



State Water Resources Control Board

**WATER QUALITY ORDER NO. [XXXX-XXXX-DWQ]  
WASTE DISCHARGE REQUIREMENTS**

<b>Effective Date:</b>	<b>Date Signed</b>	Reg. Meas. ID: 406212
<b>Expiration Date:</b>	<b>Expiration Date</b>	Place ID: 824622
<b>Program Type:</b>	Fill/Excavation	WDID No.: SB16005IN
<b>Project Type:</b>	Residential	
<b>Project:</b>	Murrieta Hills (Project)	
<b>Applicant:</b>	Pulte Homes	
<b>Applicant Contact:</b>	Robert Paradise Division Director of Land Planning and Entitlement Pulte Homes 24701 Puerta Real, Suite 400 Mission Viejo, CA 92619 Phone: (951) 258-6001 Email: <a href="mailto:Bob.Paradise@pultegroup.com">Bob.Paradise@pultegroup.com</a>	
<b>Applicant's Agent:</b>	Rob Hogenauer HELIX Environmental Planning Inc. 7578 El Cajon Boulevard La Mesa, CA 91942 Phone: (562) 537-2426 Email: <a href="mailto:roberth@helixepi.com">roberth@helixepi.com</a>	
<b>Water Board Staff:</b>	Alex Lopez Environmental Scientist 1001 I Street, 15th Floor Sacramento, CA 95812 Phone: (916) 327-5620 Email: <a href="mailto:Alexander.Lopez@waterboards.ca.gov">Alexander.Lopez@waterboards.ca.gov</a>	

**Water Board Contact Person:** If you have any questions, please call State Water Resources Control Board (Water Board) Staff listed above or (916) 341-5478 and ask to speak with the Unit Supervisor.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

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**Attachment A:** CEQA Findings of Facts

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**Attachment C:** Receiving Waters, Impacts, and Mitigation Information

**Attachment D:** Reporting and Notification Requirements

**Attachment E:** Signatory Requirements

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This Order for Waste Discharge Requirements (Order), which include Attachments A through F, is issued at the request of Pulte Homes (herein after Permittee) for the Project described below.

## **I. Permit Application**

The application was received on May 17, 2016. The application was deemed complete on April 16, 2021.

Prior to receiving a complete application, State Water Board staff issued a notice of incomplete application on June 17, 2016, and the Permittee submitted additional information on October 23, 2019. Staff issued another notice of incomplete application on November 27, 2019, and then issued a Denial on December 27, 2019.

On May 21, 2020, the Permittee resubmitted the application with additional information. State Water Board staff issued a notice of incomplete application on July 10, 2020, and the Permittee submitted additional information on March 15, 2021.

State Water Board staff requested additional information necessary to supplement the contents of the complete application on February 25, 2022, and April 13, 2022. The Permittee provided supplemental information on February 26, 2022, and April 13, 2022.

The Project is not subject to the requirements set forth in sections IV.A and IV.B of the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State because the application was submitted prior to the effective date of the policy.

## **II. Findings**

1. The State Water Board considered the factors in section 13241 in establishing the requirements in this Order.
2. The ability to discharge waste is a privilege, not a right, and adoption of this Order shall not be construed as creating a vested right to continue discharging waste (Wat. Code, § 13263, subd. (g).)
3. Failure to comply with any condition of this Order may constitute a violation of the Porter-Cologne Water Quality Control Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
4. This Order does not provide coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002) (Construction General Permit).

5. In response to a suspected violation of any condition of this Order, the Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
6. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Wildlife Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a "take" will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
7. This Order includes monitoring and reporting requirements pursuant to Water Code section 13267. The burden of preparing these reports, including costs, are reasonable to the need and benefits of obtaining the reports. The reports confirm that the best management practices required under this Order are sufficient to protect beneficial uses and water quality objectives. The reports related to accidental discharges also ensure that corrective actions, if any, that are necessary to minimize the impact or clean up such discharges can be taken as soon as possible. The anticipated costs are minimal as the reporting obligations require only visual monitoring and notification reporting.

