

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

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WASTE DISCHARGE REQUIREMENTS ORDER
R8-2023-0038

ORDER INFORMATION

Status: ADOPTED
Program: Dredged or Fill Material Program
Discharger(s): Sunmeadows, LLC
Project: Roquet Ranch Specific Plan
County: San Bernardino County
CIWQS WDID: 362022-07
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 July 28, 2023.

JAYNE JOY
Executive Officer

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA BASIN REGION

ORDER R8-2023-0038

WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGES OF DREDGED OR FILL MATERIAL TO WATERS OF THE STATE
ROQUET RANCH SPECIFIC PLAN
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) and serves as a Clean Water Act (CWA) section 401 Water Quality Certification (Certification) for the Roquet Ranch Specific Plan (Project) of Sunmeadows, LLC (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, including waters of the United States (WOTUS). As a result of the discharge of fill material to WOTUS, this Order also serves as a CWA Certification for federal permitting for the Project by the U.S. Army Corps of Engineers (USACE) under Nationwide Permit Number 14, Linear Transportation Projects and Nationwide Permit Number 39, Commercial and Institutional Developments.
5. This Order is 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 April 18, 2022, HELIX Environmental Planning, 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. 362022-07.
7. A fee of \$2,417.00 was received on April 18, 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. An additional fee of \$4,693.00 based on total Project was received on May 15, 2023.
8. On March 14, 2023, the USACE preliminarily determined WOTUS may be present on the proposed Project site. In addition, the USACE has determined there are also non-jurisdictional aquatic resources on site.
9. The USACE determined that Drainages B, C, D and D1 are non-jurisdiction aquatic features under CWA section 404 for a total of 0.029 acre.
10. The Application was considered complete on March 27, 2023.

Project Description and Discharge Characteristics

11. The Project encompasses the development of approximately 334.5 acres for a residential development, commercial development, fire station, and a school site. The Project also includes approximately 22.3 acres of residential open space and 199.7 acres of preserved natural habitat as open space.
12. A total of six (6) water quality basins are proposed throughout the Project site, one of which will be located in the northwest portion of the Project site, and the remaining five (5) would be located in the southern portion. Additionally, the Project proposes the construction of approximately 16.5 acres of roadways to serve the proposed development.
13. The off-site improvements include the construction of an underground sewer main line, water utilities, underground electrical utilities, and overhead electrical utilities.
14. The Project is located within the City of Colton in San Bernardino County and encompasses approximately 334.5 acres, and 41.43 acres of off-site areas (Assessor Parcel Number 116-701-101, 116-702-101, 116-701-102, 116-702-105, 116-702-121, 116-703-118, 116-702-123, and 116-702-122.; Latitude 34.028116°, Longitude -117.34562°). The Project site is within the southwestern

portion of the City of Colton known as La Loma Hills. The surrounding land uses include open space to the north; residential and commercial to the east; residential, commercial, and industrial to the south; and vacant land to the west. Maps showing the Project location are found in Attachment A of this Order.

15. The Project site supports nine natural ephemeral drainage features identified as Drainages A, A1, A2, B, C, D, D1, E, and E1 (see Attachment A). A total of 0.381 acres of ephemeral waters of the state are present on the Project site, and 0.138 acre are present off-site.
16. Drainage A is an unnamed ephemeral drainage that initiates off-site approximately 0.5 mile to the east. Drainage A appears to be a remnant streambed that has had much of its upstream watershed developed resulting in the diversion of surface runoff to localized storm drains. Drainage A enters the southeast corner of the site and extends for approximately 1,000 linear feet (LF) toward the southwest before exiting along the southern Project site boundary. Drainage A becomes severely incised immediately after storm drain outlet. The upstream portion of Drainage A supports mostly black willow and ornamental tree species. The streambed remains vertically incised and then extends for approximately 200 LF of unvegetated channel. The drainage then extends for approximately 700 LF as an unvegetated sandy channel with banks reduced to only a few feet prior to leaving the site along the southern boundary. Drainage A continues off-site through the Cadena Creek mobile home community before returning to the site as a mostly unvegetated wash. Drainage A then exits the site via a box culvert under Old Pelisier Road, once off-site Drainage A transitions to a concrete trapezoidal channel known as the High Grove channel. Drainage A supports approximately 0.235 acre on-site and 0.130-acre off-site waters of the state.
17. Drainage A1 is an ephemeral drainage feature with a small watershed that is bounded by La Cadena Drive and the eastern slope of the La Loma Hills. Most of the watershed is developed and the flows to Drainage A1 are all a result of urban runoff from the north. Drainage A1 enters the Project site through a storm drain along Maryknoll Drive. The drainage then extends south for approximately 700 LF, before joining Drainage A. Vegetation is characterized by non-native grasses and forbs. Drainage A1 supports a total of approximately 0.042-acre on-site waters of the State.
18. Drainage B initiates in the southwestern portion of the Project site and extends toward the west for approximately 200 linear feet before exiting the site. The drainage supports ephemeral flow and is dominated by nonnative forbs. Drainage B supports approximately 0.004 acre of waters of the state.
19. Drainages C, D and D1 all initiate in the central portion of the Project site and extend toward the southwest before exiting the site. The drainages all support

