

State of California
California Regional Water Quality Control Board
Santa Ana Region

December 4, 2020

STAFF REPORT

ITEM: 12

SUBJECT: Change of Ownership from Distinguished Homes, Inc. to Iron Horse Hills, LLC, Tract Map No.16798 Residential Development Project, City of Colton, San Bernardino County, Order No. R8-2020-0050

DISCUSSION:

Ownership of the Tract Map No.16798 Residential Development Project, authorized by Order No. R8-2008-0025, has been transferred from Distinguished Homes, Inc. to Iron Horse Hills, LLC. Order No. R8-2020-0050 amends Order No. R8-2008-0025 and is needed to transfer the legal responsibility of the conditions of the original Order to the new owner. The Project has remained unconstructed since the issuance of the original Order. The request to transfer the terms and conditions of Order No. R8-2008-0025 was received April 1, 2020. Notification provisions have been added to the Waste Discharge Requirements; however, no material changes to the character, location, or volume of discharges authorized by the existing WDRs are authorized by Order No. R8-2020-0050.

RECOMMENDATION:

Adopt Order No. R8-2020-0050 as presented.

Comments were solicited from the following:

Melissa Scianni, U.S. Environmental Protection Agency
(Scianni.Melissa@epa.gov)

Stephen Estes, U.S. Army Corps of Engineers, Los Angeles District
(James.E.Mace@usace.army.mil)

Kim Freeburn, California Department of Fish and Wildlife (kim.freeburn@wildlife.ca.gov)

Teresita Sablan, State Water Resources Control Board, Office of the Chief Counsel
(Teresita.Sablan@waterboards.ca.gov)

State Water Resources Control Board, Division of Water Quality -- Water Quality
Certification Unit (Stateboard401@waterboards.ca.gov)

Paxton, Inc., Iron Horse Hills, LLC (psovereign@beusgilbert.com)

State of California
California Regional Water Quality Control Board
Santa Ana Region

Order No. R8-2020-0050

Amendment of Waste Discharge Requirements
Order No. R8-2008-0025
for
Change of Ownership From
Distinguished Homes, Inc.
To
Iron Horse Hills, LLC
Tract Map No.16798 Residential Development Project

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

1. This Order amends existing Santa Ana Water Board Waste Discharge Requirements (WDRs), Order No. R8-2008-0025, to recognize a change in the Tract Map No.16798 Residential Development Project (Project) ownership from Distinguished Homes, Inc. to Iron Horse Hills, LLC (Discharger). The new owner of the Project proposes no material changes to the character, location, or volume of discharges authorized by the existing WDRs, Order No. R8-2008-0025, and none is authorized herein.
2. The Discharger proposes to implement the Project, which would permit developing the 119.6-acre Project site as a single-family residential development of 187 homes and associated roadways and infrastructure.
3. The Project would permanently impact 0.30 acre of two ephemeral streams, considered waters of the State (WOTS) tributary to Santa Ana River, Reach 4 through mass grading to construct the Project.
4. The Project is located in the City of Colton, San Bernardino County. The Project is bounded by Barton Road on the Southwest, Reche Canyon Road on the East, and Westwood Street on the South. The Project's coordinates are 34.0399° latitude and -117.2926° longitude.
5. The Santa Ana Water Board has notified the Discharger and other interested agencies and persons of its intent to amend the below-listed Santa Ana Water Board Order by substituting therein the current ownership of the Project.

IT IS HEREBY ORDERED that WDRs Order No. R8-2008-0025 be amended by Order No. R8-2020-0050 as follows:

1. Add Provision 14:

14. This Order is not transferable in its entirety or in part to any person or organization except after notice to the Santa Ana Water Board in accordance with the following terms:

- a. The Discharger shall notify the Santa Ana Water Board by submitting a Transfer of Property Ownership Report of any change in ownership or interest in ownership of the Project area. The Discharger and purchaser shall sign and date the notification and provide such notification to the Santa Ana Water Board at least ten days prior to the transfer of ownership. The purchaser shall also submit a written request to the Santa Ana Water Board to be named as the discharger in a revised order.
- b. Until such time as this Order has been modified to name the purchaser as the discharger, the Discharger identified in this Order shall continue to be responsible for all requirements set forth in this Order.

2. Add Provision 15:

15. The Discharger shall submit an Annual Report each year on the anniversary of this Order, starting December 4, 2021. 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 process and schedule (including ground disturbance, site clearing and grubbing, site construction), and 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.

3. Add Provision 16:

16. The Discharger shall submit a Commencement of Construction Report at least seven days prior to start of initial ground disturbance activities.

4. Add Provision 17:

17. 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 the Santa Ana Water Board staff within thirty 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.

5. Add Provision 18:

18. 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 thirty days following completion of all Project activities. Upon approval of the request, the Santa Ana Water Board staff will issue to the Discharger a Notice of Project Complete Letter, which will end the post discharge monitoring period and associated annual fees.

6. WDRs Order No. R8-2008-0025 will be amended to reflect the new owner and operator of the site as follows

Name of Project: Tract Map No.16798 Residential Development

Owner: Iron Horse Hills, LLC, c/o Beus, Gilbert, McGroder, 701 North 44th Street, Phoenix, Arizona 85008, Attn: Paxton, Inc., Manager

Upon adoption of this Order No. R8-2020-0050, all references to Discharger or Distinguished Homes, Inc., in WDRs Order No. R8-2008-0025 shall mean Iron Horse Hills, LLC.

I, Hope A. Smythe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on December 4, 2020.

HOPE A. SMYTHE
Executive Officer