

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

July 22, 2022

STAFF REPORT

ITEM: \*6

**SUBJECT: Esperanza Hills Specific Plan Area Project, Yorba Linda Estates, LLC, Unincorporated Orange County, Order No. R8-2022-0048**

**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 (Regional Water Boards) (collectively, Water Boards) administer the Certification program in accordance with the requirements of California Code of Regulations, 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 under the Porter-Cologne Water Quality Control Act (Porter Cologne 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 July 20, 2015, the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) received a CWA section 401 application for the Esperanza Hills Specific Plan Area Project (Project) from Yorba Linda Estates, LLC (Discharger). The Project was assigned the Santa Ana Water Board WDID No. 302015-14. The Certification application was deemed complete on August 06, 2015.

On July 17, 2020, the USACE issued an Approved Jurisdictional Delineation, which determined that no WOTUS are present within the Project boundaries. The USACE determined that the drainage features are ephemeral features excluded from the USACE jurisdiction per 33 Code of Federal Regulations section 328.3(b)(3). The onsite drainage features exhibit ephemeral flow regimes that convey surface water flows only in direct response to precipitation events. The Certification application was then considered a Report of Waste Discharge (ROWD).

On September 24, 2020, the Discharger submitted a technical memorandum to provide updates on the proposed Project. The total Project impacts had undergone several changes since the application was submitted and deemed completed in 2015. Specific changes included:

- Reduction in permanent impacts to WOTS,
- Elimination of wetland impacts, and
- Elimination of all impacts to an endangered bird species (least Bell's vireo) occupying the site.

Currently, the Discharger proposes to construct a residential development on approximately 469 acres. The Project consists of 340 single-family residential units on approximately 175 acres. Additional Project components include 151 acres of natural open space, 127 acres of landscaped and irrigated slopes, and 16 acres of parks and detention basins for approximately 294 acres of open space. The open space and landscape areas are approximately 62 percent of the Project area.

The Project is located within unincorporated Orange County adjacent to the City of Yorba Linda, north of the State Route 91 freeway, and southwest of Chino Hills State Park. The Project's coordinates are 33.70201° N/-117.29476° W. Maps showing the Project location are found in Attachment A of the Order.

A total of 2.08 acres of WOTS are present within the Project boundary. Unavoidable permanent impacts to WOTS would occur due to mass grading for site preparation. The

Project would permanently impact a total of 1.01 acres of ephemeral WOTS. Unavoidable permanent impacts would occur with Drainages A, D, E, and F, as well as two small tributaries to Drainage F, which are tributary to Reach 2 of the Santa Ana River (see Attachment A).

The Discharger would provide compensatory mitigation for the permanent physical loss of 1.01 acres of WOTS through the purchase of 1.32 acres of streambed mitigation, with a coast live oak and California walnut woodland overlay, at the Soquel Mitigation Bank.

Additionally, the Discharger would provide compensatory mitigation for impacts to the California Department of Fish and Wildlife (CDFW) resources as follows: (1) onsite replacement of coast live oak riparian forest totaling 3.21 acres within Drainage D; (2) an additional creation of 1.00 acre of coast live oak riparian forest at the Soquel Mitigation Bank (for a total of 4.21 acres of coast live oak riparian forest created); and (3) 2:1 mitigation to be obtained at the Soquel Mitigation Bank for impacts to the walnut and mulefat overlay for a total of 0.32 acre of created walnut woodland.

**RECOMMENDATION:**

Adopt Order No. R8-2022-0048, as presented.

For further information on the proposed Project, please contact Santa Ana Water Board staff Claudia Tenorio at [Claudia.Tenorio@waterboards.ca.gov](mailto:Claudia.Tenorio@waterboards.ca.gov).

