

California Regional Water Quality Control Board
Santa Ana Region

Order No. R8-2005-0096

Amending Order No. R8-2004-0093
Waste Discharge Requirements

for

Bluestone Communities
Tract 31892, Riverside County
Winchester Ridge Project

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), finds that:

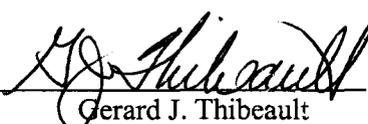
1. Bluestone Communities (hereinafter, discharger) proposes to develop Tract 31892 in the Winchester area of Riverside County, by building approximately 390 dwelling units on approximately 238 acres located in the southern portion of Section 31, Township 5 South, Range 2 West, shown on the U.S. Geological Service *Romoland, California* quadrangle.
2. Within the Tract are 900 linear feet of drainage channel, four seasonal pools, and one large stock pond. Two of the seasonal pools are associated with naturally occurring groundwater seeps, one pool was formed incidental to agricultural road construction and one pool developed as the result of seepage from the stock pond. The pools formed from the groundwater seeps are wetlands that meet criteria in the US Army Corps of Engineers (Corps) 1987 Wetland Delineation Manual. Because the waters are isolated, the Corps declined to take jurisdiction as waters of the U.S. in a letter dated April 13, 2004, and no Clean Water Act (CWA) Section 404 Permit will be issued.
3. On June 30, 2004, the discharger submitted a Report of Waste Discharge (ROWD) requesting authorization to discharge fill to the entire 0.86 acres of the stock pond, 0.03 acres (250 linear feet) of the drainage channel, and 0.04 acres of the pools formed incidental to road construction and resulting from seepage from the stock pond. The discharger proposed to avoid the two seasonal groundwater seeps and their associated pools, and 650 linear feet of drainage channel. The discharger committed to mitigate direct impacts to waters of the State by purchasing 1.0 acre of mitigation credit to be applied in the Barry Jones Mitigation Bank in the City of Temecula.
4. On November 5, 2004, the Regional Board adopted Order No. R8-2004-0093 authorizing the discharges of fill to waters of the State on Tract 31892 as proposed.
5. On May 2, 2005, the discharger submitted a ROWD requesting authorization to discharge fill to one of the seasonal pools (Pool 4) that had been incorrectly proposed for preservation in the June 30, 2004 ROWD.
6. Waste Discharge Requirements (WDRs) are necessary to address impacts of the additional fill on beneficial uses of the water of the State (Pool 4).

7. This Order authorizes and regulates the proposed additional discharge of fill material to waters of the State that are not considered under Corps CWA Section 404 jurisdiction (non-federal).
8. The Board has notified the discharger and other interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity for public hearing and opportunity to submit their written views and recommendations.
9. The Board, in a public meeting, heard and considered all comments pertaining to the discharge on June 24, 2005.

IT IS HEREBY ORDERED that the discharger, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

- A. The discharger shall pay an in-lieu fee to a natural resource management entity for the purpose of creating or restoring a minimum of 0.06 acres of seasonal pools within the Santa Ana Region, subject to approval by the Executive Officer. The creation or restoration project shall begin initial groundwork not later than 24 months from the adoption of this Order and the in-lieu fee shall include the cost of a minimum of 5 years of follow-on maintenance and monitoring. The discharger shall identify the management entity receiving the in-lieu fee and the creation or restoration project to be funded, not later than 90 days from the adoption of this Order and shall pay the in-lieu fee not later than 30 days from the date of approval by the Executive Officer. Proof of the payment shall be provided to the Regional Board within 60 days of the date of approval by the Executive Officer.
- B. In the event that the discharger is unable to identify an acceptable management entity and project, the Executive Officer may grant a one-time extension of 90 days to identify the entity and project.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on June 24, 2005.


Gerard J. Thibeault
Executive Officer