients, shall be maintained at levels below those which stimulate algae and emergent plant growth. Threshold total Phosphorus (P) concentrations shall not exceed 0.05 mg/l in any stream at the point where it enters any standing body of water, or 0.025 mg/l in any standing body of water. A desired goal in order to prevent plant nuisances in streams and other flowing waters appears to be 0.1 mg/l total P. These values are not to be exceeded more than 10% of the time unless studies of the specific body in question clearly show that water quality objective changes are permissible and changes are approved by the San Diego Water. Analogous threshold values have not been set for nitrogen compounds; however, natural ratios of nitrogen to phosphorus are to be determined by surveillance and monitoring and upheld. If data are lacking, a ratio of N:P =10:1 shall be used.

The Basin Plan establishes Water Quality Objectives for ground waters within the Mission Viejo Hydrologic Area (901.20) as shown in Table 4 below.

Table 4. Water Quality Objectives for Ground Waters in the Mission Viejo Hydrologic Area

Constituent	Concentration (mg/L or as noted)							
	Oso	Upper Trabuco	Middle Trabuco	Gobernadora	Upper San Juan	Middle San Juan	Lower San Juan	Ortega
Total Dissolved Solids	1200	500	750	1200	500	750	1200	1100
Chloride	400	250	375	400	250	375	400	375
Sulfate	500	250	375	500	250	375	500	450
Percent Sodium	60	60	60	60	60	60	60	60
NO_3	45	45	45	45	45	45	45	45
Iron	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3
Manganese	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05
Methylene Blue-Activated Substances	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Boron	0.75	0.75						
Turbidity (NTU)	5	5	5	5	5	5	5	5
Color Units	15	15	15	15	15	15	15	15
Fluoride	1	1	1	1	1	1	1	1

The Basin Plan establishes the following Waste Discharge Prohibitions pursuant to California Water Code §13243:

- Prohibition No. 1. The discharge of waste to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination, or nuisance as defined in California Water Code §13050, is prohibited.

- Prohibition No. 2. The discharge of waste to land, except as authorized by waste discharge requirements or the terms described in California Water Code §13264 is prohibited.

- Prohibition No. 3. The discharge of pollutants or dredged or fill material to waters of the United States except as authorized by an NPDES permit or a dredged or fill material permit (subject to the exemption described in California Water Code §13376) is prohibited.

- Prohibition No. 7. The dumping, deposition, or discharge of waste directly into waters of the state, or adjacent to such waters in any manner which may permit it's being transported into the waters, is prohibited unless authorized by the San Diego Water Board.

- Prohibition No. 14. The discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom deposits, turbidity or discoloration in waters of the state or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.

6.0 Basis for Waste Discharge Requirements

Order No. R9-2013-0007 establishes requirements for the discharge of wastes pursuant to Division 7 of the California Water Code and Article 4, Title 23 of the California Water Code, and establishes mitigation and monitoring provisions based on best professional judgment. The Basin Plan states "certification is dependent upon the assurances that the project will not reduce water quality below applicable standards as defined in the Clean Water Act (i.e., the water quality objectives established and the beneficial uses which have been designated for the surface waters.)" The waste discharge requirements, reporting requirements, and standard provisions in Order No. R9-2013-0007 are established in accordance with Division 7 of the California Water Code. The discharge of fill as regulated by Order No. R9-2013-0007 will not reduce water quality below applicable standards.

7.0 Mitigation Measures

Compensatory mitigation for permanent impacts to wetland and non-wetland waters is proposed within Chiquita Canyon. Attachment C shows the general location of the two proposed mitigation areas, Mitigation Area A and Mitigation Area B. The total mitigation acreage, including San Diego Water Board and California Department of Fish and Wildlife (CDFW) jurisdictional areas, includes establishment and restoration/enhancement (21.27 acres) and upland watershed buffer restoration (13.55 acres) and comprises a total of 34.82 acres. The following sections describe existing conditions and the type of mitigation that is proposed for each area.

Mitigation Area A

Mitigation Area A is a 15.96-acre area adjacent to Tesoro High School; located along Chiquita Creek and one of its tributaries (refer to Attachment C). Mitigation Area A is also downstream of the Conservation Area. The establishment/restoration in Mitigation Area A will include the following:

- Restoration of 2.73 acres of southern willow scrub
- Restoration of 0.45 acre of existing channel
- Establishment of 2.36 acres of southern willow scrub
- Establishment of 4.79 acres of mulefat scrub
- Establishment and restoration of 5.63 acres of wet meadow

The soils in Mitigation Area A are suitable for the proposed wetland and riparian establishment, restoration, and enhancement. Soils within Upper Chiquita Canyon along the creek have been mapped as Chino silty clay loam in the *Soil Survey of Orange and Western Part of Riverside Counties, California*. Clay soils have high water holding capacity, which allows for the slow release of moisture, increasing the duration in which water becomes available to plants. The presence of wet meadow habitat along this creek is driven by the soil characteristics and will allow for this type of habitat to be established under the restored hydrologic regime.

