



# California Regional Water Quality Control Board

## Santa Ana Region



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Linda S. Adams  
Secretary for  
Environmental Protection

Arnold Schwarzenegger  
Governor

June 10, 2008

Michael Jagels  
Westcap Moreno Valley Land, LLC  
2901 Fifth Avenue, Suite 201  
San Diego, CA 92103

### **CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR TRACT MAP 30921, CITY OF MORENO VALLEY, RIVERSIDE COUNTY (ACOE REFERENCE NO. NOT AVAILABLE)**

Dear Mr. Jagels:

On March 16, 2006, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification), submitted by HELIX Environmental Planning, Inc., for residential Tract Map 30921 (TM 30921) in the City of Moreno Valley. On July 28, 2006, the request for Certification was denied without prejudice pending resolution of inconsistencies and omissions in the City's environmental document prepared for compliance with the California Environmental Quality Act (CEQA). On April 18, 2008, we received a satisfactory, amended draft environmental document.

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:

Construction of 57 single-family homes and associated roadways and infrastructure on 14.7 acres encompassing a reach of Quincy Channel (a.k.a. Storm Drain Line G) between Brodiaea and Cactus Avenues. The project includes the reconfiguration of Quincy Channel from Brodiaea Avenue for a distance of 630-feet along the Channel length and the construction of a double box culvert crossing (two 10-ft wide by 7-ft. tall reinforced concrete boxes) along with roadway improvements to Brodiaea Avenue. The Channel reconfiguration involves excavating a 58-foot wide<sup>1</sup> trapezoidal channel, lined with rip-rap, with a multi-use trail/access road and access road on either side. The Channel will be maintained by the Riverside County Flood Control and Water Conservation District (District) except for a 6-foot wide zone where dense riparian vegetation will be allowed to grow. Sediment transported through the Channel from upslope areas north of TM 30921 will be allowed to settle into the voids of the rip-rap and provide substrate for vegetation growth in

<sup>1</sup> Measured top-of-bank to top-of-bank with bank slopes of 2:1.

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the 6-foot wide zone, as existing and future hydrologic conditions allow<sup>2</sup>. As part of future southerly development to Cactus Avenue, the Channel configuration will be extended to Cactus Avenue. *This future work is not covered by this Certification but is undergoing review by the District.* The project is generally located within Section 14 of Township 3 South, Range 3 West, of the U.S. Geological Survey *Sunnymeade, California*, 7.5-minute topographic quadrangle map (33.91280 degrees N/ -117.16660 degrees W).

Receiving water: Quincy Channel and a roadside drainage ditch tributary thereto.

Fill area: 0.43 acre of permanent impact to an ephemeral drainage (630 linear feet).

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 29 or an Individual Permit

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 the project will be treated in two extended detention basins on either side of Quincy Channel north of Cactus Avenue. The basins 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).

Offsite Water Quality Standards Mitigation Proposed:

- No off-site water quality standards mitigation is proposed.

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.

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<sup>2</sup> The sediment transport is expected to be maintained as part of the design of the future Sinclair Basin north of Interstate 60.

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 Moreno Valley adopted a Mitigated Negative Declaration for TM 30921 on May 22, 2008. 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 basins for maintenance purposes. The access roads must consist of durable, all weather materials, capable of withstanding use by heavy equipment and resisting erosion over the long-term, to the satisfaction of the City of Moreno Valley.
3. The basins must be secured by fencing with a lockable gate, to prevent unauthorized access, to the satisfaction of the City of Moreno Valley.
4. Westcap Moreno Valley Land, LLC, its successors or assigns, must operate and maintain the extended detention basins to the satisfaction of the Regional Board and the City of Moreno Valley until such time that the City of Moreno Valley or the homeowner's association accepts this responsibility.
5. 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.
6. This Certification and any subsequent amendments must be maintained on site as a denoted element of any project SWPPP.
7. Westcap Moreno Valley Land, LLC must provide geographic information system shape files in a portable digital format to Regional Board staff not later than August 8, 2008. The shape files must include the project boundaries, polygons for the structural storm water treatment facilities, and the mitigation site boundaries. The shape file attributes shall include the Regional Board File Number (332006-21), the project name, and the discharger name. For information regarding the required projection and other technical data specifications, please contact Cindy Li at (951) 782-4906.

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.

June 10, 2008

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/wgo/wqo2003-0017.pdf](http://www.swrcb.ca.gov/resdec/wqorders/2003/wgo/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 Moreno Valley – Kent Wegelin  
Riverside County Flood Control and Water Conservation District – Teresa Tung

APF:401/certifications/TM 30921 332006-21

*California Environmental Protection Agency*