State of California  
Regional Water Quality Control Board  
Santa Ana Region

Order No. R8-2022-0048

Waste Discharge Requirements  
for  
Yorba Linda Estates, LLC  
Esperanza Hills Specific Plan Area Project  
Unincorporated Orange County

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

1. This Order is for Waste Discharge Requirements (WDRs) for Yorba Linda Estates, LLC (Discharger) for the Esperanza Hills Specific Plan Area Project (Project).
2. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the 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 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 (WOTS).
4. On July 20, 2015, the Discharger submitted a Clean Water Act section 401 Water Quality Certification (Certification) application for a proposed residential development (Santa Ana Water Board WDID No. 302015-14). The Certification application was deemed complete on August 06, 2015.
5. An application fee of \$600 was received with the Certification application. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator. An additional fee of \$20,747, calculated as Category A based on total Project impacts, was received on February 7, 2022.

6. On July 17, 2020, the USACE issued an Approved Jurisdictional Delineation that determined that no waters of the United States (WOTUS) are present within the Project boundaries pursuant 33 Code of Federal Regulations section 328.3(b)(3). The Certification application was then considered a Report of Waste Discharge (ROWD).
7. This Order regulates the discharge of fill material to WOTS.
8. Onsite WOTS consist of a total of 2.08 acres, which are tributaries to the Santa Ana River, Reach 2. The onsite WOTS consist of drainages that collect surface water runoff flowing only during rainfall and for a short duration after rainfall.
9. The total Project site consists of approximately 469 acres. The Discharger proposes to construct a residential development consisting of 340 single-family units on approximately 175 acres. The proposed Project components include approximately 151 acres of natural open space, 127 acres of landscaped and irrigated slopes, and 16 acres of parks and detention basins, for a total of approximately 294 acres.
10. The Project is located within unincorporated Orange County, north of the State Route 91 freeway, southwest of Chino Hills State Park. The Project's coordinates are 33.70201° N/-117.29476° W. Maps showing the Project location are found in Attachment A of this Order.
11. Santa Ana River Reach 2 has the following designated beneficial uses (existing or potential): Agricultural Supply (AGR), Groundwater Recharge, (GWR), Water Contact Recreation (REC 1), Non-contact Water Recreation (REC 2), Warm Freshwater Habitat (WARM), Wildlife Habitat (WILD), and Spawning, Reproduction, and Development (SPWN), with SPWN being designated only from Prado Dam to 0.6 mile downstream of State Route 90 (Imperial Highway) Bridge.
12. The Project would permanently impact a total of 1.01 acres of ephemeral WOTS through mass grading.
13. Permanent impacts to WOTS would occur within Drainages A, D, E, and F (see Attachment A), as well as two small tributaries to Drainage F, all of which are ephemeral.
14. The Discharger has agreed to provide the following compensatory mitigation for impacts to WOTS through the purchase of 1.32 acres of streambed mitigation, with a coast live oak and California walnut woodland overlay, at the Soquel Mitigation Bank.

15. Additionally, the Discharger would provide compensatory mitigation for impacts to the California Department of Fish and Wildlife (CDFW) resources as follows:

- i. Onsite replacement of coast live oak riparian forest totaling 3.21 acres within Drainage D;
- ii. An additional creation of 1.00 acre of coast live oak riparian forest at the Soquel Mitigation Bank (for a total of 4.21 acres of coast live oak riparian forest); and
- iii. 2:1 mitigation for the loss of the walnut and mulefat overlay for a total of 0.32 acre of walnut woodland created at the Soquel Mitigation Bank.

16. 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.

17. 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.

18. The WDRs in this Order are adopted pursuant to Water Code sections 13263 and 13267. The WDRs set forth the requirements, prohibitions, and other conditions to implement the Basin Plan, and the discharger's responsibilities for monitoring and reporting. The discharger is responsible for ensuring compliance with the WDRs. In addition, this Order also regulates the discharge of fill material to WOTS.

19. On July 02, 2015, the County of Orange, as the lead agency under the California Environmental Protection Act (CEQA; Public Resources Code, § 21000 et seq.),

certified a Final Environmental Impact Report (FEIR) for the Project. The County of Orange filed a Notice of Determination with the County Clerk of Orange County on June 03, 2015.