ephemeral flow within areas dominated by nonnative forbs. Drainage C supports a total of approximately 0.012 acre of waters of the state. Drainage D supports a total of approximately 0.011 acre of waters of the state, and Drainage D1 supports a total of approximately 0.002-acre waters of the state.

20. Drainage E is an ephemeral drainage feature with an approximately 128-acre watershed that occurs within the northwestern portion of the La Loma Hills. Drainage E initiates in the northwestern portion of the Project site and extends toward the northwest for approximately 1,700 linear feet before exiting the Project site at its most northwestern point. The drainage supports ephemeral flow within an area dominated by nonnative forbs and a few riparian shrubs. Drainage E supports a total of approximately 0.07-acre on-site and 0.003-acre off-site acre of waters of the state.
21. The implementation of the Project would result in the permanent physical loss of 0.334 acre of ephemeral streambed, and 0.042 acre of temporary impacts to waters of the state. The permanent impacts are a result of grading for site preparation. Of the approximately 0.042 acre of temporary impacts, only 0.011 acre are earthen streambed as off-site impacts are primarily to the existing concrete-lined High Grove Channel.
22. The Project would permanently impact 0.334 acre and temporarily impact 0.042 of ephemeral drainages tributaries to the Santa Ana River, Reach 4. Santa Ana River, Reach 4 has the following designated beneficial uses (existing or potential): Groundwater Recharge, Water Contact Recreation, Non-contact Water Recreation, Warm Freshwater Habitat, Wildlife Habitat, Rare, Threatened, or Endangered Species, Spawning, Reproduction, and Development.
23. The Permittee has proposed to provide compensatory mitigation for permanent impacts to waters of the state through the purchase of 0.668 acre of rehabilitation credits at the Riverpark Mitigation Bank or stream rehabilitation credits at Soquel Canyon Mitigation Bank. The purchase represents a 2:1 ratio (mitigation:impacts).
24. If the Discharger is unable to acquire the mitigation credits from Riverpark Mitigation Bank or Soquel Canyon Mitigation Bank, the Discharger shall provide 0.668 acre of on-site compensatory mitigation for the authorized impacts to waters of the state.

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

- 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 further issued in part pursuant to CWA section 401 (33 U.S.C § 1341). Specifically, this Order certifies that any discharge from the referenced Project will comply with the applicable provisions of CWA section 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), as long as all of the conditions in this Order are met.
 27. 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. Monitoring and reporting requirements related to discharges to WOTUS are also authorized under Water Code section 13383.
 28. 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 and the United States Environmental Protection Agency's Clean Water Act section 404(b)(1) Guidelines.
 29. 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.) or federal Clean Water Act section 303 (33 U.S.C § 1313).

30. 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.
31. 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.
32. 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.
33. 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

34. On June 5, 2018, the City of Colton, 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 Project (State Clearinghouse 2016061056). The lead agency filed a Notice of Determination with the Office of Planning and Research and County Clerk County of San Bernardino on June 5, 2018.
35. 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 Colton 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.

36. Consistent with Water Code section 189.7, the Santa Ana Water Board has conducted outreach to potentially affected disadvantaged and/or tribal communities concerning this Order. 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.
37. The Santa Ana Water Board, in a public meeting, heard and considered all comments pertaining to the WDRs for the discharge.