Mitigation Area B

Mitigation Area B is an 18.86-acre area within the approximately 1,158-acre Upper Chiquita Canyon Conservation Area (Conservation Area), the headwaters of Chiquita Creek.

The Discharger holds the conservation easement on this land, and they have managed the land for the past 15 years. The Conservation Area, no longer grazed, is a 1,158-acre site composed of north-south orientated, narrow to broad valleys between rolling hills. Elevations of the site range between 670 to 1,217 feet above sea level. The Conservation Area currently supports two main plant communities, annual grasslands and coastal sage scrub, with small areas of oak woodland, and remnant perennial grasslands. Additionally, some areas are ecotones that transition from annual grasslands to coastal sage scrub. Cattle grazing has occurred for more than 80 years in the low valleys of the Conservation Area. Within these areas, non-wetland ephemeral drainages have been disturbed and in some cases lost completely. Mitigation Area B is located in the southern end of the Conservation Area (refer to Attachment C). In the upper section of the mitigation area, an old ranch berm exists that blocks the ephemeral drainage course from the northern end of the main valley of the Conservation Area. The entire proposed mitigation area is currently annual grassland.

Establishment and restoration actions for Mitigation Area B are:

- Establishment of 0.14 acre of southern sycamore woodland
- Restoration of 4.70 acres of riparian oak/elderberry restoration
- Restoration of 13.55 acres of native grassland restoration (upland buffer)

- Establishment of 4,873 linear feet (0.22 acre) of ephemeral drainage
- Restoration of 5,456 linear feet (0.25 acre) of ephemeral drainages

The soils within Mitigation Area B are mainly Botella Clay Loam, with some areas of Capistrano Sandy Loam that currently support annual grasslands, but are typically soils that support native perennial grassland vegetation and oak/elderberry habitat. The presence of these soils and water holding characteristics will allow for these types of habitats to be established and restored under the restored hydrologic regime.

Mitigation activities are expected to be successful based on the location, soil type, expected hydrology, and the use of plant species that occur on-site and are known to perform well in habitat restoration programs.

Mitigation will be conducted as outlined in the *Habitat Mitigation and Monitoring Plan for the Tesoro Extension Project,* prepared by NewFields, October, 2012 and any subsequent versions reviewed and approved by the San Diego Water Board).

Long term maintenance beyond the minimum five-year mitigation monitoring program must be provided. The Discharger shall be responsible for managing the mitigation site in perpetuity to ensure the long-term sustainability of the resource. Long-term management shall include, but is not limited to; adaptive management, long-term financing mechanisms, and a conservation easement.

For the reasons above, it is anticipated that the proposed mitigation will adequately compensate for impacts to waters of the state associated with the discharge of fill material.

Table 5, *Impact and Compensatory Mitigation Summary*, provides a summary of the jurisdictional impacts and conceptual mitigation approach.

Table 5. Impact and Compensatory Mitigation Summary

Jurisdiction Type	Permanent Impact		Mitigation Proposed (Establishment, Restoration, and Enhancement)		Water Board Mitigation Ratio
	Area (acres)	Length (LF)	Site A	Site B	
waters of the state (non-wetland; ephemeral)	0.20	5,297		• Establishment: 0.22 acre (4860 LF) of ephemeral, non-wetland drainage area • Restoration: 0.25 acre (5,456 LF) of existing ephemeral, non-wetland drainage area. • Restoration: 4.70 acres of mixed live oak/elderberry habitat • Establishment: 0.14 acre southern sycamore riparian • Restoration: 13.55 acres perennial grassland upland buffer	2.4:1 (ac) 1.9:1 (LF)
waters of the state (wetland)	0.20	NA	• Establishment: 5.63 acres establishment and enhancement of wet meadow (minimum 4.84 acres of wetland establishment) • Establishment: 2.36 acres- establishment of southern willow woodland • Establishment: 4.79 acres – establishment of mulefat scrub • Enhancement: 0.45 acre – enhancement of existing channel • Enhancement: 2.73 acres - enhancement of existing southern willow woodland		15:1
Total			**11.93-acres wetland habitat**	**0.47-acre ephemeral drainage, 10,316 LF**	

8.0 Runoff Management Plan (RMP)

The post-construction Best Management Practices (BMPs) for the Project are detailed in *Runoff Management Plan, 241 Tesoro Extension Project* prepared by Saddleback Constructors for the Discharger, February 14, 2012. All onsite highway runoff for SR-241 from the area north of San Juan Creek to Oso Parkway will be conveyed to treatment BMPs via storm drain systems equipped with:

- Grated catch basins that minimize trash and debris entering the network,
- A pipeline network that conveys the runoff flows to treatment BMPs with a mainline that runs longitudinally along the highway, and
- Flow splitters that route water quality flows to the BMPs and allow peak flows to continue on their original flow path.