20. A Petition for Writ of Mandate and Complaint for Injunctive Relief was filed challenging the adequacy of the FEIR. On August 24, 2016, a Writ of Mandate was issued requiring revisions to the FEIR in the area of Greenhouse Gas Emissions and vacating the FEIR. In order to comply with the Writ of Mandate, the Greenhouse Gas Emissions section of FEIR (Ch. 5.6) was revised to include specific Mitigation Measures with earlier timing mechanisms for implementation and a larger reduction in emissions from 5% to 7.93%. No other revisions to FEIR were required.
21. On May 9, 2017, the County of Orange certified a revised FEIR, and filed a Notice of Determination on May 10, 2017.
22. 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 FEIR certified by the County of Orange and subsequent information provided by the Discharger. More specifically, the Santa Ana Water Board considered those sections of the FEIR pertaining to impacts to water quality. The Santa Ana Water Board finds that compliance with the mitigation measures and the 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.
23. 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.
24. 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 (Water Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313).

25. 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.
26. 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.
27. 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.
28. 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. (Water Code, § 13263, subd. (g).)
29. 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 and 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 1300 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). If 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 Orange County and co-permittees under NPDES Permit No. CAS61806 and WDRs Order No. R8-2010-0030, and subsequent iterations thereof.
5. If construction dewatering discharges, including temporary stream diversions, are necessary to carry out the Project, the discharger shall enroll in 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.

#### B. DISCHARGE PROHIBITIONS

1. Permanent impacts to WOTS shall not exceed quantities identified in Finding 12.
2. The discharge of waste, in a manner or location other than as described in the ROWD 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 all credits from the 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.

#### 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. The 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 owner 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 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 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.

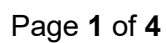
9. The Discharger shall report any noncompliance that may endanger human health or the environment. Information shall be provided orally to the Santa Ana Water Board office and the Office of Emergency Services within twenty-four (24) hours of when the Discharger becomes aware of the incident. If noncompliance 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 this Order. 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.

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 July 22, 2022.

