

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

3737 Main Street, Suite 500
Riverside, CA 92501-3348
(951) 782-4130

[Regional Board Website](https://www.waterboards.ca.gov/santaana) (<https://www.waterboards.ca.gov/santaana>)

WASTE DISCHARGE REQUIREMENTS ORDER
R8-2023-0025

ORDER INFORMATION

Status: ADOPTED
Program: Dredged or Fill Material Program
Discharger(s): Richland Developers, Inc.
Project: Tract 16072 Residential Development
Project
County: San Bernardino County
CIWQS WDID: 362021-14
Prior Order(s): (none)

CERTIFICATION

I, JAYNE JOY, Executive Officer, hereby certify that the following is a full, true, and correct copy of the order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on May 5, 2023.

JAYNE JOY
Executive Officer

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA BASIN REGION

ORDER R8-2023-0025

WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGES OF DREDGED OR FILL MATERIAL TO WATERS OF THE STATE
TRACT 16072 RESIDENTIAL DEVELOPMENT PROJECT
SAN BERNARDINO COUNTY

FINDINGS

The Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) hereby finds as follows:

Introduction

1. This Order prescribes Waste Discharge Requirements (WDRs) for the Tract 16072 Residential Development Project (Project) of Richland Developers, Inc. (Discharger).
2. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the operative Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) and other plans and policies. The Basin Plan includes 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.
3. The Santa Ana Water Board has the authority to regulate the discharge of dredged and fill materials through the issuance of WDRs pursuant to Water Code section 13263. The Santa Ana Water Board has determined that WDRs are necessary to adequately address the Project's potential impacts on the beneficial uses of waters of the state.
4. This Order regulates the discharge of fill material to waters of the state.
5. This Order is also issued in compliance with the State Water Resources Control Board's (State Water Board) *State Policy for Water Quality Control: State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (Dredge and Fill Procedures), which was adopted on April 2, 2019, became on effective May 28, 2020, and was revised April 6, 2021.
6. On June 17, 2021, Glenn Lukos Associates, Inc., on behalf of the Discharger, submitted an Application for Discharges of Dredged or Fill Material to Waters of

the State (Application) for the Project, which was assigned Santa Ana Water Board WDID No. 362021-14.

7. A fee of \$93,817.00 was received on April 1, 2022. The fee amount was determined as per California Code of Regulations, title 23 (Title 23), sections 3833(b)(3) and 2200(a)(3) and was calculated as A - Fill and Excavation Discharge (fee code 84) with the dredge and fill fee calculator.
8. The Application was considered complete on July 19, 2021.

Project Description and Discharge Characteristics

9. On March 10, 2021, the U.S. Army Corps of Engineers (USACE) issued an Approved Jurisdictional Determination, finding that waters of the United States (WOTUS) were not present within the Project boundaries. This determination was conducted to identify the extent of the USACE's Clean Water Act jurisdiction on the Project and is valid for a period of five (5) years.
10. The Project consists of constructing a tract of single-family homes on approximately 150 acres of undeveloped land. The Project would include associated roads, infrastructure, and utility connections. Additionally, the Project includes the construction of the 25th Street Interceptor Channel along the northern boundary of the Project site.
11. The Project site is currently vacant land consisting of moderately dense brush. The Discharger proposes a residential development of 358 single-family homes with associated infrastructure and recreational trails. Adjacent offsite improvements for Etiwanda Avenue, Wilson Avenue, and East Avenue are also part of the Project.
12. The Project is located within the City of Rancho Cucamonga in San Bernardino County and encompasses approximately 150 acres (Assessor Parcel Number 1087-081-19-000; Latitude 34.153819, Longitude -117.518629). The Project site is bordered by undeveloped land to the north, additional undeveloped land and Etiwanda Debris Basin (also referred to as the Etiwanda Creek Dam) to the east, Wilson Avenue and mixed-use development to the south, and Etiwanda Avenue and residential development to the west. Maps showing the Project location are found in Attachment A of this Order.
13. A total of 5.21 acres (15,708 linear feet) of ephemeral waters of the state are present on the Project site. Seven ephemeral drainage features (Drainages A-G) and one ephemeral tributary (Tributary C-1) are found onsite. These features convey water in direct response to precipitation.

14. Drainage A traverses the Project site in an easterly direction for approximately 2,712 linear feet before exiting the eastern Project site boundary. Drainage A consists of a portion of the San Bernardino County Flood Control 24th Street Stom Drain which comprises approximately 0.59 acre (2,712 linear feet) within the Project site. Drainage A eventually discharges into the Etiwanda Debris Basin via a large concrete culvert north of Wilson Avenue. In its current condition, Drainage A is expected to convey stormwater captured directly within Drainage A and via Drainages B, D, E, F, and G, in addition to stormwater and nuisance flow conveyed by Drainage B. Scattered vegetation occurs frequently within Drainage A and consists primarily of California buckwheat (*Eriogonum fasciculatum*), California sagebrush (*Artemisia californica*), goldenbush (*Isocoma menziesii*), and white sage (*Salvia apiana*). No riparian species were observed in association with Drainage A.
15. Drainage B is an ephemeral drainage that comprises approximately 2.91 acres (3,794 linear feet). Drainage B enters the northeastern corner of the Project site via a concrete box culvert which conveys stormwater and nuisance flows from immediately north of the adjacent residential development. Drainage B meanders across the Project site in a southeasterly direction before joining Drainage A along the southern Project site boundary. Drainage B flows in direct response to precipitation. Vegetation associated with Drainage B consists primarily of the same upland scrub species present throughout the Project site. Additionally, a single arroyo willow (*Salix lasiolepis*) sapling and several California sycamores (*Platanus racemosa*) were observed in the upper terraces of Drainage B.
16. Drainage C is an ephemeral drainage which comprises approximately 0.20 acre (2,474 linear feet) within the Project site. Drainage C enters the northern portion of the Project site south of a dirt access road that marks the northern property boundary. Drainage C appears to be the remnants of a naturally occurring ephemeral drainage which conveyed stormwater from the nearby San Gabriel Mountains. However, Drainage C upstream connection appears to have been bisected by the construction of the dirt access road. Drainage C is also bisected by a second dirt access road further to the south. Further south, Drainage C is interrupted by an area of disturbance where it appears the grounds were disked, and large boulders were piled at the terminus of the drainage. Drainage C begins again further south and is joined by Tributary C-1 just before confluencing with Drainage B towards the southern portion of the Project site. In its current condition, Drainage C is expected to convey only stormwater captured directly on the Project site during large rainfall events.
17. Tributary C-1 is an ephemeral drainage which comprise approximately 0.02 acre (341 linear feet) within the Project site. Tributary C-1 originates onsite and is tributary to Drainage C. Tributary C-1 conveys stormwater that is captured directly on the Project site during large rainfall events. Vegetation associated with

