

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

December 10, 2021

STAFF REPORT

ITEM: * 10

SUBJECT: Change of Ownership from Richland Developers, Inc. to LS-Fontana, LLC, Monarch Hills Residential Development Project, San Bernardino County, Order No. R8-2021-0061

DISCUSSION:

On February 5, 2021, the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) adopted waste discharge requirements (WDRs) for the Monarch Hills Residential Development Project (Project) (Order No. R8-2021-0005). On October 20, 2021, Richland Developers, Inc. notified Santa Ana Water Board staff about the ownership transfer of the Project and requested that Order No. R8-2021-0005 and its conditions be transferred to LS-Fontana LLC. Additionally, on October 20, 2021, Santa Ana Water Board staff received notification from LS-Fontana, LLC that they accept the transfer and responsibility of Order No. R8-2021-0005 and its conditions. Order No. R8-2021-0061 amends Order No. R8-2021-0005 and is needed to transfer the legal responsibility of the conditions of the original Order to the new owner.

Additionally, on June 25, 2021, Richland Developers, Inc. provided compensatory mitigation for the Project through the purchase of 2.35 acres of rehabilitation credits and 2.35 acres of re-establishment credits from the Riverpark Mitigation Bank. The credit purchase satisfies the compensatory mitigation requirements for permanent impacts to waters of the State from the Project.

The transfer of ownership does not affect the annual report due date. Annual reports are due on the anniversary of the original effective date of Order No. 2021-0005 (February 5, 2021).

For further information, please contact Santa Ana Water Board staff Claudia Tenorio at Claudia.Tenorio@waterboards.ca.gov.

RECOMMENDATION:

Adopt Order No. R8-2021-0061 as presented.

Comments were solicited from the following:

U.S. Environmental Protection Agency (R9cwa401@epa.gov)
James E. Mace, U.S. Army Corps of Engineers, Los Angeles District
(James.E.Mace@usace.army.mil)
James H. Thiede, U.S. Fish and Wildlife Service (james_thiede@fws.gov)
Carly Beck, California Department of Fish and Wildlife (Carly.Beck@wildlife.ca.gov)
(SAA No. 1600-2016-0091-R6)
California Department of Fish and Wildlife (R6LSA@wildlife.ca.gov)
(SAA No. 1600-2016-0091-R6)
David Lancaster, State Water Board, Office of the Chief Counsel
(David.Lancaster@waterboards.ca.gov)
State Water Board, Division of Water Quality – Water Quality Certification Unit
(Stateboard401@waterboards.ca.gov)
Martin Rasnick, Glenn Lukos Associates, Inc. (Mrasnick@wetlandpermitting.com)
Craig Cristina, Richland Communities, Inc. (Ccristina@richlandcommunities.com)
Shannon Whittaker, LS-Fontana, LLC. (Swhittaker@landseahomes.com)

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

Order No. R8-2021-0061

Amendment of Waste Discharge Requirements
Order No. R8-2021-0005

for
Change of Ownership from
Richland Developers, Inc.

to
LS-Fontana, LLC
Monarch Hills Residential Development Project
San Bernardino County

Findings

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

1. This Order (No. R8-2021-0061) amends existing Santa Ana Water Board Waste Discharge Requirements (WDRs), Order No. R8-2021-0005, to recognize a change in the ownership of the Monarch Hills Residential Development Project (Project; WDID No. 362020-07) from Richland Developers, Inc. to LS-Fontana, LLC. A map showing the Project location is found in Attachment A of this Order (No. R8-2021-0061).
2. On October 20, 2021, the Santa Ana Water Board received notification from Richland Developers, Inc. that the Project had been transferred to LS-Fontana, LLC and requested that Order No. R8-2021-0005 and its conditions be transferred to LS-Fontana, LLC. Additionally, on October 20, 2021, the Santa Ana Water Board received notification from LS-Fontana, LLC that they accept the transfer and responsibility of Order No. R8-2021-0005. LS-Fontana, LLC proposes no changes to the character, location, or volume of discharges authorized by the existing WDRs, Order No. R8-2021-0005.
3. On June 25, 2021, Richland Developers, Inc. purchased a total of 2.35 acres of rehabilitation credits and 2.35 acres of re-establishment credits at the Riverpark Mitigation Bank in Riverside County, California as mitigation for the permanent impacts to waters of the State. This mitigation purchase represents a 2:1 mitigation to impact ratio and offsets the Project impacts to waters of the State.

4. The Santa Ana Water Board notified interested parties of its intent to amend Order No. R8-2021-0005 with this Order to transfer its legal responsibility of the conditions to the current owner of the Project.
5. Upon adoption of this Order No. R8-2021-0061, all references to Discharger or Richland Developers, Inc. in WDRs Order No. R8-2021-0005 shall mean LS-Fontana, LLC.

IT IS HEREBY ORDERED that WDR Order No. R8-2021-0005 be amended by Order No. R8-2021-0061 as follows:

1. Add Provision 19:
 - a. This Order shall expire February 5, 2026. The Discharger must file a new dredge and fill application in accordance with Title 23, Division 3, Chapter 9 of the California Code of Regulations not 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 with regard to any need for additional information and changes in fees, prior to the issuance of new WDRs.

I, Jayne Joy, 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 10, 2021.

JAYNE JOY, P.E.
Executive Officer



