



California Regional Water Quality Control Board, San Diego Region

June 13, 2012

Certified Mail – Return Receipt Requested

Article Number: 7011 0470 0002 8961 5742

Ms. Kim Molina
D.R. Horton
1037 Pavo Court
San Marcos, CA 92078

In reply refer to / attn:
773619:dbradford

SUBJECT: CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION NO. 11C-101; MORGAN HILL TT32813

Ms. Molina:

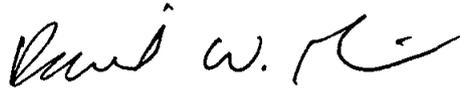
Enclosed find Clean Water Act Section 401 Water Quality Certification 11C-101 (Certification) for discharges to waters of the United States/State and acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017-DWQ for the **Morgan Hill TT32813** (Project). A description of the Project can be found in the project information sheet, location map, and site maps which are included as Attachments 1 through 5.

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that you have accepted and will comply with all the conditions of this Certification.

Failure to comply with all conditions of this Certification may subject you to enforcement actions by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

In the subject line of any response, please include the information located in the heading of this letter: "in reply refer to." For questions or comments, please contact Darren Bradford by phone at (858) 637-7137, or by email DBradford@waterboards.ca.gov.

Respectfully,



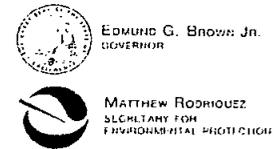
DAVID W. GIBSON
Executive Officer
San Diego Water Board

Enclosures:

Clean Water Act Section 401 Water Quality Certification No. 11C-101 for Morgan Hill TT32813, with 5 attachments.

E-copies: Refer to Attachment 2 of Certification 11C-101 for Distribution List.

Tech Staff Info & Use	
File No.	11C-101
WDID	9000002382
Reg. Measure ID	382314
Place ID	773619
Party ID	53097
Person ID	530361



California Regional Water Quality Control Board, San Diego Region

Action on Request
for
Clean Water Act Section 401 Water Quality Certification
and
Waste Discharge Requirements
for
Discharge of Dredged and/or Fill Materials

PROJECT: Morgan Hill TT32813
Water Quality Certification No. 11C-101

APPLICANT: Ms. Kim Molina
D.R. Horton
1037 Pavo Court
San Marcos, CA 92078

WDID	9000002382
Reg. Meas.	382314
Place	773619
Party	53097
Person	530361

ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

PROJECT DESCRIPTION:

The Morgan Hill TT32813 (Project) includes the development of a residential community on 20 acres, consisting of 59 single-family residential homes, four new internal streets and supporting infrastructure in the Temecula area of Riverside County. All existing structures on the project site will be demolished and the resultant materials disposed of at an authorized landfill. Earthmoving will include 188,000 cubic yards of cut and 203,000 cubic yards of fill, requiring 15,800 cubic yards of import. The Project will add approximately 8.73 acres of additional impervious surface.

Post-construction discharges will be collected and directed, to a Home Owners Association (HOA) maintained Bio-Retention Basin Best Management Practice (BMP) that is sized to treat 100 percent of impervious surfaces associated with the Project. The Bio-Retention Basin is a multi-staged BMP facility designed to promote settlement, filtration, and removal of pollutants by, slowly releasing the design volume of storm water, filtration through sand media and processing of pollutants in a vegetated wetland area.

The Project will permanently impact 0.474 acre (1,462-linear feet) of non-wetland waters of the State (Drainages 2 & 3), of which 0.074 acres are also waters of the United States. The project will temporarily impact 0.16 acre (639-linear feet) of non-wetland waters of the United States and/or State (Drainage 1) in order to grade the onsite mitigation area.

Mitigation will include on-site creation (establishment) of a minimum of 1.13 acre of non-wetland/wetland waters of the United States and 0.16 acre of restoration of waters of the United States along Drainage 1. Drainage 1 will be increased in area from 0.16 acre to an area of 1.29 acre (639-linear feet) and planted with native riparian habitat, conserved and maintained in perpetuity. This provides a ratio greater than 2:1 (area mitigated:area impacted) for permanent impacts and a 1:1 ratio for temporary impacts. Mitigation site grading will slow storm flows and broaden the streambed to allow for the establishment of riparian vegetation.

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I. STANDARD CONDITIONS:

The following three standard conditions apply to all Certification actions, except as noted under Condition 3 for denials.

- A. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
- B. This Certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. The validity of any non-denial Certification action must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

II. ADDITIONAL CONDITIONS: GENERAL

- A. This Clean Water Act Section 401 Water Quality Certification No. 11C-101 (Certification) is only valid if the project begins no later than five (5) years from the date of issuance. If the project has not begun within 5 years from the date of issuance, then this Certification expires.
- B. D. R. Horton must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification*. These General Waste Discharge Requirements are accessible at:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/gowdr401regulated_projects.pdf.
- C. D. R. Horton must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), to support this Certification and all subsequent submittals required as part of this Certification and as described herein. The conditions within this Certification must supersede conflicting provisions within such plans submitted as part of this Certification action.
- D. During construction, D. R. Horton must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.

- E. D. R. Horton must permit the San Diego Water Board or its authorized representative at all times, upon presentation of credentials:
1. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 2. Access to copy any records required to be kept under the terms and conditions of this Certification.
 3. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
 4. Sampling of any discharge or surface water covered by this Certification.
- F. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must 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 (CWA), 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.
- G. In response to a suspected violation of any condition of this Certification, the San Diego Water 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 San Diego Water Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- H. In response to any violation of the conditions of this Certification, the San Diego Water Board may modify the conditions of this Certification as appropriate to ensure compliance.

III. ADDITIONAL CONDITIONS: BEST MANAGEMENT PRACTICES (BMPs)

CONSTRUCTION BMPs

- A. Prior to the start of the project, and annually thereafter, D. R. Horton must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and the implementation and maintenance of BMPs.
- B. D. R. Horton must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.