REQUIREMENTS

IT IS HEREBY ORDERED, pursuant to Water Code sections 13263 and 13267, together with Clean Water Act section 401 and Water Code section 13383, 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 21.
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 0.668 acre of rehabilitation mitigation credits at the Riverpark Mitigation Bank or 0.668 acres of stream rehabilitation credits at Soquel 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. The impacts to waters of the state are not authorized and shall not occur until the Discharger submits to the Santa Ana Water Board the receipt of the credit purchase of 0.668 acre.
3. Alternatively, if the Discharger is unable to acquire the mitigation credits from Riverpark Mitigation Bank or Soquel Mitigation Bank, the Discharger shall provide 0.668 acre of on-site compensatory mitigation for the authorized impacts to waters of the state as permittee-responsible compensatory mitigation.
4. For the permittee-responsible mitigation, the Discharger shall provide a final compensatory mitigation plan for review and approval by the Santa Ana Water Board. The final compensatory mitigation plan shall include all plan elements as outlined in the Dredge and Fill Procedures, Subpart J – Compensatory Mitigation for Losses of Aquatic Resources. The impacts to waters of the state are not authorized and shall not occur until a compensatory mitigation plan has been approved. Upon approval by the Santa Ana Water Board, the Discharger shall implement the approved compensatory mitigation plan.
5. The permittee-responsible compensatory mitigation shall be installed within 180 days of authorized impacts occurring.
6. The Discharger is responsible for the permittee-responsible compensatory mitigation in perpetuity. However, the Discharger may transfer the compensatory mitigation requirements associated with long-term management when the following conditions have been met:
 - a. Performance standards are met.
 - b. A transfer agreement to a third party has been approved by the Santa Ana Water Board.
 - i. A transfer agreement shall be submitted from an authorized representative of the third party (transferee) for acceptance by the Santa Ana Water Board. This agreement shall

demonstrate acceptance and understanding of the responsibility to comply with and fully satisfy the required compensatory mitigation and long-term management conditions. Failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the Santa Ana Water Board under Water Code section 13385, subdivision (a).

- ii. Notification of transfer of responsibilities meeting the above condition must be provided to the Santa Ana Water Board. A draft transfer agreement is due to the Santa Ana Water Board no less than 30 days prior to the transfer of the mitigation responsibility. A final transfer agreement is due to the Santa Ana Water Board within 30 days of the completion of the transfer.
 - c. An endowment fund has been provided by the Discharger to the third party for management in perpetuity of the mitigation site.
 - d. A conservation easement, deed restriction, or other appropriate restrictive covenant for the mitigation site has been recorded and approved by the Santa Ana Water Board.
7. The Discharger shall restore areas of temporary disturbance which could result in a discharge to waters of the state. Restoration must include grading of disturbed areas to pre-Project contours and conditions to the extent feasible and revegetation with native species.