**Jayne Joy, P.E.**  
Executive Officer





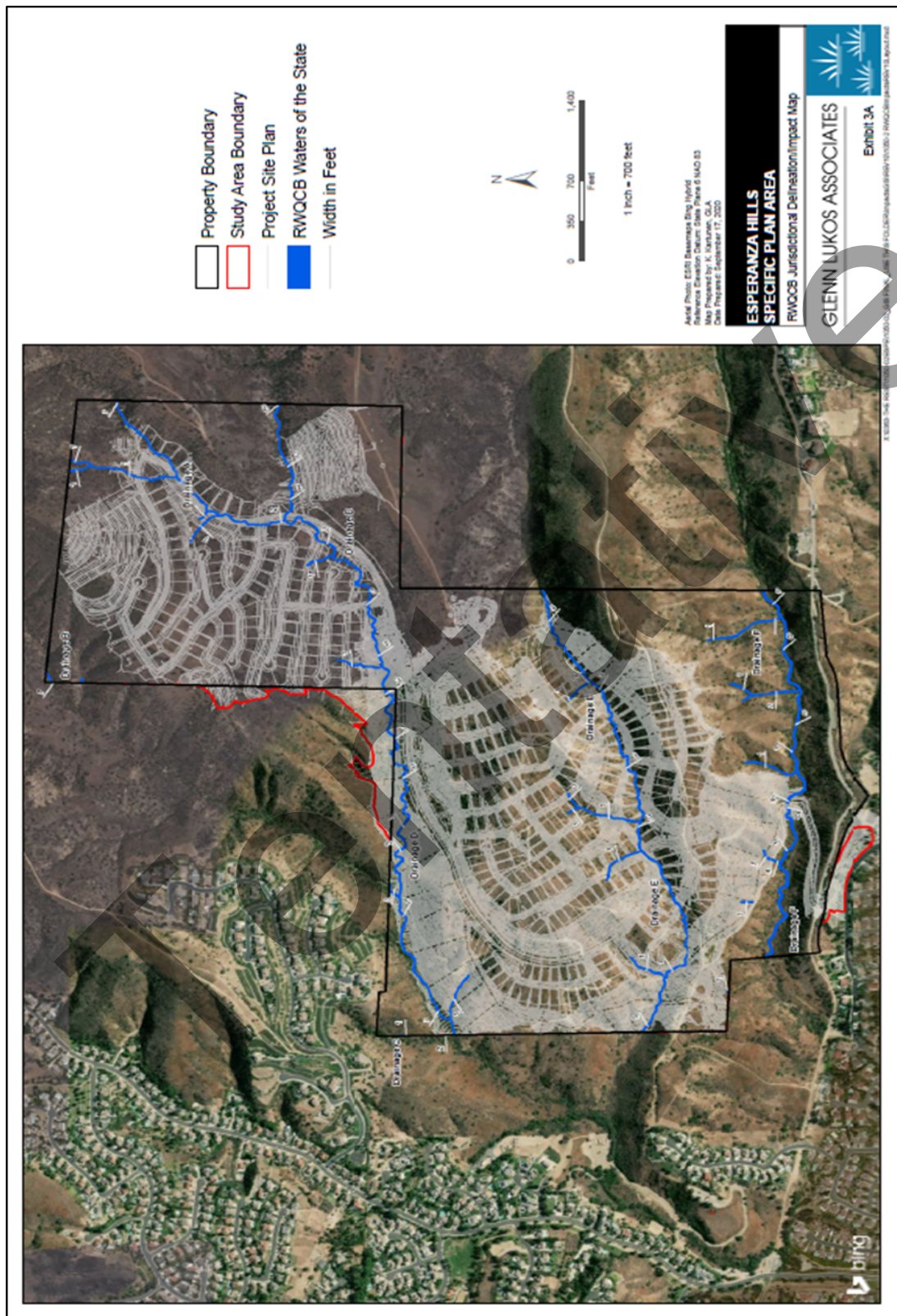
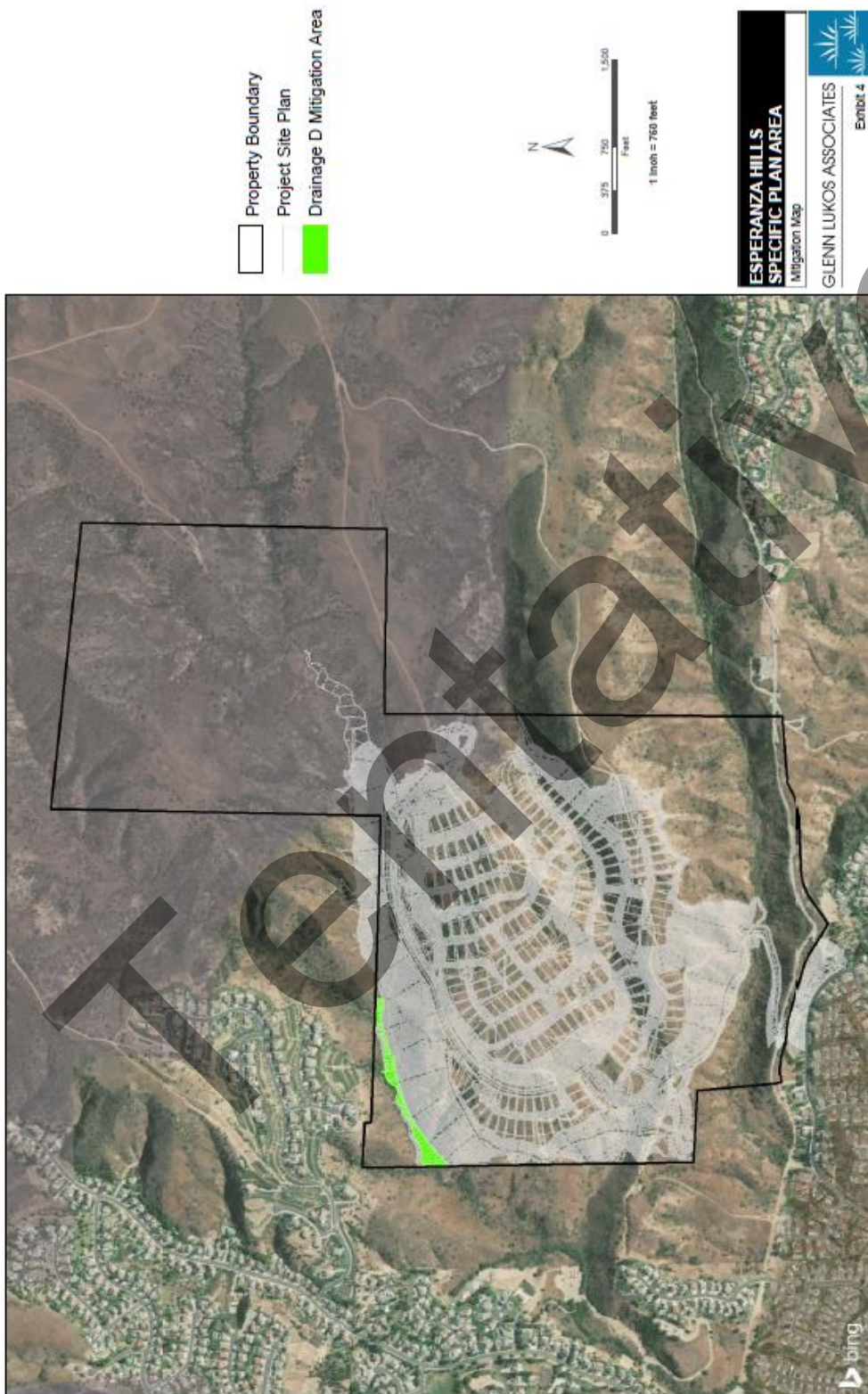