- C. D. R. Horton, and/or all legally responsible parties in the development area, must enroll in and comply with the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, NPDES No. CAS000002, *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*, and any subsequent revisions thereto.
- D. The treatment, storage, and disposal of wastewater during the life of the project must be done in accordance with waste discharge requirements established by the San Diego Water Board pursuant to CWC § 13260.
- E. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
- F. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or the State or placed in locations that may be subjected to storm flows. Pollutants discharged to areas within a stream diversion area must be removed at the end of each work day or sooner if rain is predicted.
- G. All surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
- H. All areas that will be left in a rough graded state must be stabilized no later than two weeks after completion of grading. D. R. Horton is responsible for implementing and maintaining BMPs to prevent erosion of the rough graded areas. Hydroseed areas must be revegetated with native species appropriate for the area. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at <http://www.cal-ipc.org/ip/inventory/weedlist.php>. Follow-up applications shall be made as needed to cover bare spots and to maintain adequate soil protection.
- I. Except as authorized by this certification, substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.

- J. Removal of vegetation must occur by hand, mechanically, or using United States EPA approved herbicides deployed using applicable BMPs to prevent impacts to Beneficial Uses of waters of the State. Use of aquatic pesticides must be done in accordance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, and any subsequent reissuance as applicable.

POST-CONSTRUCTION BMPs

- A. D. R. Horton shall not allow post-construction discharges to cause onsite or offsite downstream erosion, and/or damage to properties or damage to stream habitats from the project site.
- B. D. R. Horton must eliminate illicit discharges and prevent all nuisance flows from the development area from entering the receiving waters.
- C. All storm drain inlet structures within the project boundaries must be stamped and/or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
- D. All post-construction BMPs, including those described in the *Water Quality Management Plan (WQMP) for: Tract 32813, Butterfield Stage Road & Star Point Street* project dated September 19, 2011 (and any subsequent versions submitted to the San Diego Water Board), prepared by VSL Engineering, must be implemented, installed, and functional prior to construction completion and/or planned use of development areas and maintained in perpetuity.
- E. For all post-construction BMPs, as described in the *Water Quality Management Plan (WQMP) for: Tract 32813, Butterfield Stage Road & Star Point Street* project dated September 19, 2011 (and any subsequent versions submitted to the San Diego Water Board), prepared by VSL Engineering; and storm water discharge points, D. R. Horton must:
1. No less than two times per year, assess the performance of the systems on protection of the receiving waters and identify any necessary corrective measures;
 2. Have all preventive and corrective maintenance performed;
 3. Maintain a log documenting all BMP inspections and maintenance activities.
- F. The desiltation basin must be designed, constructed, and maintained in accordance with the most recent California Stormwater Quality Association guidance for extended detention basins. Maintenance activities shall include, but are not limited to:

1. Semiannual inspection for the beginning and end of the wet season for standing water, slope stability, sediment accumulation, trash and debris, and presence of burrows;
 2. Removal of accumulated trash and debris in the basin as needed to ensure proper functioning of the basin; and
 3. Yearly inspection of accumulated sediment volume. Accumulated sediment should be removed and the basin re-graded when the accumulated sediment volume exceeds 10 percent of the basin volume.
- G. Discharges from the detention basin must be free of trash and not cause downstream erosion.

IV. UNAVOIDABLE IMPACTS AND COMPENSATORY MITIGATION

- A. Unavoidable impacts to Temecula Creek and its tributaries in the Santa Margarita Watershed are limited to:
1. Permanent Impacts - 0.474-acre (1,475-linear feet) of non-wetland waters of the State, of which 0.074 acres are also waters of the United States.
 2. Temporary Impacts – 0.160 acre (639-linear feet) of non-wetland waters of the United States and/or State.
- B. Mitigation for unavoidable impacts must be implemented as described in the *Habitat Mitigation and Monitoring Plan for the Morgan Hill Project*, dated March, 2012. Mitigation, maintenance, and monitoring of the mitigation areas must be implemented as described in this document. Any deviations must be approved by the San Diego Water Board.
- C. Mitigation must include on-site creation (establishment) of a minimum of 1.13 acres of non-wetland/wetland waters of the United States and 0.16 acre of restoration of waters of the United States along Drainage 1. Drainage 1 must be increased in area from 0.16 acre to an area of 1.29 acre and planted with native riparian habitat and conserved in perpetuity.
- D. The construction of proposed mitigation must be concurrent with project grading and completed no later than 9 months following the initial discharge of dredge or fill material into on-site waters. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10 percent of the cumulative compensatory mitigation for each month of delay.
- E. D. R. Horton must salvage leaf litter, coarse woody debris, and upper soil horizons from impacted jurisdictional water sites that are relatively free of invasive exotic species for use in on-site mitigation areas.

- F. D. R. Horton must also salvage large cuttings from appropriate tree species if they exist at the impact site and use them as pole plantings at the mitigation site.
- G. The mitigation sites must be designed, constructed, and maintained in perpetuity to meet the following conditions:
1. Most of the channels through the mitigation sites are characterized by equilibrium conditions, with no evidence of severe aggradation or degradation;
 2. As viewed along cross-sections, the channel and buffer have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope contains physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and
 3. The mitigation sites have a well-developed plant community characterized by a high degree of horizontal and vertical interspersions among plant zones and layers.
- H. If at any time during the implementation and establishment of the mitigation areas, and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation areas, D. R. Horton is responsible for repair and replanting of the damaged areas.
- I. Mitigation shall be considered acceptable once it has met the predetermined success criteria for that site, and must be maintained, in perpetuity, in a manner that consistently meets the final success criteria identified.
- J. Mitigation areas must be maintained, in perpetuity, free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the on-site or off-site mitigation areas.
- K. Any maintenance activities that do not contribute to the success of the mitigation site and enhancement of beneficial uses and ecological functions and services are prohibited. Maintenance activities are limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species and remedial measures deemed necessary for the success of the restoration program.
- L. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the United States and/or State where the resource has never previously existed (e.g. conversion of nonnative grassland to a freshwater marsh). Restoration is divided into two activities, re-establishment and rehabilitation. Re-establishment is defined as the return of natural/historic functions to a site where vegetated or unvegetated waters of the United States and/or State previously existed (e.g., removal of fill material to restore a drainage). Rehabilitation is defined as the improvement of the general suite of functions of degraded vegetated or unvegetated

waters of the United States and/or State (e.g., removal of a heavy infestation or monoculture of exotic plant species from jurisdictional areas and replacing with native species). Enhancement is defined as the improvement to one or two functions of existing vegetated or unvegetated waters of the United States and/or State (e.g., removal of small patches of exotic plant species from an area containing predominantly natural plant species). Preservation is defined as the acquisition and legal protection from future impacts in perpetuity of existing vegetated or unvegetated waters of the United States and/or State (e.g., conservation easement).