Tributary C-1 consists of the same upland species present throughout the Project site, including California buckwheat, California sagebrush, goldenbush, scalebroom, and white sage. No riparian species were observed in association with Tributary C-1.

18. Drainage D is an ephemeral drainage that comprises approximately 0.74 acre (2,693 linear feet) within the Project site. Drainage D enters the northern portion of the Project site south of a dirt access road that marks the northern property boundary. Drainage D appears to be the remnant of a naturally occurring ephemeral drainage that conveyed stormwater from the nearby San Gabriel Mountains. However, the upstream connection to Drainage D appears to have been bisected by the construction of the dirt access road, including the placement of several large boulders to create a berm. In its current condition, Drainage D is expected to convey only stormwater captured directly on the Project site during large rainfall events. Drainage D meanders across the Project site in a southeasterly direction before exiting the southeastern Project site boundary and continuing offsite. The offsite portion of Drainage D eventually drains into Drainage A along the southern Project site boundary. Scattered vegetation occurs frequently within Drainage D and consists of the same upland species present throughout the Project site, including California buckwheat, California sagebrush, goldenbush, scalebroom, and white sage. No riparian species were observed in association with Drainage D.
19. Drainage E is an ephemeral drainage that comprises approximately 0.03 acre (235 linear feet) within the Project site. Drainage E begins in the southeastern portion of the Project site just north of the Project boundary. Drainage E exits the Project site and meanders across an adjacent parcel before reentering the Project site at the southern property boundary where it empties into Drainage A. Drainage E is a naturally occurring ephemeral drainage which conveys stormwater captured directly on the Project site during rainfall events.
20. Drainage F is an ephemeral drainage that comprises approximately 0.36 acres (2,262 linear feet) within the Project site. Drainage F enters the northeastern portion of the Project site south of a dirt access road that marks the northern property boundary. Drainage F appears to be the remnant of a naturally occurring ephemeral drainage that conveyed stormwater from the nearby San Gabriel Mountains. The upstream connection to Drainage F appears to have been bisected by the construction of the dirt access road. In its current condition, Drainage F is expected to convey only stormwater captured directly on the Project site. Drainage F meanders across the Project site in a southeasterly direction and is bisected by a second dirt access road. Drainage F appears to have historically continued, however, a heavily disturbed area containing remnants of a stone structure have interrupted it and there is no discernable stream through the disturbed area. Beyond this area, Drainage F continues in a

southeastern direction before exiting the southeastern Project site boundary and continuing offsite. The offsite portion of Drainage F eventually drains into Drainage A in the southeast corner of the Project site.

21. Drainage G is an ephemeral drainage which comprises approximately 0.38 acres (1,199 linear feet) within the Project site. Drainage G enters the northeastern portion of the Project site south of a dirt access road that marks the northern property boundary. Drainage G appears to be the remnant of a naturally occurring ephemeral drainage which conveyed stormwater from the nearby San Gabriel Mountains. Upstream connection to Drainage G appears to have been bisected by the construction of the dirt access road, including the placement of several large boulders to create a berm. In its current condition, Drainage G is expected to convey only stormwater that is captured directly on the Project site. Drainage G meanders across the Project site in a southeasterly direction before exiting the eastern Project site boundary and continuing offsite. The offsite portion of Drainage G eventually drains into the offsite portion of Drainage A. Scattered vegetation occurs frequently within Drainage G and consists primarily of the same upland species present throughout the Project site, including California buckwheat, California sagebrush, goldenbush, milk vetch (*Astragalus sp.*), scalebroom, and white sage.
22. The construction of the Project would result in the permanent physical loss of 5.21 acres (15,708 linear feet) of ephemeral streambed. The permanent impacts to waters of the state are a result of permanently discharging fill material in preparation for the proposed residential development of 358 single-family homes with associated infrastructure, roads, and recreational trails.
23. The Project would impact eight (8) ephemeral drainages tributaries to East Etiwanda Creek. East Etiwanda Creek has the following designated beneficial uses (existing or potential): Municipal and Domestic Supply, Industrial Process Supply, Groundwater Recharge, Water Contact Recreation, Non-contact Water Recreation, Cold Freshwater Habitat, Wildlife Habitat, Rare, Threatened, or Endangered Species, Spawning, Reproduction, and Development.
24. The Permittee has proposed to provide compensatory mitigation for permanent impacts to waters of the state through the purchase of 10.4 acres of re-establishment credits at the Riverpark Mitigation Bank. The purchase shall represent a 2:1 ratio (mitigation:impacts) for a total of 10.4 acres.

