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Santa Ana Regional Water Quality Control Board

July 14, 2014

Mr. Gordon Youde
RCFC Investments
26071 Merit Circle, Suite 101
Laguna Hills, CA 92653

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE TENTATIVE TRACT NO. 32386 PROJECT, CORONA,
RIVERSIDE COUNTY (ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB
PROJECT NO. 332013-19)**

Dear Mr. Youde:

On November 6, 2013, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from RCFC Investments to discharge earthen fill within portions of an unnamed ephemeral drainage tributary to Main Street Wash. This activity is associated with the proposed development of the Tentative Tract No. 32386 Project, located in the city of Corona, in western Riverside County. The applicant has also submitted a filing fee of \$16,350.00, which satisfies this project's fee requirement for considering 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: The Tentative Tract No. (TT) 32386 Project includes the subdivision of 75 acres into 52 single family residential lots under the proposed Single Family Development (SFD) 14.4 designation of the Mountain Gate Specific Plan. The SFD 14.4 designation requires a minimum lot size of 14,400 square feet, and the lot sizes associated with TT 32386 range from 14,400 to 39,770 square feet. TT 32386 will also include the construction of local residential streets within the project, manufactured slopes at ratios of 1.5:1 and 2:1, and the preservation of natural open space areas. The Project will include earthen fill and permanent impacts to one

unnamed ephemeral drainage tributary to Main Street Wash, a tributary of Santa Ana River Reach 3. The work will take place within Sections 11 and 14 of Township 4 South, Range 7 West, of the U.S. Geological Survey *Corona South, CA* quadrangle map (33.8266472 ° N/ -117.5786805 ° W).

Receiving water: Unnamed ephemeral drainage tributary to Main Street Wash, Temescal Creek Reach 1A, and the Santa Ana River. Existing beneficial uses of Temescal Creek Reach 1A include REC2 (non-contact recreation), WARM (warm freshwater habitat) and WILD wildlife habitat; these uses are applicable to the drainage that is to be permanently impacted.

Fill area: 0.08 acres of permanent impact to non-wetland, intermittent waters of the U.S./State (1,632 linear feet)

Dredge/Fill volume: 13,056 Cubic Yards of Earthen Fill

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:

- No on-site mitigation is proposed.
- Water quality related Best Management Practices (BMPs) will be employed in the development of TT 32386, including fossil filters within all storm drain catch basins, and two extended detention basins. All appropriate BMPs will be utilized during construction to ensure that receiving waters are not directly or indirectly impacted.

Offsite Water Quality Standards Mitigation Proposed:

- Applicant will purchase in-lieu fee mitigation credits through Riverside County Resource Conservation District's (RCRCD) in-lieu fee program (ILFP).
- 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. The proposed project's scope requires that you comply with the requirements of the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity (Order No. 2009-0009 DWQ), which requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP).

A Notice of Determination for the Project's Mitigated Negative Declaration was filed by the City of Corona on January 23, 2008. 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 or a 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. 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) The applicant will provide evidence of Mitigation to Impact Ratios for mitigation purchased through the RCRCO ILFP.
- 3) Off-site mitigation shall be determined in accordance with provisions within the U.S. Army Corps of Engineers' *Standard Operating Procedure for Determination of Mitigation Ratios (12501-SPD)*. The applicant will provide to the SARWQCB methods used to reach this determination.
- 4) The proposed conservation easement irrevocable offer of dedication of Lot G and Lot K to the benefit of the Riverside-Corona Resource Conservation District shall be recorded within three (3) years of the date of this certification. Documentation of this recordation shall be provided to this office by March 31, 2017, as an electronic file, and shall include the file number SARWQCB No. 332013-19.

- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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.
- 9) 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.
- 10) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 11) 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/
- 12) 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.

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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,

for 

Kurt V. Berchtold
Executive Officer
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

RBF Consulting – Lauren See; LSee@rbf.com
U. S. Army Corps of Engineers, Los Angeles Office- Jim Mace
State Water Resources Control Board, OCC- David Rice
State Water Resources Control Board, DWQ -Water Quality Certification Unit
California Department of Fish and Wildlife – Claire Ingel
U.S. EPA- Supervisor of the Wetlands Regulatory Office WTR- 8