V. MONITORING REQUIREMENTS

A. California Rapid Assessment Method

The California Rapid Assessment Method (CRAM) must be utilized at the impact and mitigation site(s) prior to impacts to establish pre-project baseline conditions. In addition, CRAM must be utilized at the mitigation site(s) following completion of the mitigation site construction at years 3 and 5. The results of the CRAM assessment must be submitted **each year with the Annual Monitoring Reports** and data must be uploaded into eCRAM (<http://www.cramwetlands.org>).

VI. NOTIFICATION REQUIREMENTS:

- A. D. R. Horton shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the San Diego Water Board within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The San Diego Water Board, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- B. This Certification is not transferable in its entirety or in part to any person or organization except after notice to the Executive Officer of the San Diego Water Board in accordance with the following terms.
- 1. Transfer of Property Ownership:** D. R. Horton must notify the San Diego Water Board of any change in ownership of the project area. Notification of change in ownership must include, but not be limited to, a statement that County of Riverside has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the Executive Officer of the San Diego Water Board **within 10**

days of the transfer of ownership.

2. **Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**

3. **Transfer of Post-Construction BMP Maintenance Responsibility:** D. R. Horton assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred D. R. Horton must submit to the San Diego 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 specifications. D. R. Horton must provide such notification to the Executive Officer of the San Diego Water Board **within 10 days** of the transfer of BMP maintenance responsibility.

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to D. R. Horton will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve D. R. Horton of this Certification in the event that a transferee fails to comply.

- C. **Prior to the start of construction**, D. R. Horton must provide the San Diego Water Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. **Within one year of the start of construction**, D. R. Horton must submit proof of a completed preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation property must be adequate to demonstrate that the site will be maintained without future development or encroachment on the site which could otherwise reduce the functions and values of the site for the variety of beneficial uses of waters of the United States that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the site. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

- D. D. R. Horton must notify the San Diego Water Board in writing **at least 5 days prior** to the actual commencement of dredge, fill, and discharge activities.

VII. REPORTING REQUIREMENTS:

- A. D. R. Horton must submit annual progress reports describing status of compliance with all requirements of this Certification to the San Diego Water Board prior to **January 1** of each year following the issuance of this Certification until the project has reached completion. D. R. Horton must submit a Final Project Annual Report to the San Diego Water Board prior to **January 1** following completion of the project. The reports must include the following:
1. Date of construction initiation.
 2. Date of construction completion.
 3. Status of BMPs for the project.
 4. Final Project Report: Photo documentation of implemented post-construction BMPs. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf. In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced.
- B. Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful. Annual monitoring reports must be submitted prior to **January 1** of each year. Monitoring reports must include, but not be limited to, the following:
1. Names, qualifications, and affiliations of the persons contributing to the report;
 2. Date of initiation of mitigation installation and date mitigation installation was completed.
 3. Mitigation as-builts, including topography maps and planting locations.
 4. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data;
 5. Topographic complexity characteristics at each mitigation site;
 6. Upstream and downstream habitat and hydrologic connectivity;
 7. Source of hydrology;

8. Width of native vegetation buffer around the entire mitigation site;
 9. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results.
 10. Stream Photodocumentation, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation areas, including all areas of permanent and temporary impact, prior to and after project construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced.
- C. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the San Diego Water Board for failure to furnish requested information pursuant to CWC section 13268.
- D. All reports and information submitted to the San Diego Water Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.
- E. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:
1. For a corporation, by a responsible corporate officer of at least the level of vice president.
 2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
 4. A duly authorized representative may sign applications, reports, or information if:
 - a. The authorization is made in writing by a person described above.
 - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c. The written authorization is submitted to the San Diego Water Board Executive Officer.

- F. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

- G. D. R. Horton must submit reports required under this Certification, or other information required by the San Diego Water Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification; Project No. 11C-101
9174 Sky Park Court, Suite 100
San Diego, California 92123

VIII. CEQA FINDINGS:

- A. County of Riverside is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and filed a Notice of Determination for the Mitigated Negative Declaration titled *Change of Zone No. 7145/Tentative Tract Map No. 32813*, County of Riverside, State Clearing House No. 2007021078, June 7, 2007.
- B. The San Diego Water Board has reviewed the lead agency's Mitigated Negative Declaration and finds that the project as proposed will not have a significant effect on the environment if compensatory mitigation is accomplished as conditioned in this Certification.

IX. PUBLIC NOTIFICATION OF PROJECT APPLICATION:

- A. On December 1, 2011, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

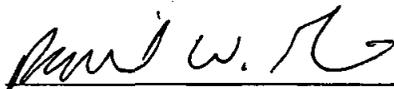
X. SAN DIEGO WATER BOARD CONTACT PERSON:

Darren Bradford, Environmental Scientist
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
Telephone: 858-637-7137
Email: DBradford@waterboards.ca.gov

XI. WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the **Morgan Hill TT32813 Project** (Certification Project No. 11C-101) 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. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)*," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue individual waste discharge requirements at that time.

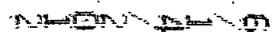
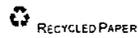
Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited to, and all proposed mitigation being completed in strict compliance with, the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Water Quality Control Plan for the San Diego Basin Region (9) (Basin Plan).