### **III. Project Purpose**

The primary purpose of the Project is to provide 750 housing units comprised of 557 single family units and 193 multiple family units. Other features include 18 acres of general commercial, 5-acre public park, 10 acres of Homeowner Association maintained pocket parks and community center, utilities, storm water improvements and treatment facilities, a linear natural park, 37.73 acres of natural open space outside of MSHCP open space, 615 acres of natural Western Riverside Multiple Species Conservation Plan (MSHCP) open space, and related avoidance, minimization, and mitigation measures.

### **IV. Project Description**

The Project proposes annexation to the City of Murrieta and an amendment to the existing Murrieta Hills Specific Plan SPM-4, approved by the City on April 18, 1995, under Resolution No. 95-353, to allow residential and commercial uses, a public park, improved open space, and natural open space. The Project also includes a northerly extension of McElwain Road to Keller Road.

The Project description and the conceptual site plan show a configuration of approximately:

- 557 single-family detached residential units on lots/pads ranging in size from 4,800 square feet to 10,000 square feet
- 193 multi-family units
- 18 acres of general commercial
- 5-acre public park
- 10 acres of Homeowner Association maintained pocket parks and community center
- 37.73 acres of natural open space outside of MSHCP open space
- 615 acres of natural MSHCP open space

The proposed project will result in impacts to approximately 354.63 acres of the 973.69-acre property. The property includes 12.477 acres of waters of the state.

## V. Project Location

Address: The Project is located on several parcels that directly abut Keller Road to the north and Interstate 215 to the east.

County: Riverside

Assessor's Parcel Number(s): 384-190-001, 384-190-003, 384-190-005 through 384-190-014, 384-200-006 through 384-200-017, 384-210-001, and 384-210-003

Nearest City: Murrieta

Latitude: 33.62143056°N and Longitude: 117.18083333°W

Maps showing the Project location are found in Attachment B of this Order.

## VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) and the San Diego Regional Water Quality Control Board (San Diego Water Board) (collectively Regional Water Boards).

Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable water quality control plans (Basin Plans). The plan for the region and other plans and policies may be accessed at the [State Water Resources Control Board's Plans and Policies Web page](http://www.waterboards.ca.gov/plans_policies/)

([http://www.waterboards.ca.gov/plans\\_policies/](http://www.waterboards.ca.gov/plans_policies/)). The Basin Plans include water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Project impact and receiving waters information can be found in Attachment C. Table 1 of Attachment C shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity is shown in Table 2 of Attachment C.

## VII. Description of Direct Impacts to Waters of the State

The existing McElwain Road will be extended to connect to the development and will impact 4.15 acres off site within the study area. A clear span bridge will be utilized to convey storm flows under McElwain Road within the conservation area and will facilitate wildlife movement through this area.

The Project proposes various on-site flood control facilities and detention basins in accordance with the City of Murrieta's criteria. The drainage design for the Project includes a series of bioretention basins for treatment and hydromodification control.

The property includes 12.477 acres of waters of the state. The Project proposes impacts to 2.11 acres of waters of the state.

Total Project fill/excavation quantities for all impacts are summarized in Table 1. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition only.

**Table 1: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts**

Aquatic Resources Type	Acres	Linear Feet
Stream Channel	2.11	19,741

## VIII. Description of Indirect Impacts to Waters of the State

The Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. Implementation of appropriate best management practices and other requirements consistent with the Santa Ana Water Quality Control Board Order No. R8-2010-0033, and San Diego Water Quality Control Board Order No. R9-2013-0001 (as amended by Order Nos. R9-2015-0001 and R9-2015-0100; NPDES No. CAS0109266) (MS4 Permits), and the Construction General Permit Order No. 2009-0009-DWQ (as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ) will prevent the discharge of wastes, including bacterial indicators, nutrients, pesticides, sediments, trash and debris, and oil and grease, during and after construction.

## IX. Avoidance and Mitigation

The Permittee has incorporated various mitigation measures for impacts to waters of the state. These mitigation measures are provided in the Project's Final

Environmental Impact Report (EIR) and Water Quality Management Plan (WQMP), which are incorporated into this Order by reference.