Regulatory Considerations

25. This Order is adopted pursuant to Water Code section 13263, subdivision (a), which provides that the Santa Ana Water Board may, after any necessary hearing, prescribe requirements (WDRs) as to the nature of any proposed discharge with relation to the conditions existing in the disposal area or receiving

Richland Developers, Inc.

Tract 16072 Residential Development Project

- waters upon, or into which, the discharge is made or proposed. The WDRs must implement any relevant water quality control plans that have been adopted and take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Water Code section 13241.
26. This Order is also adopted pursuant to Water Code section 13267, subdivision (b)(1) which authorizes the Santa Ana Water Board to require technical and monitoring program reports, submitted under penalty of perjury, from persons discharging or proposing to discharge waste within the Santa Ana Region, in connection with the issuance of WDRs. This Order incorporates requirements for water quality monitoring and Project reporting, which are necessary to ensure that the discharge of dredged and fill material complies with WDRs and is protective of the environment. In accordance with Water Code section 13267, the burden, including costs, of generating these reports bears a reasonable relationship to the need for the report and the benefits to be obtained from them.
 27. The Santa Ana Water Board has considered the federal and state antidegradation policies (State Water Board Resolution No. 68-16 and 40 C.F.R § 131.12) and finds that the discharge permitted under this Order is consistent with those policies. Filling wetlands, riparian areas, headwaters, and other waters causes partial or complete loss of the beneficial uses provided by those waters. This Order requires that impacts to waters of the state be mitigated through avoidance and minimization to the maximum extent practicable and that unavoidable loss of beneficial uses is offset with compensatory mitigation, including the restoration (reestablishment or rehabilitation), establishment (creation), enhancement, and/or preservation of other waters of the state. The mitigation requirements in this Order comply with the State Water Board's Dredge and Fill Procedures.
 28. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and California Code of Regulations, title 23, section 2050 et seq. Additionally, the Santa Ana Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Discharger, if the Santa Ana Water Board determines that the Project fails to comply with any of the conditions of this Order; or when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).
 29. The provisions of this Order are severable and, if any provision of this Order or the application of any provisions of this Order to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Order shall not be affected thereby.

30. The filing of a request by the Discharger for modification, revocation and re-issuance, or termination of this Order or a notification of planned changes or anticipated noncompliance does not stay any requirements of this Order.
31. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the Discharger from liabilities under federal, state, or local laws, nor guarantee the Discharger a capacity right in the receiving waters.
32. This Order does not convey any property rights of any sort, or any exclusive privilege. The ability to discharge waste is a privilege, not a right; nothing in this Order shall create a vested right to continue any discharges authorized herein, which are subject to rescission or modification. (Wat. Code, § 13263, subd. (g).)

CEQA and Public Participation

33. On June 17, 2004, the City of Rancho Cucamonga, as the lead agency under the California Environmental Protection Act (CEQA; Public Resources Code, § 21000 et seq.) certified an Environmental Impact Report (EIR) for the Annexation DCR 2002-00865, Tentative Tract Map SUBTT16072 and Development Agreement DRC2002-00156 – Richland Pinehurst Inc. (State Clearinghouse 2002091053), which includes the annexation of 160 acres of land into the City of Rancho Cucamonga including the subdivision of 150.8 acres and development agreement. The lead agency filed a Notice of Determination with the Clerk of the Board, County of San Bernardino County on June 17, 2004.
34. The Santa Ana Water Board is a responsible agency under CEQA for the purposes of issuing this Order. As a responsible agency, the Santa Ana Water Board is “responsible for considering only the effects of those activities involved in a project which it is required by law to carry out or approve.” (Public Resources Code, § 21002.1, subd. (d).) In approving this Order, the Santa Ana Water Board has considered the EIR certified by the City of Rancho Cucamonga and subsequent information provided by the Discharger. More specifically, the Santa Ana Water Board considered those sections of the EIR pertaining to impacts to water quality. The Santa Ana Water Board finds that compliance with the mitigation measures of the EIR and conditions in this Order will reduce potentially adverse impacts to water quality to a less than significant level and protect beneficial uses of receiving waters.
35. The Santa Ana Water Board has notified the Discharger and other interested agencies and persons of its intent to prescribe WDRs for the discharge and has provided them with an opportunity for public hearing to submit comments. There are no known tribal and/or disadvantaged communities in the vicinity of the Project site.

36. The Santa Ana Water Board, in a public meeting, heard and considered all comments pertaining to this discharge.

REQUIREMENTS

IT IS HEREBY ORDERED, pursuant to Water Code sections 13263 and 13267, that the Discharger shall comply with the following:

A. Discharge Specifications

1. No activities associated with the Project shall cause or threaten to cause a condition of nuisance, contamination or pollution as defined in Water Code section 13050.
2. The groundwater in the vicinity of the Project shall not be degraded as a result of the Project activities or placement of fill material for the Project.
3. The Discharger must, as applicable, obtain coverage under and comply with the State Water Board's NPDES *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Order 2009-0009-DWQ, as amended by Order 2012-0006-DWQ; NPDES No. CAS000002) and any subsequent amendments (Construction General Permit). If the Project construction activities do not require coverage under the Construction General Permit, the Discharger must develop and implement a runoff management plan or equivalent construction best management practices (BMP) plan, to prevent the discharge of sediment and other pollutants during construction activities.
4. The Discharger shall comply with the local regulations associated with the Santa Ana Water Board's Municipal Stormwater Permit issued to San Bernardino County and co-permittees under NPDES No. CAS618036 and WDRs Order R8-2010-0036, and subsequent iterations thereof.
5. If construction dewatering discharges, including temporary stream diversions, are necessary to carry out the Project, the Discharger shall enroll and comply with Santa Ana Water Board Order R8-2020-0006, *General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimis) Threat to Water Quality*.
6. The discharge of fill materials shall be limited to the placement of native fill and "inert waste", as defined in California Code of Regulations, title 27, section 20230. The discharge of fill material other than native soil is prohibited.
7. Construction and post-construction BMPs shall be implemented.