DAVID W. GIBSON
Executive Officer
San Diego Water Board

12 June 2013
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map(s)
 4. Project & Mitigation Site Map(s)
 5. Bio-Retention Basin



**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: Ms. Kim Molina
D. R. Horton
1037 Pavo Court
San Marcos, CA 92078
Telephone: 760-218-9833
Email: KNMolina@drhorton.com

**Applicant
Representatives:** L&L Environmental Inc.
Attention: Leslie Irish
5455 Morgan Avenue
Riverside, CA 92509
Telephone: 951-681-4929
Facsimile: 951-681-6531
Email: LIrish@llenviroinc.com

Project Name: Morgan Hill TT32813 Project

Project Location: The proposed project is located west of Rio Linda Road, off Santa Rita and Los Caballos Roads in the Temecula area of Riverside County, California. The project is located approximately at latitude 33.471986 and longitude 117.059972.

Type of Project: Single family residential homes.

Project Description: The Morgan Hill TT32813 (Project) includes the development of a residential community on 20 acres, consisting of 59 single-family residential homes, four new internal streets and supporting infrastructure in the Temecula area of Riverside County. All existing structures on the project site will be demolished and the resultant materials disposed of at an authorized landfill. Earthmoving will include 188,000 cubic yards of cut and 203,000 cubic yards of fill, requiring 15,800 cubic yards of import. The Project will add approximately 8.73 acres of additional impervious surface.

Post-construction discharges will be collected and directed, to a HOA maintained Bio-Retention Basin Best Management Practice (BMP) that is sized to treat 100 percent of impervious surfaces associated with the project. The Bio-Retention Basin is a multi-staged BMP facility designed to promote settlement, filtration, and removal of pollutants by, slowly releasing the design volume of storm water, filtration through sand media and processing of pollutants in a vegetated wetland area.

Federal
Agency/Permit:

U.S. Army Corps of Engineers §404, Individual Permit,
Ms. Crystel Doyle.

Other Required
Regulatory Approvals:

California Department of Fish and Game (CDFG) § 1602
Streambed Alteration Agreement, Ms. Joanna Gibson.

California
Environmental Quality
Act (CEQA)
Compliance:

Mitigated Negative Declaration, Morgan Hill TT32813, County
of Riverside, Planning Department, State Clearing House No.
2007021080, June 7, 2007.

Receiving Waters:

One (1) intermittent tributary (Drainage 1) and Two (2)
ephemeral unnamed tributaries (Drainages 2 & 3) to
Temecula Creek. Santa Margarita hydrologic unit, Pechanga
hydrologic area.

Impacted Wetlands of
the United States and
State:

Permanent -
0.474 acre (1,462-linear feet) of non-wetland waters of the
State (Drainages 2 & 3), of which 0.074 acres are also waters
of the United States.

Temporary -
0.160 acre (639-linear feet) of non-wetland waters of the
United States and/or State.

Dredge Volume:

None

Related Projects Implemented/to be Implemented by the Applicant(s):

None

Compensatory Mitigation:

Mitigation for unavoidable impacts shall be implemented as described in the Habitat Mitigation and Monitoring Plan for the Morgan Hill Project, dated March, 2012.

Mitigation will include the on-site creation (establishment) of a minimum of 1.13 acre of non-wetland/wetland waters of the United States and 0.16 acre of restoration of waters of the United States along Drainage 1. Drainage 1 will be increased in area from 0.16 acre to an area of 1.29 acre (639-linear feet) and planted with native riparian habitat, conserved and maintained in perpetuity. This provides a ratio greater than 2:1 (area mitigated:area impacted) for permanent impacts and a 1:1 ratio for temporary impacts. Mitigation site grading will slow storm flows and broaden the streambed to allow for the establishment of riparian vegetation.

Best Management Practices (BMPs):

Construction and Post-construction BMPs are described in the *Water Quality Management Plan (WQMP) for: Morgan Hill TT32813, D. R. Horton*, prepared by Psomas, and dated December 7, 2011. BMPs must include, but not be limited to:

- Catch basin and inlet protection.
- Headwall outlet protection.
- Silt fencing
- Fiber rolls.
- Gravel bag berms.
- Erosion control stabilizing emulsion.
- Concrete washout area.
- Stabilized construction entrance/exit.
- Spill prevention and control.
- Street sweeping and vacuuming.

Public Notice:

On January 26, 2011, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

Fees:

Total Due: \$0.00
Paid: \$640.00 (Check No. 083477)
Paid: \$19,507.00 (Check No. 083577)

CIWQS:

Regulatory Measure ID: 377332
Place ID: 761978
Party ID: 525638
Person ID: 525639
WDID 9000002220

**ATTACHMENT 2
DISTRIBUTION LIST**

Crystel Doyle
U.S. Army Corps of Engineers, Regulatory Branch
Prado Field Office
Crystel.L.Doyle@usace.army.mil

Joanna Gibson
California Department of Fish and Game
jgibson@dfg.ca.gov

U.S. EPA, OWOW, Region 9
75 Hawthorne St.,
San Francisco, CA 94105
R9-WTR8-Mailbox@epa.gov