There are 44 proposed onsite drainage systems for this section of the project, and each will convey flow to treatment BMPs which include; 5 Austin Sand Filters (ASF), 5 Biofiltration Swales (BSW), and 3 Detention Basins (EDB). Treatment BMP locations are shown in Attachment E. The BMP exhibits in Attachment E show the preliminary onsite drainage network locations.

Through this Order (Order No. R9-2013-0007), the Project is conditioned to mitigate (infiltrate, filter, and/or treat), prior to discharging to receiving waters, the volume of runoff produced by all storms up to and including the 24-hour, 85th percentile storm event for volume-based BMPs and/or the 1 hour, 85th percentile multiplied by a factor of two for flow-based BMPs, as determined from the local historical rainfall record. The Project must also conform to the Caltrans Project Planning and Design Guide (PPDG), California Department of Transportation, 2010, the draft Model Water Quality Management Plan (Model WQMP) for South Orange County, dated December 16, 2011, and the draft South Orange County Hydromodification Plan (HMP), dated December 11, 2011.

9.0 Monitoring and Reporting Requirements

Requirements for monitoring and reporting for the Tesoro Extension (SR 241) mitigation project are found in Order No. R9-2013-0007. Monitoring results will be uploaded by the Discharger to California Wetland Portal (http://www.californiawetlands.net/tracker/) for public review.

10.0 Public Participation

The public was notified by a San Diego Water Board internet website posting on August 24, 2012 that a report of waste discharge application for WDRs for the Project was submitted.

As a step in the WDR adoption process, the San Diego Water Board developed Tentative Order No. R9-2013-0007, a draft version of the Order. The San Diego Water Board has taken the following steps to encourage public participation in the San Diego Water Board's proceedings to consider adoption of the Tentative Order.

Notification of Interested Parties

The San Diego Water Board notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and provided them with an opportunity to submit their written comments and recommendations. Notification was provided through the issuance of notices to interested persons, posting of documents, and notices on the San Diego Water Board website and the circulation of the San Diego Water Board Meeting agenda to interested persons~~publication~~.

The Tentative Order No. R9-2013-0007 and subsequent revisions of the Tentative Order were~~as~~ posted on the San Diego Water Board's website for public review and comment on January 17, 2013, February 12, 2013, and May 30, 2013.

11.0 Information and Copying

The Report of Waste Discharge (ROWD), related documents, the tentative Order including discharge specifications and special provisions, comments received, and other information are on file and may be inspected at the address below at any time between 8:00 a.m. and 5:00 p.m., Monday through Friday. Copying of documents may be arranged through the San Diego Water Board by calling 858-467-2952.

12.0 Submission of Written Comments

Interested persons wishing to submit written comments on the Revised Tentative Order must submit them so that they are received no later than 5:00 p.m. on ~~February 18~~June 7, 2013. Comments should be submitted either in person during business hours or by mail to:

David W. Gibson, Executive Officer
Attn: Darren Bradford
Place ID No. 785677
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

The limitation on written comments the San Diego Water Board will accept is briefly described below. The early submission of written comments on the Revised Tentative Order is encouraged. Electronic written comments are acceptable and should be submitted via e-mail to the attention of Darren Bradford at rb9_tesoro@waterboards.ca.gov~~dbradford@waterboards.ca.gov~~.

Please indicate in the subject line of all written comments "Comment – Revised Tentative Order No. R9-2013-0007, Place ID: 785677." If the submitted written comments exceed five pages in length or contain foldouts, color graphics, or maps, 15 hard copies must be submitted for distribution to the San Diego Water Board members and staff.

The submission of written comments is the opportunity for interested persons to raise and comment on issues pertaining to the terms and conditions of the Tentative Order. Consistent with State Water Resources Control Board regulations that apply to this proceeding, written comments received after the close of the comment period will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party. Written comments received by the close of the comment period will be provided to the San Diego Water Board members for their review in advance of a public hearing to consider adoption of the Tentative Order. All timely written comments will also be posted as they are received on the San Diego Water Board website.

