

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

December 2, 2022

STAFF REPORT

ITEM: 10

SUBJECT: D.R. Horton, Inc., Tentative Tract Map 37802 Project, Calimesa, Riverside County, Order No. R8-2022-0068

DISCUSSION:

Water Code section 13260, subdivision (a) requires a report of waste discharge (ROWD) be filed by any person discharging waste or proposing to discharge waste that could affect the quality of the waters of the state (WOTS).

Under federal Clean Water Act (CWA) section 401, applicants for a federal permit or license for any activity that may result in a discharge to waters of the United States (WOTUS) must obtain a state Water Quality Certification (Certification) that the proposed activity will comply with state water quality standards.

Most Certifications are issued in connection with U.S. Army Corps of Engineers (USACE) CWA section 404 permits for dredged and fill material discharges. The State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards (collectively, Water Boards) administer the Certification program in accordance with the requirements of California Code of Regulations (CCR), title 23, section 3830 et seq. Since November 2003, Certifications have been issued by the Executive Officer accompanied by authorization to discharge in accordance with State Water Board Order No. 2003-0017-DWQ, ("Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that Have Received State Water Quality Certification").

Due to the scope of the federal regulatory definition of WOTUS, not all discharge activities are considered discharges of dredged or fill material to WOTUS. Further, these non-CWA section 404 discharges do not require Certification under CWA section 401. However, to the extent that discharges of dredged and fill material are to the WOTS, the Water Boards retain their permitting authority to regulate these discharges under the Porter-Cologne Water Quality Control Act, Water Code section 13000 et seq. Permitting occurs in the form of Waste Discharge Requirements (WDRs) prescribed pursuant to Water Code section 13263, subdivision (a).

On September 13, 2022, the USACE issued an Approved Jurisdictional Determination confirming that no WOTUS were present within the Project boundaries.

The Project would provide residential housing in the City of Calimesa to accommodate the increase in housing needs. The Project involves a single-family residential subdivision on approximately 44 acres. The Project includes on-site infrastructure improvements including primary and secondary access, utilities, streets, and stormwater detention facilities. The existing single-family residence and outbuildings associated with former agricultural operations on the property would be removed as part of the Project activities.

Onsite WOTS within the Project site include non-wetland waters including three unnamed ephemeral stream channels consisting of 0.03-acre, 0.01-acre, and 0.02-acre in size and two non-wetland ponds which are 0.05-acre, and 0.10-acre totaling 0.22 acre of WOTS. The ephemeral stream channels form the headwaters of San Timoteo Creek, and discharge towards Reach 3 of San Timoteo Creek. The 0.05-acre pond is a man-made feature with no natural flow constructed for aesthetics and irrigation purposes. The 0.10-acre pond is a small impoundment feature that was part of a natural drainage.

The Project would require approximately 352,710 cubic yards of both cut and fill material. Work would be conducted through use of heavy equipment.

All anticipated impacts to WOTS would be permanent. A total of 0.22 acres of permanent impacts via mass grading would result from Project implementation.

The Discharger has proposed to provide compensatory mitigation from the Riverpark Mitigation Bank or Riverside-Corona Resource Conservation District's Santa Ana River Watershed in-lieu fee program to offset impacts to 0.22 acre of permanent impacts to WOTS through the purchase of 0.22 acre of re-establishment and 0.22 acre of rehabilitation credit, totaling 0.44 acre of credits, representing a 2:1 mitigation to impact ratio.

The Project activities must implement best management practices (BMPs) to control and prevent discharges, such as sediment from erosion of soil surfaces and other pollutants that could impact surface waters. The Discharger proposes that BMPs would be implemented as part of the stormwater pollution prevention measures in accordance with appropriate stormwater permit requirements.

For further information on the proposed Project, please contact Santa Ana Water Board staff Kyle Fructuoso at Kyle.Fructuoso@waterboards.ca.gov.

RECOMMENDATION:

Adopt Order No. R8-2022-0068 as presented

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

Order No. R8-2022-0068

Waste Discharge Requirements
for
D.R. Horton, Inc.
Tentative Tract Map 37802 Project
Calimesa, Riverside County

Findings

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

1. This Order prescribes Waste Discharge Requirements (WDRs) for the Tentative Tract Map 37802 Project (Project) for D.R. Horton, 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 (WQOs) to protect those uses and incorporates 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 WOTS.
4. This Order regulates the discharge of fill material to WOTS.
5. The 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 or Fill Procedures), which was adopted on April 2, 2019, became on effective May 28, 2020, and was revised April 6, 2021.

