

EXECUTIVE OFFICER SUMMARY REPORT
June 14, 2006

- ITEM: 8
- SUBJECT: Waste discharge requirements and Clean Water Act Section 401 water quality standards certification for Stonewood, Inc., The Vineyard Project, City of Murrieta, Riverside County (Jeremy Haas).
- PURPOSE: To prescribe waste discharge requirements and issue a Clean Water Act section 401 water quality certification for discharges of fill as proposed for The Vineyard Project.
- PUBLIC NOTICE: In accordance with California Water Code section 13167.5 and Code of Regulation section 3858(a), a public notice of this item was distributed to all known interested persons and posted on the California Regional Water Quality Control Board, San Diego Region, (Regional Board) web site on April 28, 2006.
- DISCUSSION: Stonewood, Inc. (developer) has submitted an application for a Clean Water Act section 401 certification for fill activities in 0.39 of an acre of waters of the United States. The developer also submitted a report of waste discharge for additional fill activities of 0.35 of an acre occurring outside the area defined as waters of the United States, but still within waters of the State. A total of 0.74 of an acre of State waters are proposed to be filled in order to proceed with a 464-acre residential development project known as The Vineyard on Tentative Tract no. 28903 in the City of Murrieta, Riverside County. The enclosed Supporting Document No. 4 provides a detailed project description and rationale for the Tentative Order requirements.
- The discharge of fill material to waters of the State will cause and threaten to cause conditions of pollution and nuisance and loss of beneficial uses. Preventative and compensatory mitigation measures have been proposed, including a habitat mitigation plan, a construction stormwater pollution prevention plan, and a post-construction storm water management plan. The mitigation plan calls for the restoration and enhancement of 2.7 acres of riparian habitat and ephemeral streambed on-site and off-site adjacent to the project. In addition, two preservation

credits have been purchased from the Barry Jones Wetland Mitigation Bank in southwest Riverside County. The Tentative Order includes requirements to implement these measures and to report on construction and habitat mitigation progress.

Supporting Document No. 2 is a copy of the May 17, 2006 transmittal letter providing copies of the Tentative Order, Monitoring and Reporting Program, and Technical Report to the developer. In addition, all known interested public and private parties were provided electronic copies by email on May 17, 2006. As of June 1, 2006 no comments have been received.

KEY ISSUES: The Tentative Order requires implementation of plans, programs, and measures that are referred to in the project's Environmental Impact Report, but which were not finalized when the EIR was adopted.

LEGAL CONCERNS: None.

COMPLIANCE RECORD: In April 2005 the developer was issued Notice of Violation No. R9-2005-0121 for violations of the State Water Resources Control Board Order No. 99-08-DWQ, the General Permit for Discharges of Storm Water Associated with Construction Activity. The developer then initiated responsive actions.

In September 2005 unauthorized discharges of fill were observed on the property in association with construction of a temporary corrugated metal culvert used to create access to the Cole Creek Bridge construction site at the northern edge of the project area. This fill has been removed.

In January 2006 the developer identified temporary discharges of fill associated with the construction of two span bridges over Cole Creek and Murrieta Creek that had not been reported. The fill consists of temporary falsework installed within the creeks along with riprap to support falsework posts. The bridges replace at-grade dip crossings and will result in enhancement of 0.11 acre of streambed at Cole Creek and 0.19 acre of streambed at Murrieta Creek when the channel bed topography is restored upon removal of the falsework and riprap. Because the temporary fill was placed without proper notification, the enhancements are not considered within the calculation of compensatory mitigation credits in the Tentative Order.

SUPPORTING
DOCUMENTS:

1. Map of the affected area
2. Transmittal Letter to Discharger
3. Tentative Order No. R9-2006-0028
4. Technical Report, dated June 14, 2006
5. Monitoring and Reporting Program No. R9-2006-0028
6. Clarifications to the Tentative Order and Technical Report.

SIGNIFICANT
CHANGES:

None.

RECOMMENDATION: Adoption of the Tentative Order is recommended.