The Project added 94.1 acres of new impervious surfaces.<sup>1</sup> With the implementation of Low Impact Development (LID) treatments, the effects of impervious surfaces were minimized to the following waters of the state: Cole Canyon-Murrieta Creek, Menifee Valley, and Warm Springs Creek.

## **X. Compensatory Mitigation**

The Permittee has agreed to provide compensatory mitigation for direct, permanent impacts described in section VII.

## **XI. Conditions**

The Project may proceed provided that the following conditions are adhered to:

### **A. Impacts to Waters of the State**

Impacts to waters of the state shall not exceed quantities shown in Table 1.

### **B. Reporting and Notification Requirements**

The following section details the reporting and notification types and timing of submittals required pursuant to Water Code section 13267, subdivision (b)(1). Requirements for the content of these reporting and notification types are detailed in Attachment D, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment D, which must be signed by the Permittee or an authorized representative.

#### **1. Project Reporting**

- a. Annual Reporting:** The Permittee shall submit an Annual Report each year on the Effective Date of this Order. Annual reporting shall continue until the Water Board issues a Notice of Project Complete Letter to the Permittee.

#### **2. Project Status Notifications**

- a. Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and corresponding Waste Discharge Identification Number (WDID) issued under the NPDES

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<sup>1</sup> Impervious surfaces cause: reduced base flows through decreased groundwater recharge; increased erosion and sedimentation via hydro-modification (i.e., any activity that increases the velocity and volume (flow rate) affecting residence time, and alters the natural timing of runoff); and accumulation of pollutants that are subsequently discharged in storm water after construction.

General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).

- b. Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete, and no further Project activities will occur. This request shall be submitted to Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

**3. Conditional Notifications and Reports:**

The following notifications and reports are required as appropriate.

**a. Accidental Discharges of Hazardous Materials<sup>2</sup>**

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Water Code, Section 13271):

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
  - a) First call – 911 (to notify local response agency)
  - b) Then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911
  - c) Lastly, follow the required OES procedures as set forth in the [Office of Emergency Services' Accidental Discharge Notification Web Page](https://www.caloes.ca.gov/office-of-the-director/operations/response-operations/fire-rescue/hazardous-materials/spill-release-reporting/) (https://www.caloes.ca.gov/office-of-the-director/operations/response-operations/fire-rescue/hazardous-materials/spill-release-reporting/)
- ii. Following notification to OES, the Permittee shall notify Water Board, as soon as practicable (ideally within 24 hours). Notification

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<sup>2</sup> "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Safety Code, Section 25501.)



may be delivered via written notice, email, or other verifiable means.

- iii. Within five (5) working days of notification to the Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

**b. Violation of Compliance with Water Quality Standards:**

- i. The Permittee shall notify the Water Board of any event causing a violation of compliance with water quality standards. Notification may be delivered via written notice, email, or other verifiable means.
- ii. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.

**c. Modifications to Project**

Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. Notification may be made in accordance with conditions in the Project Deviation Requirements section (Section XI.I) of this Order.

**d. Transfer of Property Ownership:**

This Order is not transferable in its entirety or in part to any person or organization except after notice to the Water Board in accordance with the following terms:

- i. The Permittee must notify the Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Water Board at least 10 days prior to the transfer of ownership. The purchaser must also submit a written request to the Water Board to be named as the permittee in a revised order.
- ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

**e. Transfer of Long-Term BMP Maintenance:**

If maintenance responsibility for post-construction Best Management Practices (BMPs) is legally transferred, the Permittee must submit to the Water Board a copy of such documentation and must provide the

transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee must provide such notification to the Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

### **C. Water Quality Monitoring**

#### **1. Accidental Discharges/Noncompliance:**

Upon occurrence of an accidental discharge, the Permittee shall determine whether the discharge includes hazardous materials or will cause or contribute to an exceedance of water quality objectives, and if so, notify the Water Board in accordance with XIV.B.3. Water Board staff may require additional water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

#### **2. Post-Construction:**

Visually inspect the Project site during the rainy season to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the Water Board staff member overseeing the Project within three (3) working days. The Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

### **D. General Conditions**

1. This action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330. Additionally, the State Water Board may review and revise the requirements in this Order as necessary. (Wat. Code, § 13263, subd. (e).)
2. This Order is conditioned upon total payment of any fee required under Title 23 of the California Code of Regulations and owed by the Permittee.
3. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted by any applicable water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
4. The Project must conform to the engineering plans, specifications, and technical reports submitted with the application materials. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of wastes other than those described herein, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260.

5. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) ("Attachment 5d, Mitigation Monitoring and Reporting Program, Murrieta Hills Specific Plan Amendment Project," revised November 2021) which is incorporated herein by reference and any additional measures as outlined in Attachment A, CEQA Findings of Fact.

#### E. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.
2. **Site Access:** The Permittee shall grant State Water Board, Santa Ana Water Board, and San Diego Water Board staff or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
  - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
  - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
  - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
  - d. Sample or monitor for the purposes of assuring Order compliance.
3. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.
4. **Lake or Streambed Alteration Agreement:** If issued, the Permittee shall submit a signed copy of the California Department of Fish and Wildlife's Lake and Streambed Alteration Agreement to the Water Board prior to any discharge to waters of the state.

#### F. Construction

1. **Dust Abatement:** Dust abatement activities can cause discharges of sediment to streams and uplands through application of water or other fluids. Dust abatement chemicals added to water can be hazardous to wildlife and, if allowed to enter streams, detrimental to water quality. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state. Dust abatement

products or additives that are known to be detrimental to water quality or wildlife shall not be used, unless specific management needs are documented, and product-specific application plans are approved by State Water Board staff.

2. The limits of Project disturbance identified in the Project construction plans must be clearly identified in the field with highly visible markers. Such identification must be properly maintained until construction is completed and the soils have been stabilized. Equipment, materials, or any other substances or activities that may impact waters of the state outside of the limits of Project disturbance are prohibited.
3. All construction related equipment, material, and any temporary BMPs no longer needed, shall be removed and cleaned from the site upon completion of the Project. All materials (e.g., excess materials, debris or hazardous materials) resulting from the Project shall be removed from the site and disposed of properly.

#### **4. Toxic and Hazardous Materials**

- a. This Order does not authorize the discharge of wastewater (e.g., water that has contacted uncured concrete or cement, or related washout) to surface waters, ground waters, or land where it may be washed into waters of the state. If concrete washout is necessary at the site, the Permittee will use washout containment to prevent any discharge to waters of the state. Wastewater may only be disposed of to a sanitary wastewater collection system/facility (with authorization from the facility's owner or operator) or a properly licensed disposal or reuse facility.
- b. Concrete shall be excluded from surface water for a period of thirty (30) days after it is poured/sprayed. During that time, if the concrete shall be kept moist, then runoff from the concrete shall not be allowed to enter waters of the state. Commercial sealants may be applied to the concrete surface where difficulty in excluding flow for a long period may occur. If sealant is used, water shall be excluded from the site until the sealant is cured and no detrimental impacts to water quality shall occur. If groundwater comes into contact with fresh concrete, it shall be prevented from flowing to surface water.
- c. All imported riprap, rocks, and gravels used for construction shall be pre-washed.
- d. Except for stockpiling of waste generated and removed during the same working day, waste materials shall not be placed in a manner where the materials may be discharged into waters of the state where direct impacts have not been authorized.

- e. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XI.B.3.a and XI.B.3.b.
- f. Fueling, lubrication, maintenance, cleaning, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the state. The Permittee shall not use leaking vehicles or equipment within waters of the state or where leaking materials may discharge to waters of the state.
- g. Onsite containment for storage of chemicals classified as hazardous shall include effective secondary containment.
- h. The Permittee shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence. The Plan must be made available to the State Water Board staff upon request.

## **5. Invasive Species and Soil Borne Pathogens**

- a. Imported fill material must be free of weed and invasive species seeds and live plants.
- b. Prior to arrival at the project site and prior to leaving the project site, construction equipment that may contain invasive plants and/or seeds shall be cleaned to reduce the spread of noxious weeds.