6. On July 19, 2022, Dudek, on behalf of the Discharger, submitted an Application for Discharges of Dredged of Fill Material to WOTS (Application) for the Project, which was assigned Santa Ana Water Board WDID No. 332022-17.
7. An application fee of \$2,417.00 was received on October 26, 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 \$2,323.00 based on total Project impacts shall be paid by the Discharger prior to the initiation of the Project activities was received on October 26, 2022.
8. The Application was considered complete on August 19, 2022.
9. On September 13, 2022, the USACE issued an Approved Jurisdictional Determination, which determined that waters of the United States (WOTUS) were not present within the Project boundaries.
10. The Project would provide residential housing in the City of Calimesa. The Project involves a single-family residential subdivision on approximately 44 acres. The Project includes on-site infrastructure improvements including primary and secondary access roads, utilities, streets, and stormwater detention facilities. The existing single-family residence and outbuildings associated with former agricultural operations on the property would be removed as part of the Project activities.
11. The 44-acre Project site is located within the City of Calimesa in Riverside County immediately southwest of the intersection of Desert Lawn Drive and Plantation Drive. The Assessor's Parcel Number is 413-290-041 (33°57'48.17"N, 117°1'56.25"W). Maps showing the Project location are found in Attachment A of this Order.
12. Onsite WOTS within the Project site include non-wetland waters including three unnamed ephemeral stream channels consisting of 0.03-acre, 0.01-acre, and 0.02-acre in size and two non-wetland ponds consisting of 0.05-acre, and 0.10-acre totaling 0.22 acre of onsite WOTS. The ephemeral stream channels form the headwaters of San Timoteo Creek, and discharge towards Reach 3 of San Timoteo Creek. The 0.05-acre pond is a man-made feature with no natural flow constructed for aesthetics and irrigation purposes. The 0.10-acre pond is a small impoundment feature that was part of a natural drainage.
13. The Project would require approximately 352,710 cubic yards of both cut and fill material; this work would be conducted through use of heavy equipment.

14. All anticipated impacts to WOTS would be permanent. The Project would result in a total of 0.22 acres of permanent impacts through the physical loss of WOTS via mass grading for Project implementation and site preparation.
15. San Timoteo Creek Reach 3 has the following designated beneficial uses (existing or potential): Groundwater Recharge (GWR), Water Contact Recreation (REC1), Non-contact Water Recreation (REC2), Warm Freshwater Habitat (WARM), Wildlife habitat (WILD), and Rare, Threatened, or Endangered Species (RARE).
16. The Discharger has proposed to provide compensatory mitigation for 0.22 acre of permanent impacts to WOTS through credit purchase of 0.22 acre of re-establishment and 0.22 acre of rehabilitation credit from the Riverpark Mitigation Bank or the Riverside-Corona Resource Conservation District Santa Ana River Watershed in-lieu fee program. The total purchase of 0.44 acres of compensatory mitigation represents a 2:1 mitigation to impact ratio.
17. 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.
18. 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 incorporate 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.
19. On April 25, 2022, the City of Calimesa, as the lead agency under the California Environmental Protection Act (CEQA; Public Resources Code, § 21000 et seq.) adopted an Initial Study/Mitigated Negative Declaration (IS/MND) for the Project (State Clearinghouse No. 2022030160). The lead agency filed a Notice of

Determination with the Clerk of Board Supervisors of Riverside County on April 25, 2022.

20. 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 “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 IS/MND adopted by the City of Calimesa and subsequent information provided by the Discharger. More specifically, the Santa Ana Water Board considered those sections of the IS/MND pertaining to impacts to water quality. The Santa Ana Water Board finds that compliance with the mitigation measures in the lead agency’s IS/MND and the conditions set forth in this Order will reduce potentially adverse impacts to water quality to a less than significant level and protect beneficial uses of receiving waters.
21. The Santa Ana Water Board has considered the federal and state antidegradation policies (State Water Board Resolution No. 68-16 and 40 CFR § 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 WOTS 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 WOTS. The mitigation requirements in this Order comply with the State Water Board’s Dredge or Fill Procedures.
22. 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.).
23. 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.