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

ATTACHMENT D – COMPLIANCE WITH CODE OF FEDERAL REGULATIONS

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

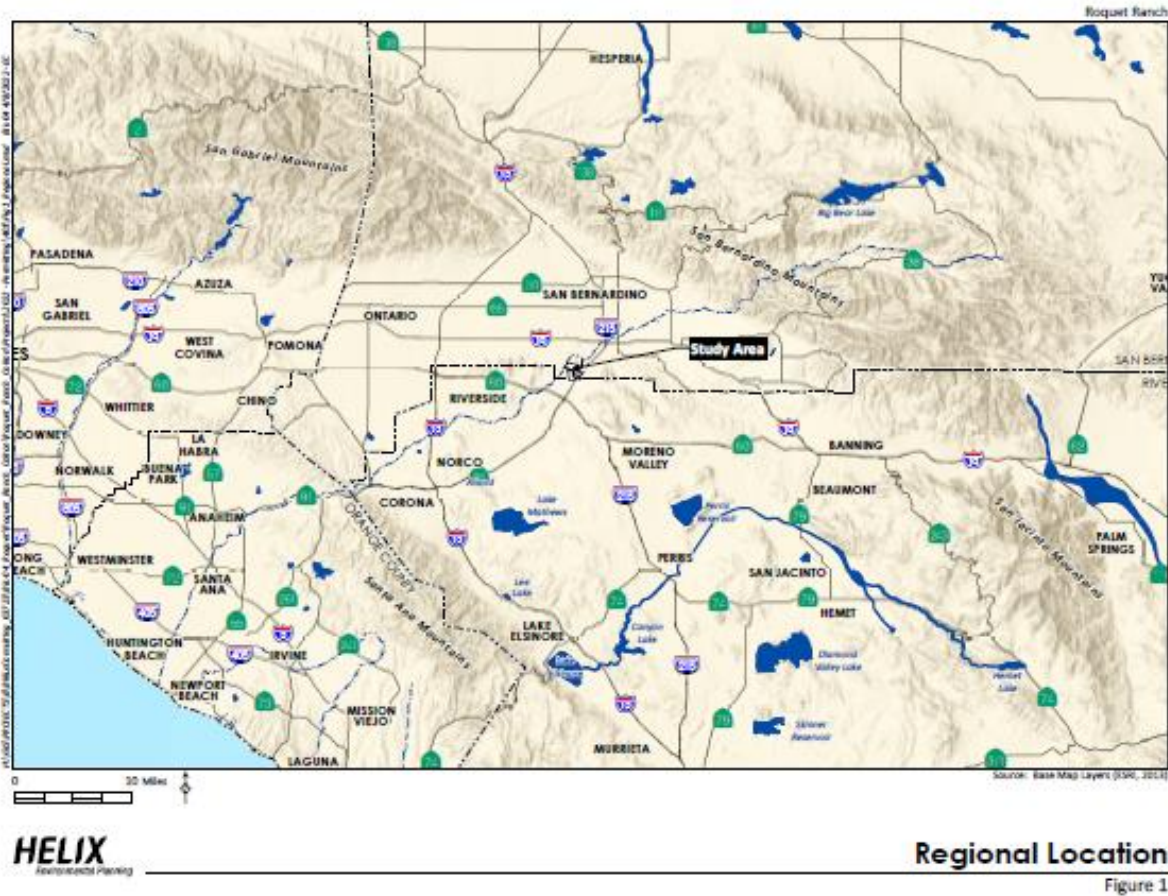


Figure 1: Regional Location Map

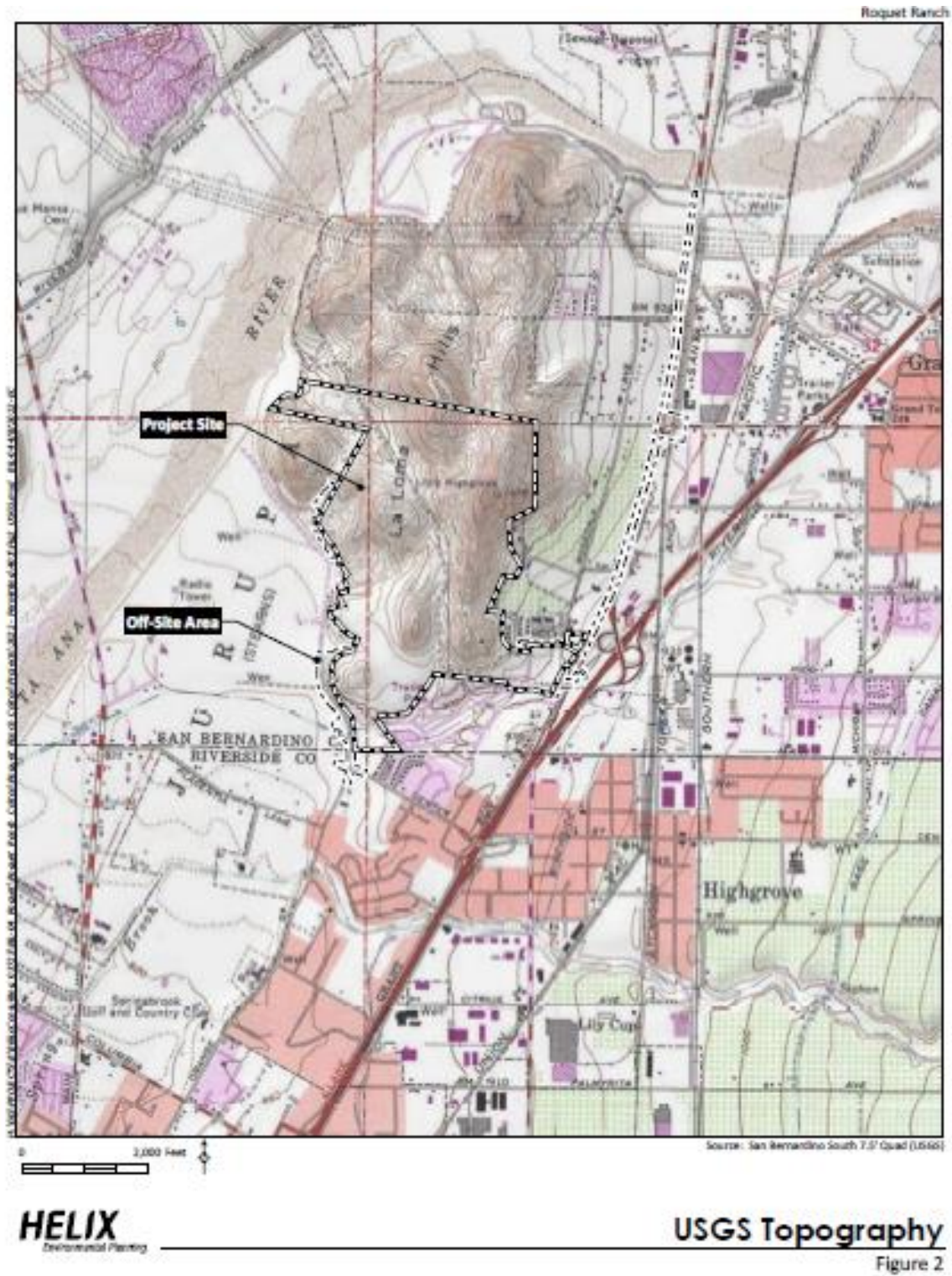


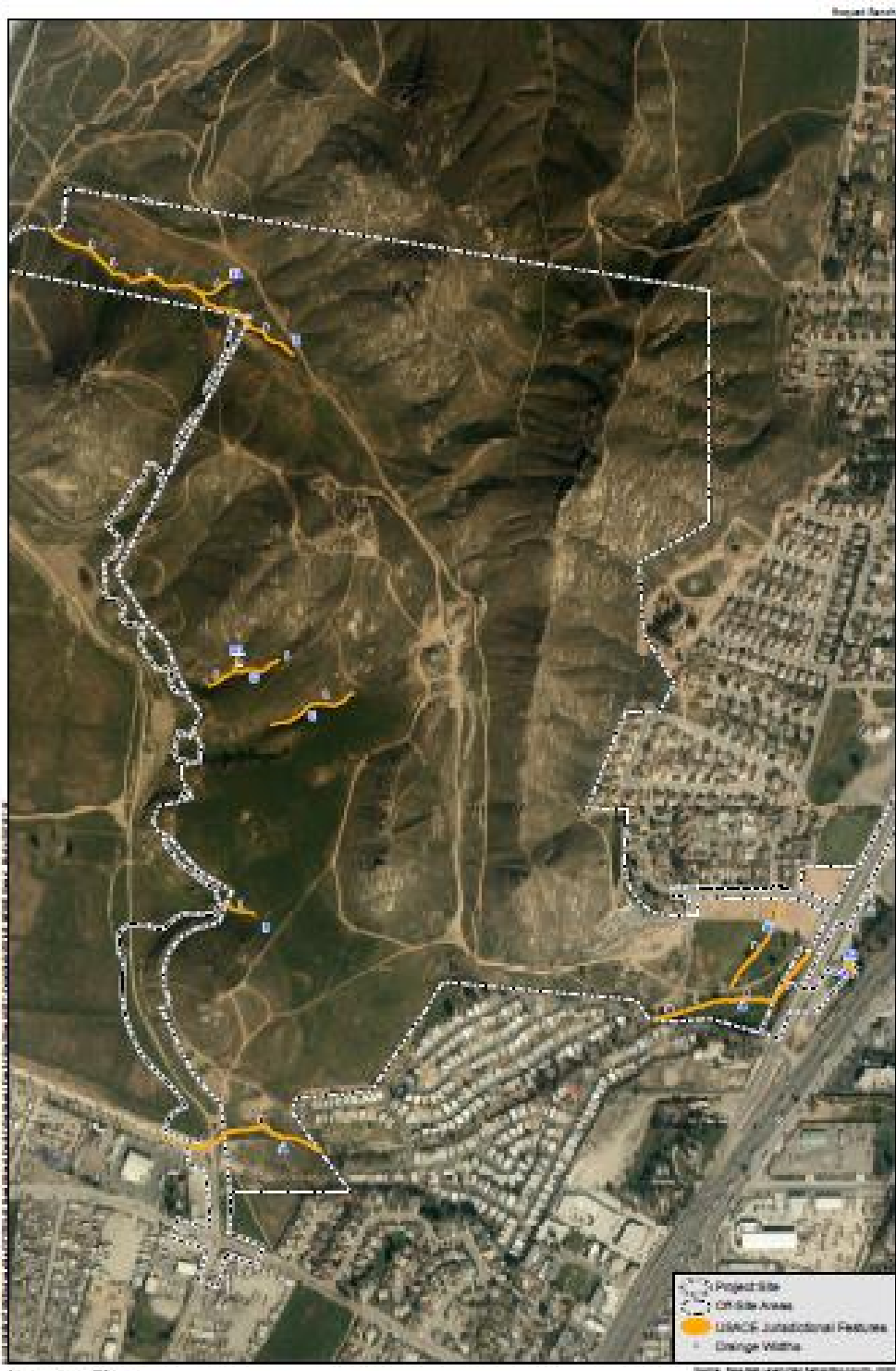
Figure 2: USGS Topography Map



Figure 3: Project Boundary



Figure 4: Site Plan Map



HELIX

RWQCB Jurisdictional Features

Figure 5: Water of the State Features

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 R8-2023-0038 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.