B. Discharge Prohibitions

1. Permanent impacts to waters of the state from the Project shall not exceed quantities identified in Finding 22.
2. The discharge of waste, in a manner or location other than as described in the Application or findings of this Order, or for which valid WDRs are not in force, is prohibited.
3. Except for authorized fill discharges to waters of the state, the direct discharge of wastes, including rubbish, refuse, bark, sawdust, or other solid or liquid wastes, into channels, surface waters, or any place where they would contact or be eventually transported to surface waters, including flood plains, is prohibited.
4. The discharge of oil or other floating materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity, or discoloration in surface waters is prohibited.
5. The discharge of silt, sand, clay, or other earthen materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity, or discoloration in surface waters is prohibited.
6. Discharges to surface waters of wastes or pollutants that are not authorized by this Order or regulated by a separate permit are prohibited.
7. During the grading and filling operation, there shall be no onsite fueling, lubrication, changing of oil or other equipment fluids and their filters, or any other maintenance or storage of construction equipment within or next to drainage areas or other surface runoff conveyances.

C. Mitigation Requirements

1. The Discharger shall provide compensatory mitigation for authorized impacts to waters of the state from the Project by purchasing 10.4 acres of re-establishment mitigation credits at the Riverpark Mitigation Bank.
2. The Discharger shall retain responsibility for providing compensatory mitigation until the Santa Ana Water Board has received documentation of the credit purchase.
3. Until mitigation credits become available at Riverpark Mitigation Bank or use of another mitigation bank is approved by the Executive Officer, the Discharger shall provide a financial security for the compensatory mitigation in the form of an irrevocable Letter of Credit (LOC) acceptable to Santa Ana Water Board as described below:

- a. An irrevocable LOC shall be obtained in the amount required to perform all compensatory mitigation pursuant to this Order.
- b. The amount of the LOC shall be based on a cost estimate that shall be submitted to Santa Ana Water Board for approval 30 days prior to commencing Project activities.
- c. The Discharger shall provide a draft copy of the LOC to Santa Ana Water Board for review and approval 30 days prior to execution. The LOC shall not be executed without Santa Ana Water Board's prior approval.
- d. The final executed LOC shall be submitted to Santa Ana Water Board 15 days prior to commencing Project activities.
- e. Upon execution of the LOC, the Discharger shall provide the original and one copy of the executed document to Santa Ana Water Board.
- f. In the event that the LOC will expire and not be renewed before the compensatory mitigation obligations have been met, the Discharger shall be responsible for providing Santa Ana Water Board a new LOC to replace the existing LOC at least 60 days prior to the expiration date.

D. Provisions

1. The Discharger shall maintain a copy of this Order at the Project site so that it is always available to site operating personnel. Key operating personnel shall be familiar with the Order's content.
2. The Discharger shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment.
3. This Order is not transferable to any person without written approval by the Santa Ana Water Board's Executive Officer. Prior to any change in ownership, the Discharger shall notify the Santa Ana Water Board's Executive Officer in writing at least 30 days in advance. The notice must include a written transfer agreement between the existing owner and the new owner. At a minimum, the transfer agreement must contain a specific date for transfer of responsibility for compliance with this Order and an acknowledgment that the new owner or operator is liable for compliance with this Order from the date of transfer. The Santa Ana Water Board may require modification or revocation and reissuance of this Order to change

the name of the Discharger and incorporate other requirements as may be necessary under the Water Code.

4. The Discharger shall submit an annual report each year on the anniversary of this Order. Annual reporting shall continue until a *Notice of Project Complete Letter* is issued to the Discharger. The contents of the annual report shall include a construction summary, Project status and schedule (including ground disturbance, site clearing and grubbing, and site construction), and the implementation status of Best Management Practices during the active discharge period. If the Project has not started, the Discharger shall provide an estimated start date and reasons for delay.
5. The Discharger shall submit a *Commencement of Construction Report* at least seven days prior to start of initial ground disturbance activities.
6. The Discharger shall submit a *Request for Notice of Completion of Discharges Letter* following completion of active Project construction activities, including any required restoration and Discharger-responsible mitigation. This request shall be submitted to Santa Ana Water Board staff within 30 days following completion of all Project construction activities. Upon acceptance of the request, Santa Ana Water Board staff will issue to the Discharger a *Notice of Completion of Discharges Letter*, which will end the active discharge period and, if appropriate, associated annual fees.
7. The Discharger shall submit a *Request for Notice of Project Complete Letter* when construction and any required post-construction monitoring is complete and no further Project activities will occur. This request shall be submitted to Santa Ana Water Board staff within 30 days following completion of all Project activities. Upon approval of the request, Santa Ana Water Board staff will issue to the Discharger a *Notice of Project Complete Letter* and prepare a draft order terminating this Order for approval by the Santa Ana Water Board. The *Notice of Project Complete Letter* will end the post-discharge monitoring period, and either the expiration or Board approval of the termination of this Order will end the associated annual fees.
8. The Discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. Records may be maintained electronically. This period may be extended during the course of any unresolved enforcement action or litigation regarding this discharge or when requested by the Santa Ana Water Board.