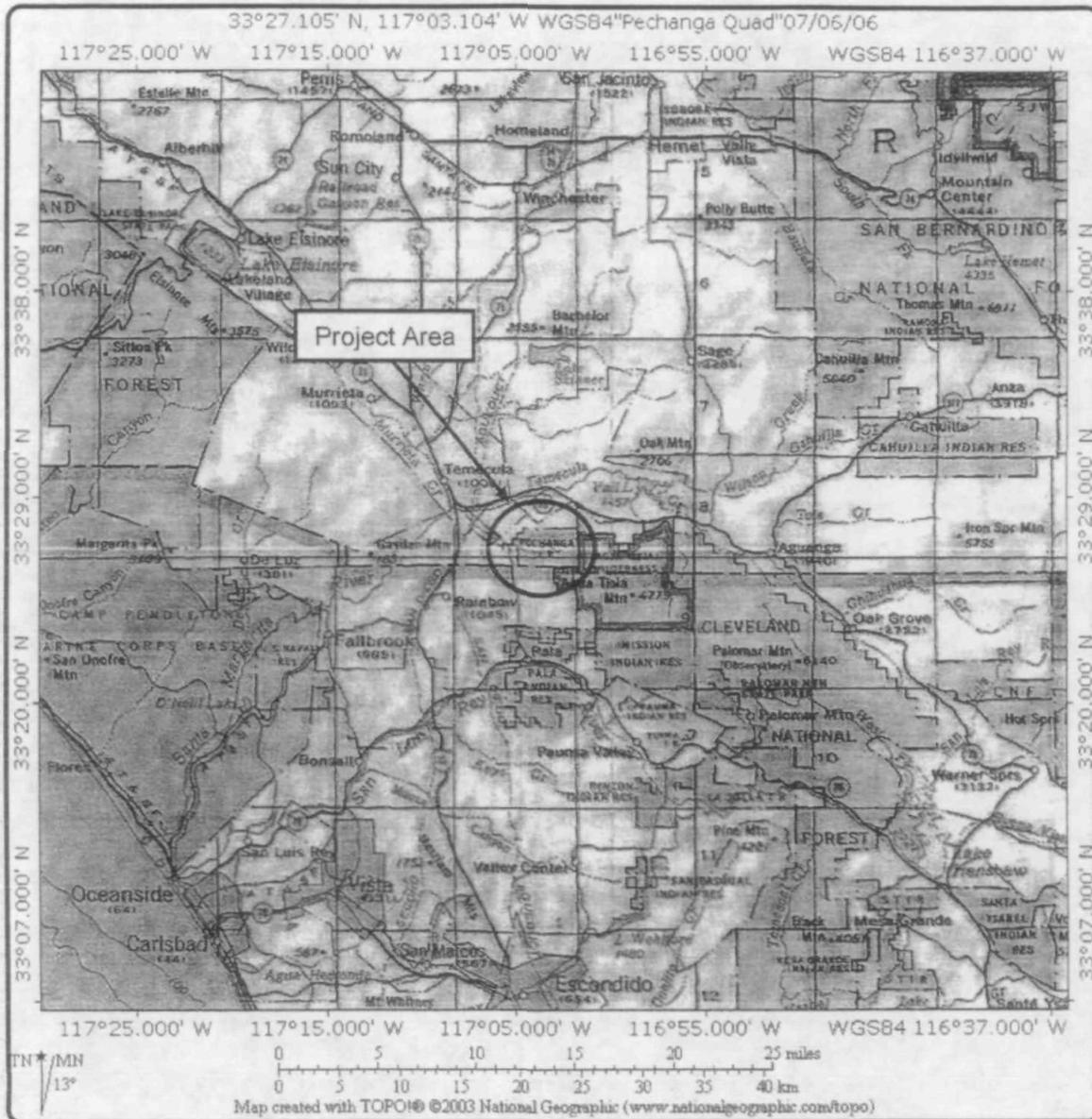
State Water Resources Control Board
Division of Water Quality
401 Water Quality Certification and Wetlands Unit
P.O. Box 100
Sacramento, CA 95812-0100
Stateboard401@waterboards.ca.gov

Leslie Irish
L&L Environmental, Inc.
LlIrish@lleviroinc.com

Attachment 3: Location Map(s)

Habitat Mitigation and Monitoring Proposal
 Morgan Hill Project, County of Riverside, California

March 2012



L&L Environmental, Inc.