Definition of Reporting Terms

- 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

Map/Photo Documentation Information

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: Roquet Ranch Specific Plan
Discharger: Sunmeadows, LLC
Order No.: R8-2023-0038
Order Effective Date: July 28, 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, status or proof of purchase of credit types and quantities. 5. Include the name of bank/ILF Program and contact information.

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. 5. 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"> 1. 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. 2. 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.

Report Type 4	Request for Notice of Project Complete Letter
	<p>Part B: Discharger-Responsible Compensatory Mitigation (if applicable)</p> <ol style="list-style-type: none"> 1. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met. 2. Status on the implementation of the long-term maintenance and management plan and funding of endowment. 3. Pre- and post-photo documentation of all compensatory mitigation sites. 4. Final maps of all compensatory mitigation areas (including buffers).

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.”

ATTACHMENT D—COMPLIANCE WITH 40 CODE OF FEDERAL REGULATIONS SECTION 121.7(D)

The purpose of Attachment D is to comply with 40 Code of Federal Regulations (CFR) section 121.7(d)(1), which requires an explanation of why a condition is necessary to assure that the authorized discharge will comply with water quality requirements and a citation to federal, state, or tribal law that authorizes the condition.

Attachment D includes citations to some sources of authority that are applicable to all conditions. These sources are specifically identified where they are most relevant but are also generally applicable to the conditions below. These conditions are generally required to comply with the California's Statement of Policy with Respect to Maintaining High Quality of Waters in California ("State Antidegradation Policy," State Water Resources Control Board [State Water Board] Resolution No. 68-16), which requires that for any "activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the State will be maintained." All Water Quality Control Plans adopted by the nine Regional Water Quality Control Boards and State Water Board (Water Boards) incorporate the State Antidegradation Policy by reference. The State Antidegradation Policy incorporates the federal Antidegradation Policy (40 CFR § 131.12), which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." According to the U.S. Environmental Protection Agency (U.S. EPA), dischargers of dredged or fill material comply with the federal Antidegradation Policy by complying with U.S. EPA's section 404(b)(1) Guidelines. The State Water Board adopted a modified version of U.S. EPA's section 404(b)(1) Guidelines in the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (also referred to as State Supplemental Guidelines or the Dredged or Fill Procedures).

The State Water Board adopted the Dredged or Fill Procedures on April 2, 2019, which became effective on May 28, 2020. The Dredged or Fill Procedures were adopted pursuant to the State Water Board's authority under Water Code section 13140 (state policy for water quality control) and section 13170 (water quality control plan), and accordingly have regulatory effect. Consistent with Government Code section 11353, a clear and concise summary of the Dredged or Fill Procedures is available in California Code of Regulations, title 23, section 3013. Under the Dredged or Fill Procedures, the permitting authority may only approve a project if the demonstrations set forth in section IV.B.1 have been made. The information required by section IV.A is necessary to ensure compliance with section IV.B.1. Additionally, California Code of Regulations, title 23, chapter 28 sets forth regulations pertaining to water quality certifications. Section 3856 of title 23 identifies information that must be included in water quality certification

requests, including a description of steps that have or must be taken to avoid, minimize, and compensate for impacts to waters of the state.

In addition, the conditions within the Order are generally required pursuant to the Santa Ana Regional Water Quality Control Board's (Santa Ana Water Board) Water Quality Control Plan for the Santa Ana River Basin (Basin Plan), and where applicable, statewide water quality control plans and policies including but not limited to the following, which were adopted and are periodically revised pursuant to Water Code section 13240: Water Quality Control Plan for Ocean Waters of California (California Ocean Plan); Water Quality Control Plan for the Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California (California Thermal Plan); Water Quality Control Plan for Enclosed Bays and Estuaries— Sediment Quality Provisions; Inland Surface Waters, Enclosed Bays, and Estuaries (ISWEBE) Plan (including the Trash Provisions, Tribal Subsistence Beneficial Uses and Mercury Provisions, Bacteria Provisions and Variance Policy, etc.); State Antidegradation Policy; Cannabis Cultivation Policy; Water Quality Control Policy for the Enclosed Bays and Estuaries of California; Water Quality Control Policy for Addressing Impaired Waters; Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List; Policy for Regulation of Discharges of Municipal Solid Waste; Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program; Water Quality Control Policy for Recycled Water; Supplemental Environmental Projects Policy (SEP Policy); Sources of Drinking Water Policy; State implementation Policy (SIP); Water Quality Enforcement Policy; and State of California Executive Order W-59-93 (Wetlands "No Net Loss" Policy). The Basin Plan and applicable statewide plans and policies include water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies. For instance, the Basin Plan, to ensure protection of beneficial uses, includes water quality objectives for oil and grease, pH, dissolved oxygen, temperature, toxic substances, solid, suspended, or settleable materials, floating material, turbidity, color, and taste and odor.