## **6. Roads**

- a. The number of access routes, number and size of staging areas, and the total area of the activity must be limited to the minimum necessary to achieve the project purpose. Routes and work area boundaries must be clearly demarcated.
- b. Bridges, culverts, dip crossings, or other structures must be installed so that water and in-stream sediment flow is not impeded. Appropriate design criteria, practices and materials must be used in areas where access roads intersect waters of the state.

- c. Temporary materials placed in any water of the state must be removed as soon as construction is completed at that location, and all temporary roads must be removed or re-contoured and restored according to approved re-vegetation and restoration plans.
- d. Any structure, including but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in California Fish and Game Code section 45) exist or may exist, must be designed, constructed, and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish due to impedance of their upstream or downstream movement. This includes, but is not limited to, maintaining the supply of water and maintaining flows at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any structure results in a long-term reduction in fish movement, the discharger shall be responsible for restoration of conditions as necessary (as determined by the Water Board) to secure passage of fish across the structure.
- e. A method of containment must be used below any temporary bridge, trestle, boardwalk, and/or other stream crossing structure to prevent any debris or spills from falling into the waters of the state. Containment must be maintained and kept clean for the life of the temporary stream crossing structure.

## **7. Stormwater**

### **a. Post-Construction Storm Water Management**

- i. The Permittee must minimize the short and long-term impacts on receiving water quality from the Project by implementing the Project's Project Specific Water Quality Management Plan.
- ii. The Permittee shall ensure that all development within the Project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the Project. Verification shall include one or more of the following, as applicable:
  - 1. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
  - 2. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or

3. Written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a homeowner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
4. Any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

**b. Construction General Permit Requirement:** The Permittee shall maintain compliance with conditions described in, and required by, NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities for discharges comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

#### **G. Compensatory Mitigation for Permanent Impacts**

Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

##### **1. Total Required Compensatory Mitigation**

- a. The Permittee is required to provide compensatory mitigation for the authorized impacts to Stream Channels by purchasing mitigation credits from the Riverpark Mitigation Bank, the San Luis Rey Wetland Mitigation Bank, and the Barry Jones Wetland Mitigation Bank. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Water Board within 90 days of authorized impacts.
- b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 2. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

**Table 2: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area**

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Vernal Pool	Mitigation Bank Credits	Acres		4.00	1.54		0.062	
Riparian Zone	Mitigation Bank Credits	Acres		0.124				

**H. Project Deviation**

1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water quality. Some modifications of Project locations or predicted impacts may qualify as Project Deviations as set forth in Attachment F. For purposes of this Order, a “Project Deviation” is a Project locational or impact modification that does not require an immediate amendment of the Order, because the Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Project Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.
2. A Project modification shall not be granted a Project Deviation if it would require changes to the Order conditions or the CEQA environmental document such that the Project impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

**XII. Public Notice**

The State Water Board provided public notice of the draft Order pursuant to Water Code section 13167.5 from [Click here to enter a date](#) to [Click here to enter a date](#). The State Water Board received [NUMBER] [(#)] comment(s) regarding the Project during the [NUMBER OF DAYS] [(#)] day comment period.



### **XIII. California Environmental Quality Act (CEQA)**

On December 7, 2021, the City of Murrieta, as lead agency, certified an environmental impact report (EIR) (State Clearinghouse (SCH) No. 2014031045) for the Project and filed a Notice of Determination (NOD) at the SCH on December 8, 2021. Pursuant to CEQA, the State Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment A.

### **XIV. Fees Received**

In January of 2016, an application fee of \$600 was received. On May 22, 2020, a second application fee of \$1,949 was received. An additional \$38,817 fee, based on total Project impacts, was received on April 1, 2022. This amount included an overpayment of \$1,949 for which a refund was processed.

The fee amount was determined as required by California Code of Regulations, Title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Category A - Fill & Excavation Discharges (Fee Code 84) with the dredge and fill fee calculator.

### **XV. Conclusion**

Pursuant to Water Code section 13263, subdivision (a), the State Water Board hereby issues the Order for the Murrieta Hills Project (SWRCB ID: SB16005IN).

Authorization is contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies and the Regional Water Boards' Water Quality Control Plans.

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Karen Mogus, Deputy Director  
State Water Resources Control Board

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Date