BIOLOGICAL AND CULTURAL
 INVESTIGATIONS AND MONITORING

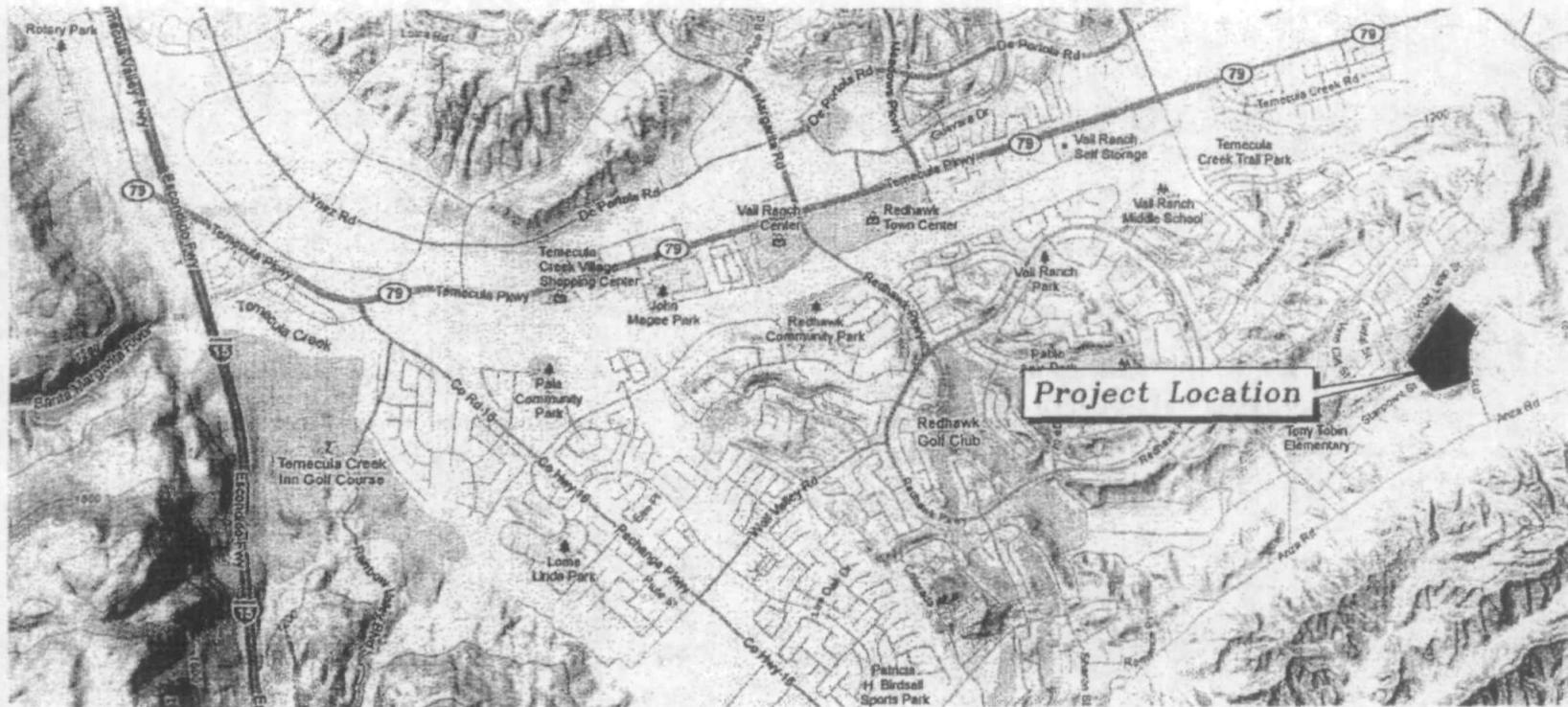
DRH-04-552
 March 2012

Figure 1

Project Vicinity Map

Morgan Hill Project
 County of Riverside, California

Attachment 3: Location Map(s)



Vicinity Map

Attachment 4: Project & Mitigation Site Map(s)

Habitat Mitigation and Monitoring Proposal
Morgan Hill Project, County of Riverside, California

March 2012



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Figure 4a

Jurisdictional Drainages

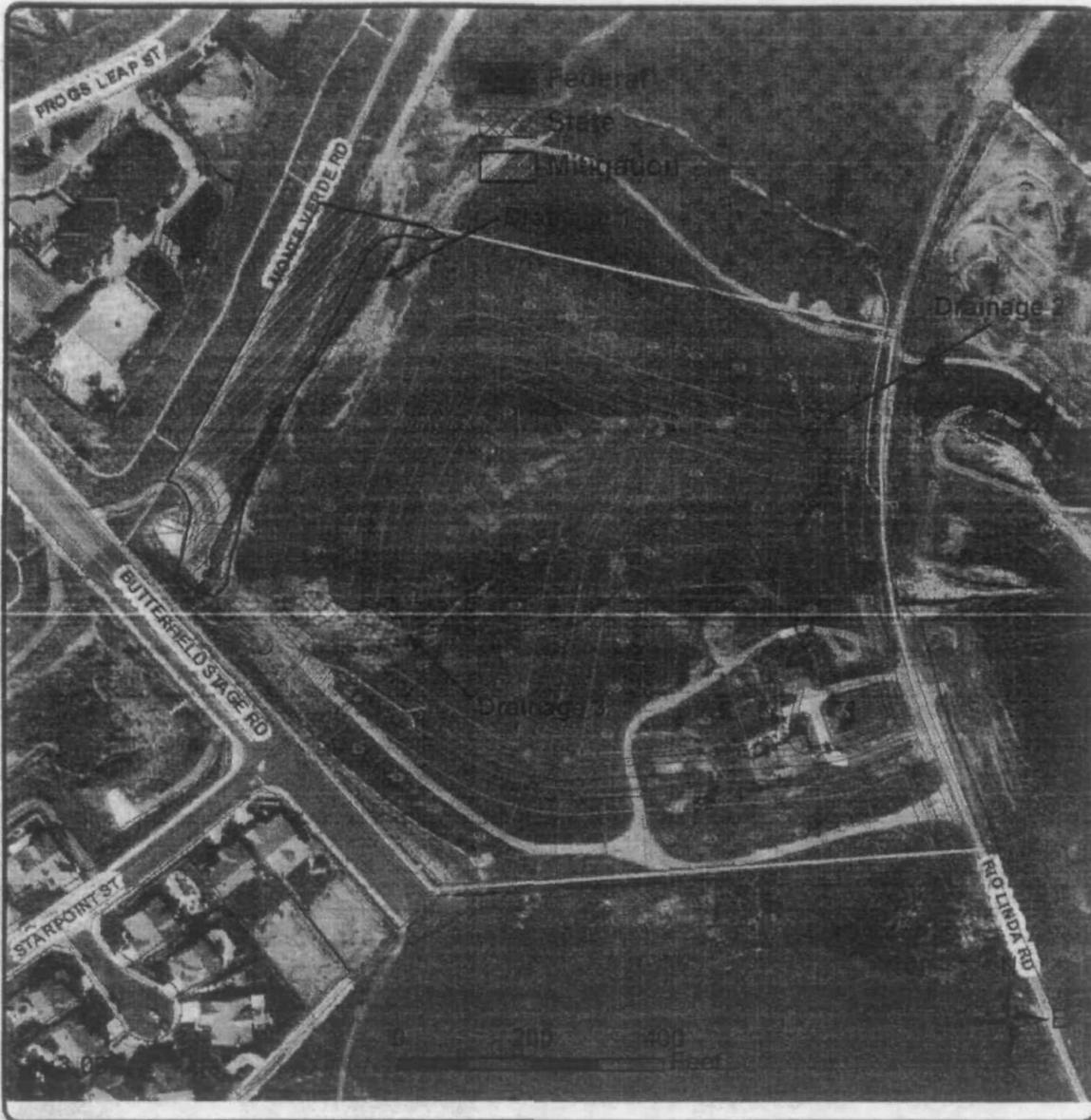
(Photo obtained from RCTLMA, 2011)

Doyle Ranch/Morgan Hill Project
County of Riverside, California

Attachment 4: Project & Mitigation Site Map(s)

Habitat Mitigation and Monitoring Proposal
Morgan Hill Project, County of Riverside, California