Order Requirements/Conditions

I. Discharger Specifications/Prohibitions

Authorization

Several conditions require that the discharge of waste only be as described in the Order. Authorization under this Order is granted based on the Application for Discharges of Dredged or Fill Material to Waters of the State/United States (Application) information submitted. Water Code section 13264 prohibits any discharge that is not specifically authorized in this Order.

Compliance With Water Quality Standards

Several conditions require compliance with water quality standards. Permitted actions may not cause a violation of applicable water quality standards, including the water quality objectives and designated beneficial uses in the Santa Ana Water Board's Basin Plan and/or other applicable statewide plans and policies. The Basin Plan's water quality standards 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. The State Antidegradation Policy requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The State Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained.

Applicable beneficial uses (Basin Plan, Chapter 3, Tables 3-1 and 3-2) and water quality objectives (Basin Plan, Chapter 4, Table 4-1) to protect those uses include the designated beneficial uses and water quality objectives for color (Basin Plan, pages 4-3, 4-14, and 4-23), floating materials (Basin Plan, pages 4-3 and 4-10), oil and grease (Basin Plan, pages 4-3, 4-14, and 4-24), dissolved oxygen (Basin Plan, pages 4-4 and 4-14), pH (Basin Plan, pages 4-4, 4-18, and 4-24), solid, suspended, and settleable material (Basin Plan, pages 4-5 and 4-19), taste and odor (Basin Plan, pages 4-4, 4-19, and 4-25), temperature (Basin Plan, pages 4-6 and 4-20), toxic substances (Basin Plan, pages 4-6, 4-20, and 4-26), and turbidity (Basin Plan, pages 4-6 and 4-20).

Best Management Practices (BMPs)

All the conditions related to BMPs are consistent with the Santa Ana Water Board's authority to establish "[w]ater quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area" pursuant to Water Code section 13241(c). The activities authorized under this Order have the potential to result in a discharge that exceeds water quality objectives and work in waters of the state must not cause an exceedance of water quality objectives. As required by Water Code section 13369, all Water Quality Control Plans incentivize the use of BMPs to prevent prohibited discharges into waters of the state.

Stormwater

Conditions related to stormwater management are required to comply with the Basin Plan. Post-rain erosion and sedimentation problems can contribute to significant degradation of the waters of the state; therefore, it is necessary to take corrective action to eliminate such discharges to avoid or minimize such degradation. Implementation of control measures and BMPs described in the condition will assure compliance with water quality objectives, including floating material, temperature, suspended and settleable material, and turbidity.

Sediment Control and Stabilization/Erosion Control

Conditions related to erosion and sediment control design requirements are required to sustain fluvial geomorphic equilibrium. Improperly designed and installed BMPs result in excess sediment, which impairs surface waters, adversely affects beneficial uses, and results in exceedance of water quality objectives in the Water Quality Control Plans in California.

Conditions on projects that result in a hydromodification to a water of the state are necessary to assure that the discharge from the project will comply with water quality objectives established for surface waters. Hydromodification is a general term that encompasses effects of projects on the natural hydrologic, geochemical, and physical functions of streams and wetlands that maintain or enhance water quality. Improper project design and installation of any project that result in a hydromodification to a water of the state may trigger bank failure and channel incision, which result in excess sediment impacts to downstream beneficial uses.

Dewatering

This condition is required to assure that: 1) the discharge does not adversely affect the beneficial uses of the receiving water or cause a condition of nuisance; 2) the discharge complies with all applicable water quality objectives; and 3) treatment and control of the discharge is to be implemented to assure that pollution and nuisance will not occur and the highest water quality is maintained. If surface waters or ponded waters were not to be diverted appropriately from areas undergoing grading, construction, excavation, and/or vegetation removal, the waters could be susceptible to erosion and increased sediment loads, contamination and pollution from construction equipment, temperature fluctuations, etc. Dewatered areas must also be stabilized prior to a rainfall event to assure that the discharge from the proposed Project will comply with water quality objectives established for surface waters.

Site Management

These conditions are necessary to prevent violation of state discharge prohibitions that protect water quality objectives. For instance, fuels and lubricants associated with the use of mechanized equipment have the potential to result in toxic discharges to waters of the state in violation of water quality standards, including the floating material and toxic substances. Water Code section 13264 prohibits any discharge that is not specifically authorized in the Order.