9. The Discharger shall report any noncompliance that may endanger human health or the environment. Information shall be provided orally to the Santa Ana Water Board office and the Office of Emergency Services within twenty-four (24) hours of when the Discharger becomes aware of the incident. If noncompliance occurs outside of business hours, the Discharger shall leave a message on the Santa Ana Water Board's office voicemail. A written report shall also be provided within five business days of the time the Discharger becomes aware of the incident. The written report shall contain a description of the noncompliance and its cause, the period of noncompliance, the anticipated time to achieve full compliance, and the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. All other forms of noncompliance shall be reported with the Discharger's next scheduled Monitoring Report, or earlier if requested by the Executive Officer.
10. Before initiating a new discharge or making a material change in the character, location, or volume of an existing discharge, the Discharger shall report all pertinent information in writing to the Santa Ana Water Board, and if required by the Santa Ana Water Board, obtain revised requirements before any modifications are implemented.
11. The Discharger shall allow the Santa Ana Water Board, or an authorized representative, upon presentation of credentials and other documents as may be required by law to:
 - a. Enter premises where a regulated facility or activity is located or conducted, or where records are kept under the requirements of this Order;
 - b. Access and copy any records that are kept under the requirements of this Order;
 - c. Inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
 - d. Photograph, sample, or monitor for the purpose of assuring compliance with this Order or as otherwise authorized by the Water Code.
12. This Order becomes effective on the date of adoption by the Santa Ana Water Board.
13. This Order will remain valid for five years from the date of its adoption. The Discharger must file a new dredge and fill application in accordance

with California Code of Regulations, title 23, division 3, chapter 9 no later than 180 days in advance of this expiration date. The application, with filing fee, will be discussed between the Discharger and Santa Ana Water Board staff regarding any need for additional information and changes in fees prior to the issuance of new WDRs.

LIST OF ATTACHMENTS

Attachment A—MAPS
Attachment B—REPORTS and NOTIFICATIONS
Attachment C—SIGNATORY REQUIREMENTS

ENFORCEMENT

The Santa Ana Water Board reserves the right to take any enforcement action authorized by law. Accordingly, failure to timely comply with any provisions of this Order may subject the Discharger to enforcement action. Such actions include, but are not limited to, the assessment of administrative civil liability pursuant to Water Code sections 13323, 13268, and 13350, a Time Schedule Order (TSO) issued pursuant to Water Code sections 13300 and 13308, or referral to the California Attorney General for recovery of judicial civil liability. Failure to comply with this Order may result in the assessment of administrative civil liability of up to \$10,000 per violation, per day, depending on the violation.

ADMINISTRATIVE REVIEW

Any person aggrieved by this Santa Ana Water Board action may petition the State Water Board for review in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. To be timely, the petition must be received by the State Water Board by 5:00 pm on the 30th day after the date of this Order; if the 30th day falls on a Saturday, Sunday or state holiday, the petition must be received by the State Water Board by 5:00 pm on the next business day. The law and regulations applicable to filing petitions are available on the [State Water Board website \(http://www.waterboards.ca.gov/public_notices/petitions/water_quality\)](http://www.waterboards.ca.gov/public_notices/petitions/water_quality). Copies will also be provided upon request.