March 2012



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DRH-04-552
March 2012

Figure 5d

Mitigation Area & Dev. Plan

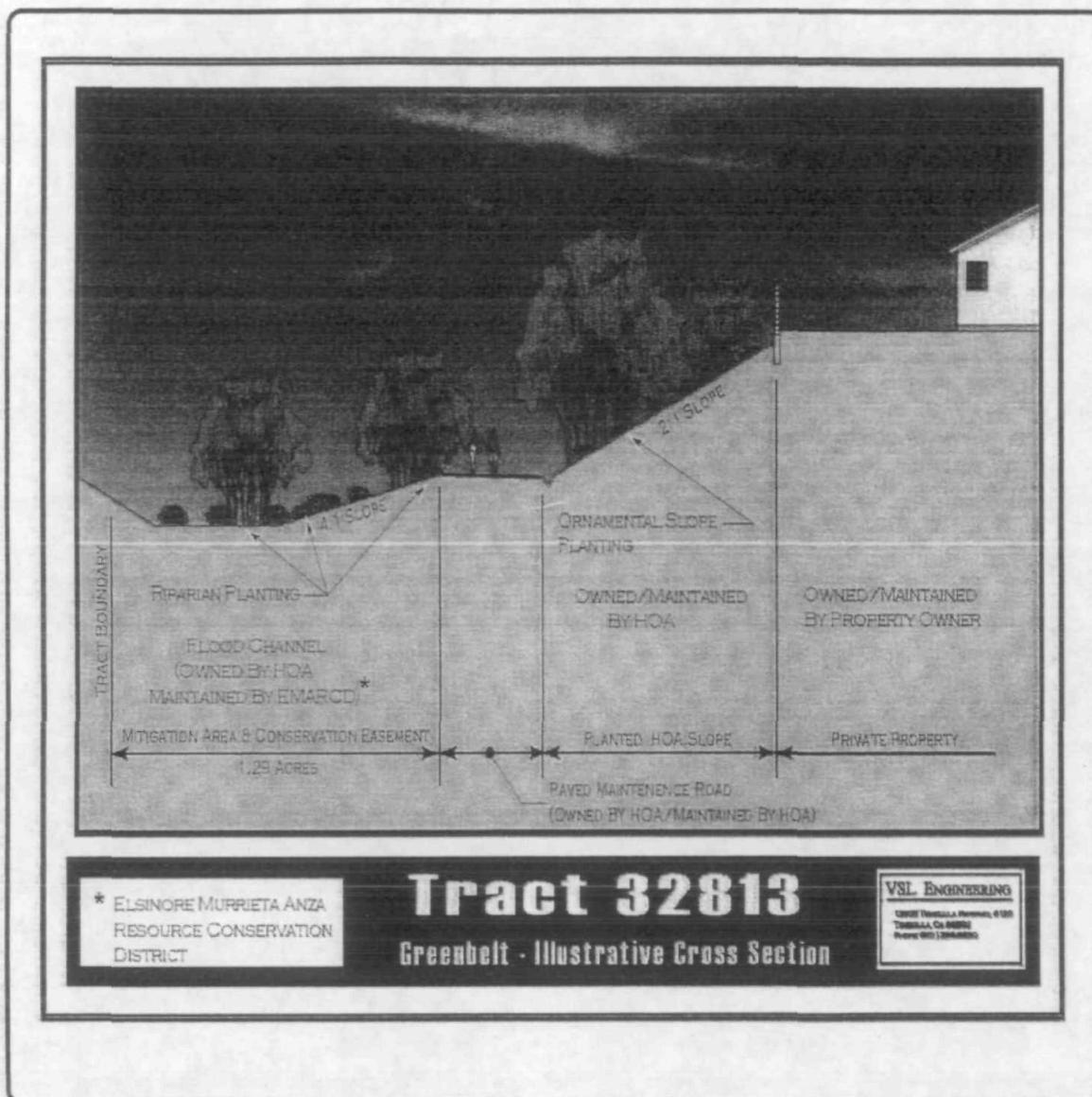
(Photo obtained from RCTLMA, 2011,
Development plan from VSL Engineering, 10-2011)

Doyle Ranch/Morgan Hill Project
County of Riverside, California

Attachment 4: Project & Mitigation Site Map(s)

Habitat Mitigation and Monitoring Proposal
Morgan Hill Project, County of Riverside, California

March 2012



L&L Environmental, Inc.

BIOLOGICAL AND CULTURAL
INVESTIGATIONS AND MONITORING

DRH-04-552
March 2012

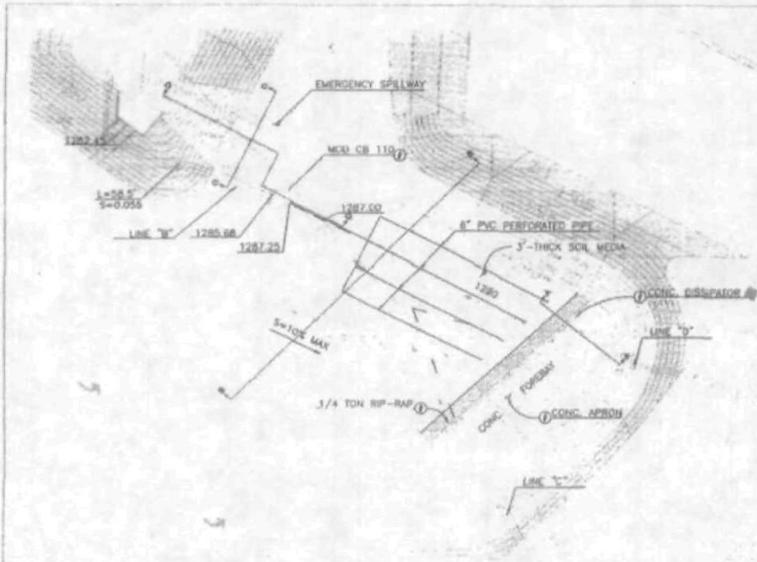
Figure 5e

Illustrative Cross Section

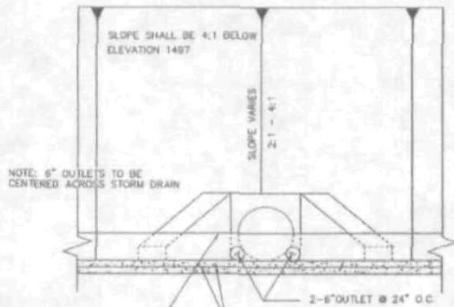
(Photo obtained from RCTLMA, 2011,
USDA Nat. Res. Cons. Serv. SSURGO Data)