Exhibit 14 - Open Space





#### 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](mailto:RB8-401Reporting@waterboards.ca.gov)
  - b) Include in the subject line of the email: Order R8-2022-0039 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
<b>Project:</b> Yorba Linda Estates, LLC
<b>Discharger:</b> Esperanza Hills Specific Plan Area Project
<b>Order No.:</b> R8-2022-0048
<b>Order Effective Date:</b> July 22, 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
<b>Purpose:</b>	Notify the Santa Ana Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
<b>When to Submit:</b>	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.
<b>Report Contents:</b>	<p data-bbox="586 573 691 604"><b>Part A:</b></p> <ol data-bbox="586 625 1406 846" style="list-style-type: none"><li>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.</li></ol> <p data-bbox="586 877 691 909"><b>Part B:</b></p> <ol data-bbox="586 930 1390 1402" style="list-style-type: none"><li>1. Planned date of initiation of compensatory mitigation site installation.</li><li>2. If installation is in progress, a map of what has been completed to date.</li><li>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.</li><li>4. Mitigation Bank or In-Lieu Fee (ILF)</li><li>5. Status or proof of purchase of credit types and quantities.</li><li>6. Include the name of bank/ILF Program and contact information.</li></ol>



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

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

Report Type 4	Request for Notice of Project Complete Letter
<b>Purpose:</b>	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.
<b>When to Submit:</b>	Must be received by Santa Ana Water Board staff within thirty (30) days following completion of all Project activities.
<b>Report Contents:</b>	<p><b>Part A: Mitigation for Temporary Impacts</b> (if applicable)</p> <ol style="list-style-type: none"><li>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.</li><li>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.</li></ol> <p><b>Part B: Discharger-Responsible Compensatory Mitigation</b> (if applicable)</p> <ol style="list-style-type: none"><li>1. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.</li><li>2. Status on the implementation of the long-term maintenance and management plan and funding of endowment.</li><li>3. Pre- and post-photo documentation of all compensatory mitigation sites.</li><li>4. Final maps of all compensatory mitigation areas (including buffers).</li></ol>

Report Type 5	Transfer of Property Ownership
<b>Purpose:</b>	Notify Santa Ana Water staff of change in ownership of the Project or Discharger-responsible mitigation area.
<b>When to Submit:</b>	At least thirty (30) working days prior to the transfer of ownership.
<b>Report Contents:</b>	<ol style="list-style-type: none"><li>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>• 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><li>• responsibility for compliance with any long-term BMP maintenance plan requirements in this Order.</li></ul></li><li>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.</li></ol>



## **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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