ATTACHMENT A—MAPS

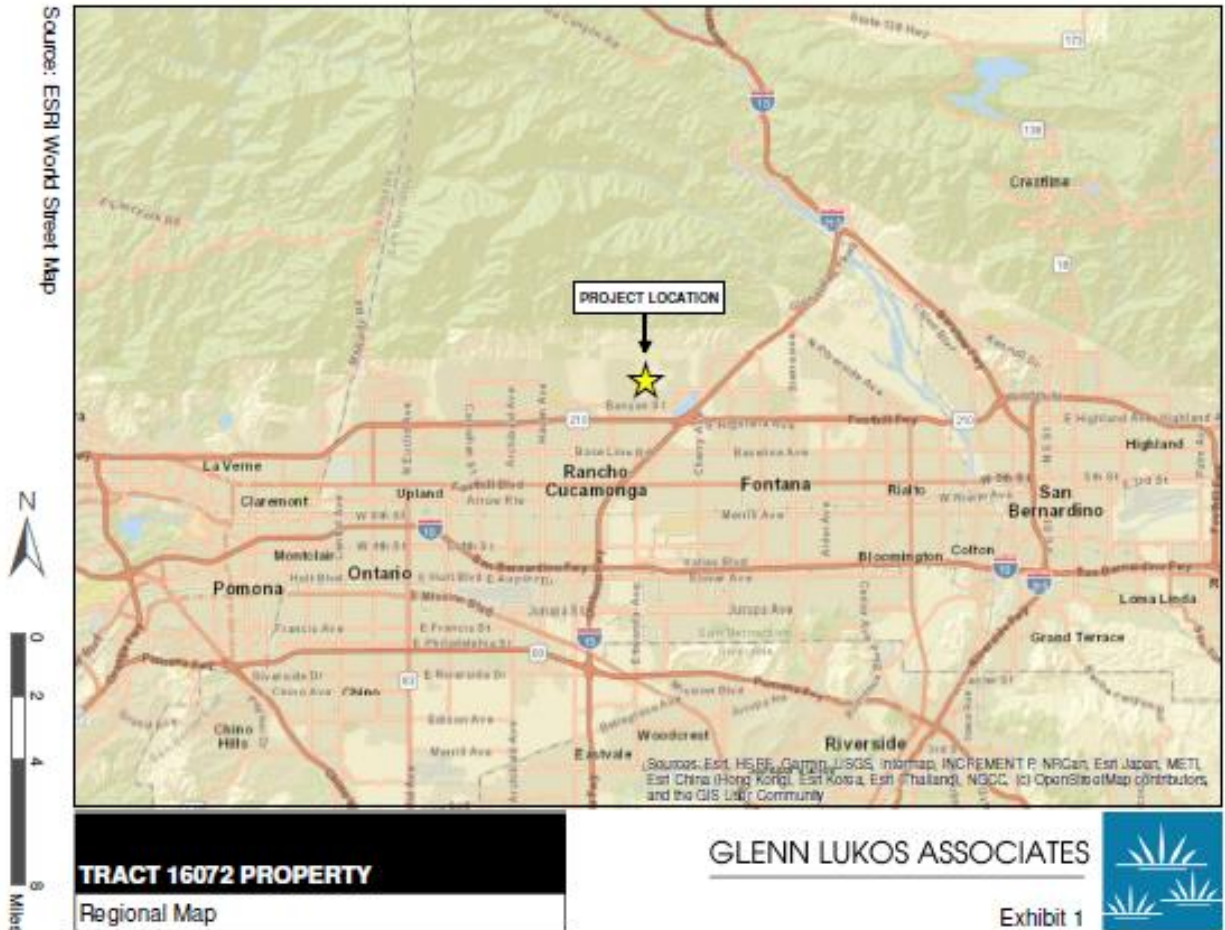


Exhibit 1 – Regional Map

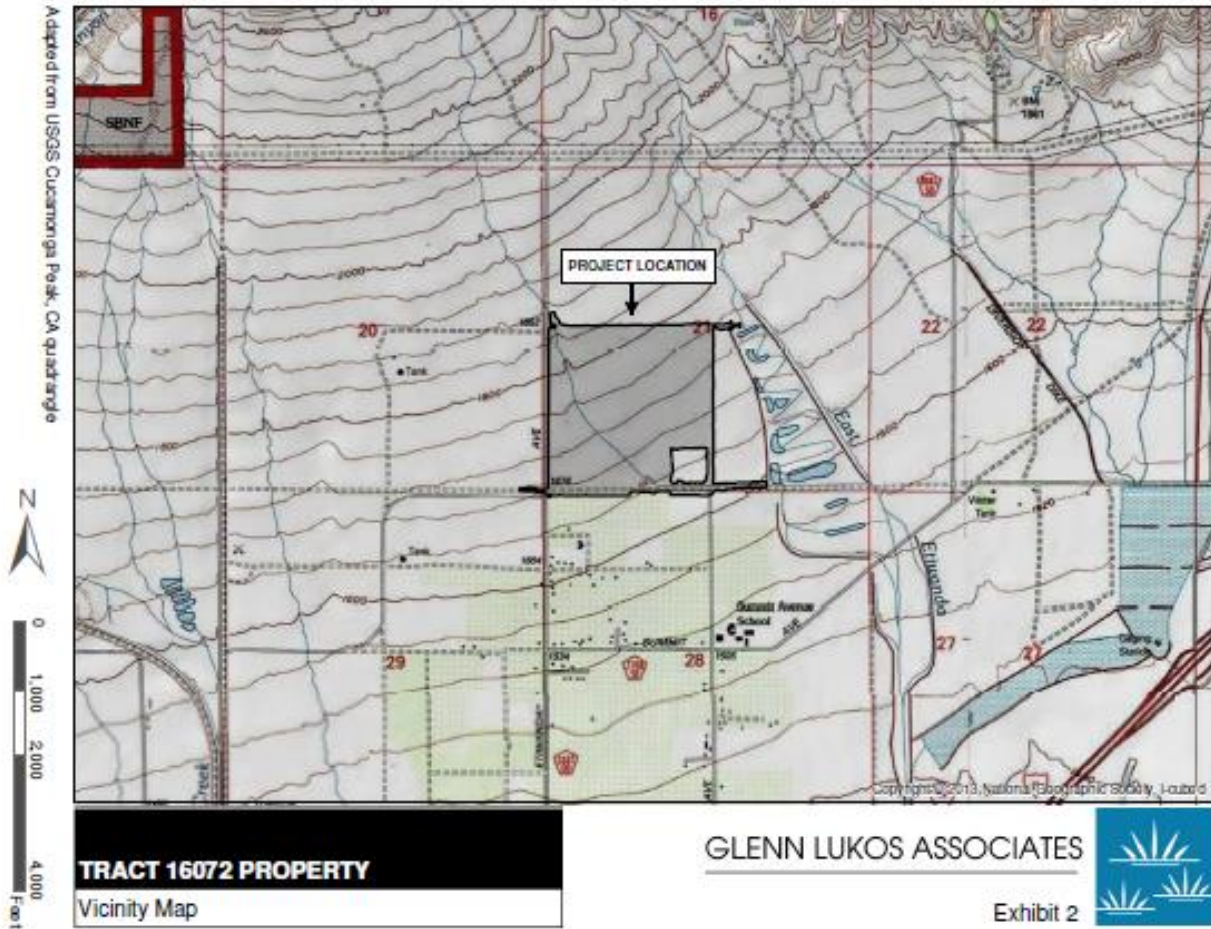


Exhibit 2 – Vicinity Map

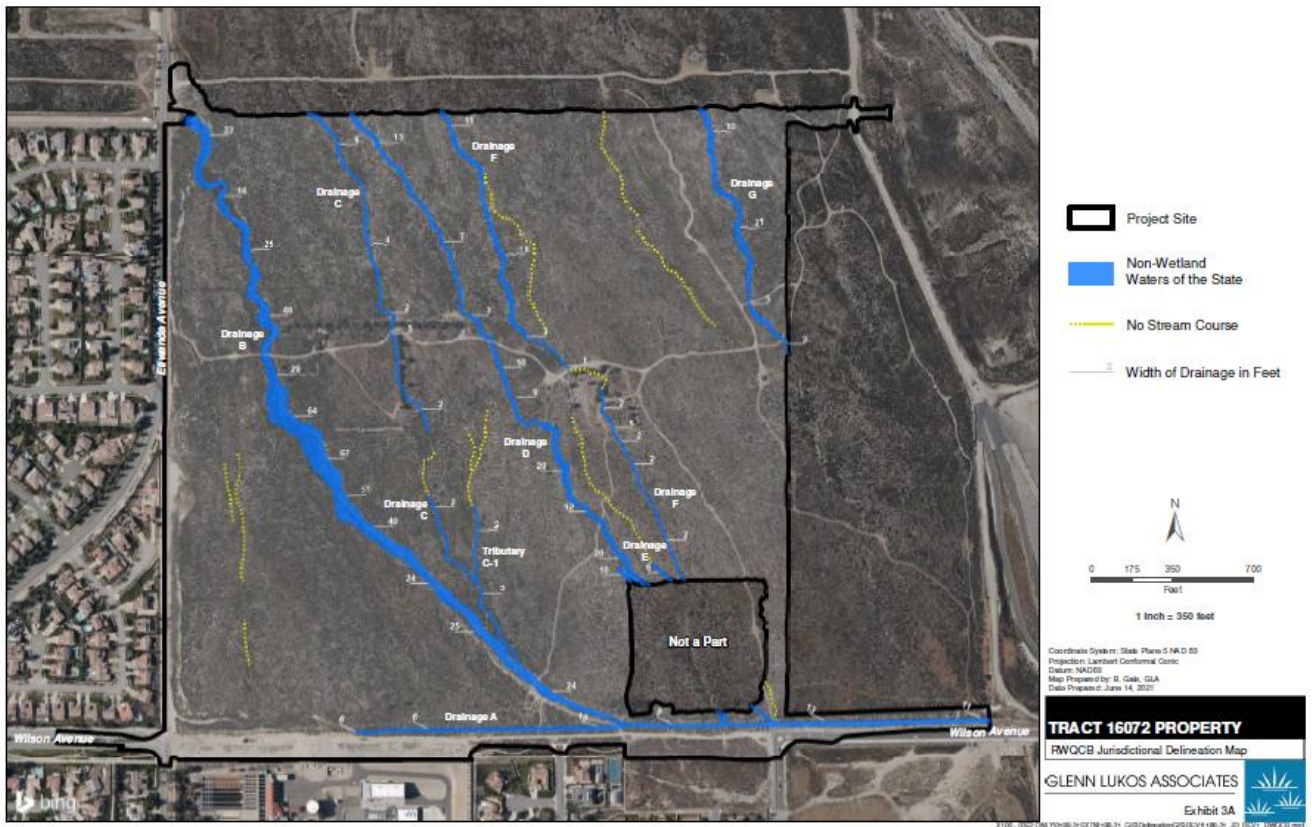


Exhibit 3 – Waters of the State on Project Site

ATTACHMENT B—REPORTS AND NOTIFICATIONS

COPIES OF THIS FORM

In order to identify your Project, it is necessary to include a copy of the Project-specific Report and Notification Cover Sheet below with your report (see below). Please retain a copy for your records.

REPORT SUBMITTAL INSTRUCTIONS

1. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting.
 - a) Part A (Annual Report): Submitted annually from the anniversary of the Project effective date until a Notice of Project Complete Letter is issued.
 - b) Part B (Project Status Notifications): Used to notify the Santa Ana Water Board of the status of the Project schedule that may affect Project billing.
2. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
3. Electronic Report Submittal Instructions:
 - a) Submit signed Report and Notification Cover Sheet and required information via email to: RB8-401Reporting@waterboards.ca.gov
 - b) Include in the subject line of the email: Order R8-2023-0025 and Report Type Name
 - c) Additionally, electronically submit Annual Reports using the State Water Board's California Integrated Water Quality System (CIWQS) Program website [California Integrated Water Quality System Project \(CIWQS\) | California State Water Resources Control Board](#). The CIWQS website will provide additional information for report submittal in the event there will be a planned service interruption for electronic submittal.

DEFINITION OF REPORTING TERMS

1. Active Discharge Period: The active discharge period begins with the effective date of this Order and ends on the date that the Discharger receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project, including site construction and restoration, and any Discharger-responsible compensatory mitigation construction.