24. 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.
25. 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.
26. 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).)
27. 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. The Santa Ana Water Board, in a public meeting, heard and considered all comments pertaining to this discharge.

Requirements

IT IS HEREBY ORDERED that the Discharger, in order to meet the provisions contained in Water Code section 13000 et seq. and regulations adopted thereunder, 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 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 No. 2009-0009-DWQ, as amended by Order No. 2012-0006-DWQ; NPDES No. CAS000002) and any subsequent amendments (Construction General Permit).

4. The Discharger shall comply with the local regulations associated with the Santa Ana Water Board's Municipal Stormwater Permit issued to Riverside County and co-permittees under NPDES No. CAS618033 and WDRs Order No. R8-2010-0033, 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 No. 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 materials, 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.
8. The Discharger shall restore areas of temporary disturbance which could result in a discharge to WOTS. Restoration must include grading of disturbed areas to pre-Project contours to the extent feasible and revegetation with native species.
9. The Discharger shall visually inspect the Project site during the rainy season for one (1) year to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the Santa Ana Water Board staff member overseeing the Project within three (3) working days.

B. Discharge Prohibitions

1. The permanent impacts to WOTS shall not exceed quantities identified in Finding 14.
2. The discharge of waste, in a manner or location other than as described in the Application or findings of this Order and for which valid waste discharge requirements are not in force, is prohibited.
3. Except for authorized fill discharges to WOTS, 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. The discharge of any substance in concentrations toxic to animal or plant life is prohibited.
7. Discharges to surface waters of wastes or pollutants that are not authorized by this Order or regulated by a separate permit are prohibited.
8. 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. Compensatory mitigation by the Discharger is required to offset unavoidable permanent impacts from the Project to WOTS. Prior to discharging fill material, the Discharger shall submit to the Santa Ana Water Board the receipt of the purchase of 0.22 acre of re-establishment credits and 0.22 acre of rehabilitation credits from either the Riverpark Mitigation Bank or the Riverside-Corona Resource Conservation District's Santa Ana River Watershed in-lieu fee program.
2. The Discharger shall retain responsibility for providing compensatory mitigation until the Santa Ana Water Board has received documentation of the credit purchase.

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 shall include a written transfer agreement between the existing owners and the new owner. At a minimum, the transfer agreement shall 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 Dischargers 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 BMPs 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 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.
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 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.

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.
10. 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.
11. This Order becomes effective on the date of adoption by the Santa Ana Water Board.

12. 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 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 regarding any need for additional information and changes in fees prior to the issuance of new WDRs.

Attachments:

Attachment A – Maps

Attachment B – Reports and Notifications

Attachment C – Signatory Requirements

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. The State Water Board must receive the petition by 5:00 p.m. 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 p.m. on the next business day. Copies of the statutes and regulations applicable to filing petitions are available on the State Water Board's website and can be provided upon request.

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 2, 2022.

JAYNE JOY, P.E.
Executive Officer

Attachment A – Maps







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 page 3). 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 2022-0068 and Report Type Name

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

Definition of Reporting Terms

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 date of this letter.

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: Tentative Tract Map 37802
Discharger: D.R. Horton, Inc.
Order No.: R8-2022-0068
Order Effective Date: December 2, 2022

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 Notice of Project Complete Letter is issued to the Discharger.
Report Contents:	<p data-bbox="586 573 691 604">Part A:</p> <ol data-bbox="586 625 1406 842" 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 data-bbox="586 877 691 909">Part B:</p> <ol data-bbox="586 930 1393 1404" 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. Mitigation Bank or In-Lieu Fee (ILF)5. Status or proof of purchase of credit types and quantities.6. 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 Discharger 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. <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 ten (10) working days prior to the transfer of ownership.
Report Contents:	<ol style="list-style-type: none"><li data-bbox="586 510 1406 825">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"><li data-bbox="634 625 1349 741">• 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<li data-bbox="634 741 1398 825">• responsibility for compliance with any long-term BMP maintenance plan requirements in this Order.<li data-bbox="586 856 1406 1003">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.

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 Regional Water Quality Control Board (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.”
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