In response to a request for an extension of the public comment period by Shute, Mihaly & Weinberger LLP on behalf of Save San Onofre Coalition, the deadline for submission of comments on the Tentative Order was extended from February 18, 2013 to February 25, 2013. The San Diego Water Board ultimately extended the deadline for written comments until March 1, 2013. As discussed at the March 13, 2013 hearing, for the June 19, 2013 continuance of the hearing, **written comments will be accepted on two issues only**: 1) revisions to the Tentative Order made after the March 13, 2013 hearing; and 2) comments related to CEQA.

13.0 Public Hearing

Revised Tentative Order No. R9-2013-0007 will be considered by the San Diego Water Board for adoption in a public hearing during its regular Board meeting as follows:

Date: ~~March 13~~June 19, 2013
Time: 9:00 a.m.
Location: Regional Water Quality Control Board
San Diego Water Board Meeting Room
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Please note: the San Diego Water Board will not consider this item before 1:00 p.m. On ~~January 17, 2013~~ May 30, 2013, a public hearing notice and copies of the Tentative Order were emailed to all known interested persons and posted on the San Diego Water Board's website. Interested persons are invited to attend the public hearing. Participants in the public hearing will have an opportunity to address the San Diego Water Board members at the hearing subject to reasonable limitations prior to the Board taking action on the Tentative Order.

Please be aware that dates and venues may change. The San Diego Water Board Web address is http://www.waterboards.ca.gov/sandiego/board_info/agendas/ where you can access the current agenda for changes in dates and locations.

Information and Copying

The Report of Waste Discharge (ROWD), related documents, the tentative Order including discharge specifications and special provisions, comments received, and other information are on file and may be inspected at the address below at any time between 8:00 a.m. and 5:00 p.m., Monday through Friday. Copying of documents may be arranged through the San Diego Water Board by calling 858-467-2952.

Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding Order No. R9-2013-0007 should contact Darren Bradford (see contact information below), reference the project, and provide a name, address, phone number, and email address.

14.0 Additional Information

For additional information, interested persons may write to the following address or contact Darren Bradford of the San Diego Water Board staff at 858-637-7137 or via email at DBradford@waterboards.ca.gov.

Attn: Darren Bradford
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

15.0 WDR Petitions

A person may petition the State Board to review the decision of the San Diego Water Board regarding the final Order in accordance with California Water Code Section 133~~3~~20. A petition must be made within 30 days of the San Diego Water Board taking an action.

16.0 Documents Used in Preparation of the Information Sheet and Order

The following documents were used in the preparation of this Information Sheet and Order No. R9-2013-0007:

a. Application/Report of Waste Discharge submitted on August 10, 2012 with 13 attachments.

b. Supplemental application information submitted on October 4, 2012.

c. Draft Habitat Mitigation and Monitoring Plan, October 1, 2012.

d. Drainage Plan. Prepared by CH2M Hill, October 1, 2012.

e. Final Drainage Report. Prepared by Saddleback Constructors, June 1, 2012.

f. Chiquita Woods Wildlife UC General Plan, prepared by CH2M Hill, September 30, 2012.

g. Sam Creek Bridge General Plan, Prepared by CH2M Hill, September 30, 2012.

h. Wildlife/Access UC No. 3 General Plan, prepared by CH2M Hill, September 30, 2012.

i. Runoff Management Plan: 241 Tesoro Extension Project, Prepared by Saddleback Constructors, February 14, 2012.

f. South Orange County Transportation Infrastructure Improvement Project Environmental Impact Report, SCH #2001061046, February 23, 2006.

g. South Orange County Transportation Infrastructure Improvement Project, Notice of Determination, SCH #2001061046, February 23, 2006.

h. Letter from the U.S. Army Corps of Engineers to the Transportation Corridor Agencies. Subject: Determination regarding requirement for Department of the Army Permit, November 5, 2012.

i. Storm Water Pollution Prevention Plan Outline: 241 Tesoro Extension Project, Prepared by Saddleback Constructors, July 27, 2012.

j. Addendum to The South Orange County Transportation Infrastructure Improvement Project (SOCTIIP) Final Subsequent Environmental Impact Report Sch # 2001061046, February 15, 2013.

k. State Route 241 Tesoro Extension Project, Notice of Determination, SCH #2001061046, April 23, 2013.

17.0 Interested Parties

The following individuals and/or entities have been identified as interested parties:

Damon Nagami
Natural Resources Defense Council
dnagami@nrdc.org

Susan Meyer
Army Corps of Engineers
Susan.A.Meyer@usace.army.mil

Bill Orme
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Tech Staff Info & Use	
File No.	12C-072
WDID	9000002505
Reg. Measure ID	387248
Place ID	785677
Party ID	536510