2. Request for Notice of Completion of Discharges Letter: This request by the Discharger to the Santa Ana Water Board staff pertains to projects that have post construction monitoring requirements (e.g., if site restoration were required to be monitored for five (5) years following construction). Santa Ana Water Board staff will review the request and send a Completion of Discharges Letter to the Discharger upon approval. This letter will initiate the post-discharge monitoring period and a change in fees from the annual active discharge fee to the annual post-discharge monitoring fee.
3. Request for Notice of Project Complete Letter: This request by the Discharger to the Santa Ana Water Board staff pertains to projects that either have completed post-construction monitoring and achieved performance standards or have no post-construction monitoring requirements and no further Project activities are planned. Santa Ana Water Board staff will review the request and send a Project Complete Letter to the Discharger upon approval. Termination of annual invoicing of fees will correspond with the expiration or termination by Board action of this Order.

MAP/PHOTO DOCUMENTATION INFORMATION

When submitting maps or photos, please use the following formats.

1. Map Format Information:

- Preferred map formats of at least 1:24000 (1" = 2000') detail (listed in order of preference):
- GIS shapefiles: The shapefiles shall depict the boundaries of all Project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and, if possible, provide map with a North American Datum of 1983 (NAD83) in the California Teale Albers projection in feet.
- Google KML files saved from Google Maps: My Maps or Google Earth Pro. Maps shall show the boundaries of all Project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used, include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Other electronic format (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps shall show the boundaries of all Project areas and extent/type of aquatic resources impacted. If this format is used, include a

spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

- Aquatic resource maps marked on paper USGS 7.5-minute topographic maps or Digital Orthophoto Quarter Quads (DOQQ) printouts. Maps shall show the boundaries of all Project areas and extent/type of aquatic resources impacted. If this format is used, include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
2. Photo-Documentation: Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post-construction conditions.