Hazardous Materials

These conditions are required pursuant to the Basin Plan (toxic substances objective, pages 4-6, 4-20, and 4-26) and the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP), which prohibit the discharge of substances in concentrations toxic to human, plant, animal, or aquatic life. Toxic compounds can impair the beneficial uses of cold freshwater habitat, estuarine habitat, marine habitat, preservation of rare and endangered species, fish migration, fish spawning, warm freshwater habitat, and wildlife habitat. Conditions related to toxic and hazardous materials are necessary to assure that discharges

comply with any water quality objectives adopted or approved under sections 13170 or 13245 of the Water Code. Conditions related to concrete/cement are required, pursuant to the Basin Plan, to ensure that discharges to waters do not adversely raise or lower pH levels.

II. Compensatory Mitigation Requirements

Compensatory Mitigation for Permanent Impacts

Conditions related to mitigation requirements are required by the Dredged or Fill Procedures, section IV.A.2.b. In addition, section IV.B.1.a of the Dredged or Fill Procedures requires that the Water Boards approve a project only after it has been determined that a sequence of actions has been taken to first avoid, then to minimize, and lastly compensate for adverse impacts that cannot be practicably avoided or minimized (see also State Supplemental Guidelines, § 230.10 [restrictions on discharge]; Cal. Code Regs., tit. 23, § 3856(h), which requires submittal of proposed mitigation and description of steps taken to avoid, minimize, or compensate). Accordingly, compensatory mitigation may be required for projects that would result in permanent impacts.

Conditions regarding compensatory mitigation are necessary to ensure compliance with the state and federal antidegradation policies. Compensatory mitigation conditions are consistent with Executive Order W-59-93, commonly referred to as California's "no net loss" policy for wetlands. Compensatory mitigation requirements are also authorized by Water Code section 13263, which imposes requirements that implement water quality control plans and takes into consideration the beneficial uses to be protected and the need to prevent nuisance.

The condition related to financial securities is necessary to ensure that the Permittee has sufficient funds to fulfill the compensatory mitigation required (Dredged or Fill Procedures, section IV.B.5.f).

Onsite Mitigation for Temporary Impacts

Conditions related to restoration and/or mitigation of temporary impacts are required by the Dredged or Fill Procedures section IV. A.2(d) & B.4.

III. Provisions

"A copy of this Order shall be available at the Project site(s) during construction..." This condition requires site personnel and agencies to be familiar with the content of the Order and mandate availability of the document at the Project site. This condition is required to assure that any authorized discharge will comply with the terms and conditions of the Order.

"This Order is not transferable to any person without written approval..."
"Before initiating a new discharge or making a material change in the character,

location, or volume of an existing discharge...”

Authorization under this Order is granted based on the Application information submitted, including the legally responsible party. Conditions regarding transfers are necessary to confirm whether the new owner wishes to assume legal responsibility for compliance with this Order. If not, the original discharger remains responsible for compliance with this Order. Confirmation is also necessary to determine whether liability for long-term BMP maintenance is accepted by another entity. If not, the original permittee remains responsible for compliance with the Order. Water Code section 13264 prohibits any discharge that is not specifically authorized in this Order.

Site Access

Conditions related to site access are authorized pursuant to the Water Boards' authority to investigate the quality of any waters of the state within its region under Water Code sections 13383 and 13267. Water Code section 13267(c) provides that “the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with.”

Reporting and Notification/Attachment B

The various monitoring and reporting requirements are necessary to confirm that the best management practices (BMPs) required under this Order are protecting beneficial uses and water quality objectives. The reports related to accidental discharges also ensure that corrective actions, if any, that are necessary to minimize the impact or clean up such discharges are taken as soon as possible. These monitoring and reporting conditions are authorized because the Santa Ana Water Board has the authority to investigate the quality of any waters of the state within its region under Water Code sections 13383 and 13267. The burden of preparing these reports, including costs, bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The anticipated costs are minimal as the reporting obligations require only visual monitoring, in-field measurements, and notification reporting.

“This Order is subject to modification or revocation ...”

These conditions are necessary to assure that any discharge authorized will comply with water quality requirements. Water quality requirements include state regulatory requirements for point source discharges into waters of the United States. California Code of Regulations, title 23, chapter 28 sets forth regulations pertaining to water quality certifications for point source discharges to waters of the United States. These conditions were included to comply with section 3860 of title 23, which sets forth conditions that must be included in all water quality certifications.

Attachment C- Signatory Requirements

Conditions related to signatory requirements are also authorized by Water Code sections 13383 and 13267, which requires any person discharging waste that could affect the quality of waters to provide to the Water Boards, under penalty of perjury, any technical or monitoring program reports as required by the Water Boards. The signatory requirements are consistent with 40 CFR section 122.22.