Doyle Ranch/Morgan Hill Project
County of Riverside, California

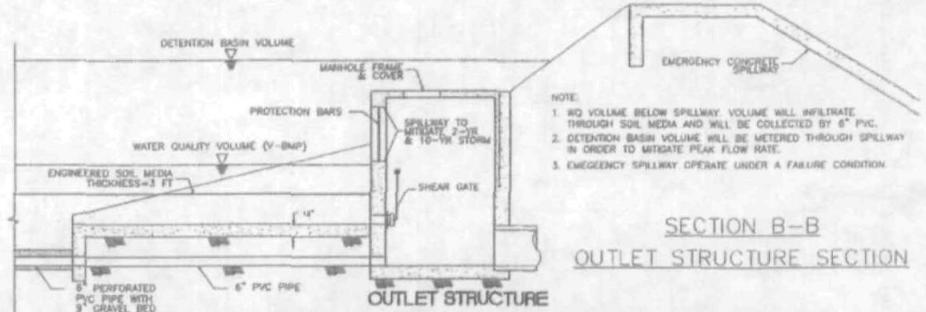
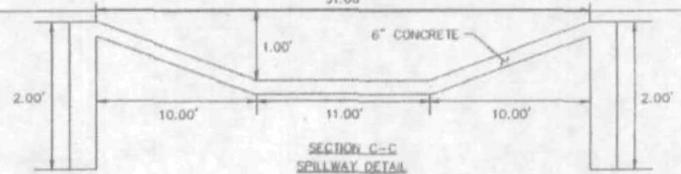
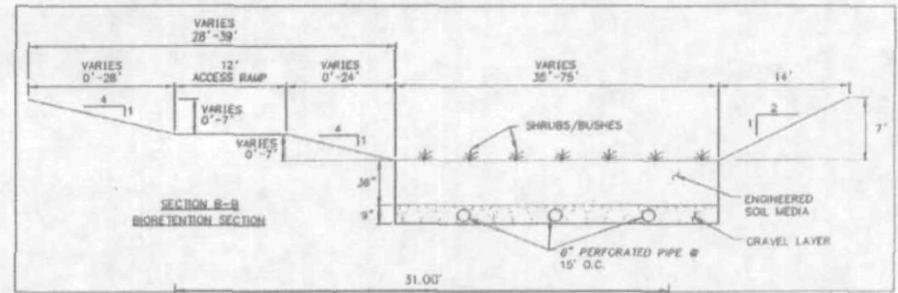
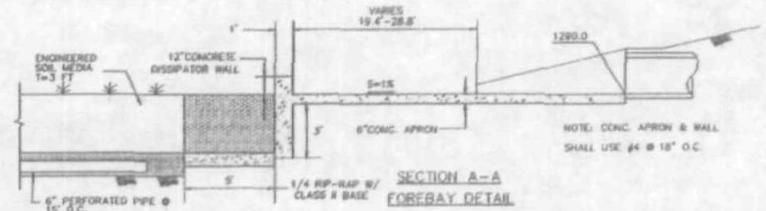
Attachment 5: Bio-Retention Basin



BIO-RETENTION BASIN



FOREBAY OUTLET AREA



BASIS OF BEARINGS:
THE BEARINGS ON THIS MAP ARE BASED ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 5 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN AS SHOWN ON RECORD OF SURVEY, FILED IN BOOK 84, AT PAGE 27, RECORDS OF RIVERSIDE COUNTY, BEING NORTH 89°57'33" WEST.



JL Castaneda
Engineering + Consulting, Inc.
4040 COLLEMAN WAY, MARIETTA, GA 30067
PH: 770.426.1100 FAX: 770.426.1101
JOSEPH L. CASTANEDA, P.E. 39853 DATE: _____
SCALE: AS SHOWN

BENCHMARK:
AT THE CORNER OF THE INTERSECTION OF LEON ROAD AND STATE AVE., 34 FEET SOUTH OF THE C.A. OF STATE AVE., 11 FEET WEST OF THE C.A. OF LEON ROAD, 10 FEET SOUTH OF C.A. OF BENTLEY, 13 FEET NORTH OF A PAVED CONCRETE PAVEMENT TO A 2 FEET HIGH BENCH MARK FOUND ON ALUMINUM WAS SET ON TOP OF A CONCRETE POST MARKED, RIVERSIDE COUNTY BEING NORTH 89°57'33" WEST 1871 METERS 1462. "1040 MARK"

REV	DESCRIPTION	APPN	DATE

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
RECOMMENDED FOR APPROVAL BY: _____
DATE: _____
APPROVED BY: _____
DATE: _____

COUNTY OF RIVERSIDE TRANSPORTATION DEPARTMENT
APPROVED BY: _____
DATE: _____

TRACT NO. 3468
STORM DRAIN PLANS
BIO-RETENTION BASIN

PROJECT NO. X-X-XXXX
DRAWING NO. X-XXX
SHEET X OF XX

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kim Molina
D.R. Horton
1037 Payo Court
San Marcos, CA 92078

2. Article Number

(Transfer from service label)

7011 0470 0002 8961 5742

PS Form 3811, February 2004

6-23 Domestic Return Receipt D. Bradford

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

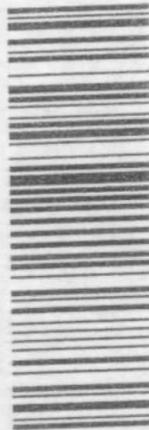
Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE



7011 0470 0002 8961 5742

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Postmark
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Sent To

Kim Molina, D.R. Horton

Street, Apt. No.,
or PO Box No.

1037 Payo Court

City, State, ZIP+4

San Marcos, CA 92078

PS Form 3800, August 2006

See Reverse for Instructions

11/01/06