Report and Notification Cover Sheet
Project: Tract 16072 Residential Development Project
Discharger: Richland Developers, LLC
Order No.: R8-2023-0025
Order Effective Date: May 5, 2023

Report Type Submitted
<input type="checkbox"/> Report Type 1: Annual Report
<input type="checkbox"/> Report Type 2: Commencement of Construction Report
<input type="checkbox"/> Report Type 3: Request for Notice of Completion Discharges Letter
<input type="checkbox"/> Report Type 4: Request for Notice of Project Complete Letter
<input type="checkbox"/> Report Type 5: Transfer of Property Ownership Report

“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.”

STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)

I hereby authorize _____ to act in my behalf as my representative in the submittal of this report, and to furnish upon request supplemental information in support of this submittal.

Report Type 1	Annual Report
Purpose:	Notify the Santa Ana Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
When to Submit:	Annual reports shall be submitted each year by the effective date. Annual reports shall continue until a <i>Notice of Project Complete Letter</i> is issued to the Discharger.
Report Contents:	<p>Part A:</p> <ol style="list-style-type: none"> 1. Project progress and schedule, including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water BMPs. If construction has not started, provide estimated start date and reasons for delay. <p>Part B:</p> <ol style="list-style-type: none"> 1. Planned date of initiation of compensatory mitigation site installation. 2. If installation is in progress, a map of what has been completed to date. 3. If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan. 4. For Mitigation Bank or In-Lieu Fee (ILF) mitigation,

RICHLAND DEVELOPERS, INC.

TRACT 16072 RESIDENTIAL DEVELOPMENT PROJECT

ATTACHMENT B—REPORTS AND NOTIFICATIONS

Report Type 1	Annual Report
	<p>status or proof of purchase of credit types and quantities.</p> <p>5. Include the name of bank/ILF Program and contact information.</p>

Report Type 2	Commencement of Construction
Purpose:	Notify the Santa Ana Water Board staff prior to the start of construction.
When to Submit:	Must be received at least seven (7) days to start of initial ground disturbance activities.
Report Contents:	<ol style="list-style-type: none"> 1. Date of commencement of construction. 2. Anticipated date when discharges to waters of the state will occur. 3. Project schedule milestones, including a schedule for onsite compensatory mitigation, if applicable.

Report Type 3	Request for Notice of Completion of Discharge Letter
Purpose:	Notify Santa Ana Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and Discharger-responsible compensatory mitigation, is complete.
When to Submit:	Must be received by Santa Ana Water Board staff within thirty (30) days following completion of all Project activities.
Report Contents:	<ol style="list-style-type: none"> 1. Status of storm water Notice of Termination(s), if applicable. 2. Status of post-construction storm water BMP installation. 3. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized. 4. Summary of deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable.

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TRACT 16072 RESIDENTIAL DEVELOPMENT PROJECT

ATTACHMENT B—REPORTS AND NOTIFICATIONS

Report Type 3	Request for Notice of Completion of Discharge Letter
	<ol style="list-style-type: none"> An updated monitoring schedule for mitigation for temporary impacts to waters of the state and Discharger-responsible compensatory mitigation during the post-discharge monitoring period, if applicable.

Report Type 4	Request for Notice of Project Complete Letter
Purpose:	Notify Santa Ana Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
When to Submit:	Must be received by Santa Ana Water Board staff within thirty (30) days following completion of all Project activities.
Report Contents:	<p>Part A: Mitigation for Temporary Impacts (if applicable)</p> <ol style="list-style-type: none"> A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance that could result in a discharge to waters of the state. A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites. <p>Part B: Discharger-Responsible Compensatory Mitigation (if applicable)</p> <ol style="list-style-type: none"> A report establishing that the performance standards outlined in the compensatory mitigation plan have been met. Status on the implementation of the long-term maintenance and management plan and funding of endowment. Pre- and post-photo documentation of all compensatory mitigation sites. Final maps of all compensatory mitigation areas (including buffers).

Report Type 4	Request for Notice of Project Complete Letter

Report Type 5	Transfer of Property Ownership
Purpose:	Notify Santa Ana Water staff of change in ownership of the Project or Discharger-responsible mitigation area.
When to Submit:	At least 30 working days prior to the transfer of ownership.
Report Contents:	<ol style="list-style-type: none"> 1. A statement that the Discharger has provided the purchaser with a copy of this Order and that the purchaser understands and accepts: <ul style="list-style-type: none"> • the Order’s requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and • responsibility for compliance with any long-term BMP maintenance plan requirements in this Order. 2. A statement that the Discharger has informed the purchaser to submit a written request to the Santa Ana Water Board to be named as the Discharger in a revised order.

ATTACHMENT C—SIGNATORY REQUIREMENTS

All Documents Submitted in Compliance With this Order Shall Meet the Following Signatory Requirements

1. All applications, reports, or information submitted to the Santa Ana Water Board shall be signed and certified as follows:
 - a. For a corporation, by a responsible corporate officer of at least the level of vice-president.
 - b. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - c. For a municipality, or a State, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
 - a. The authorization is made in writing by a person described in items 1.a through 1.c 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 Santa Ana Water Board staff contact prior to submitting any documents listed in item 1 above.
3. Any person signing a document under this section shall make the following certification:

“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 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.”