

## Santa Ana Regional Water Quality Control Board

### ITEM NO. 7

July 26, 2024

### ERRATA SHEET

TENTATIVE ORDER R8-2024-0046

**WASTE DISCHARGE REQUIREMENTS  
FOR  
RIVERSIDE COUNTY DEPARTMENT OF WASTE RESOURCES  
BADLANDS LANDFILL INTEGRATED PROJECT: PHASE 2, STAGES 1-3**

(Note: Upon Order adoption, the errata will be incorporated and in the finalization of the document, formatting and minor typographical corrections will be made; further, non-substantive changes may be made to improve readability in compliance with Government Code section 11546.7 document accessibility requirements)

(Language added is **bold and underlined**)  
(Language deleted is ~~struck-out~~)

As circulated for public comment, Finding No. 20 on pages 4-5 of the Tentative Order provided as follows:

The Discharger has proposed to provide compensatory mitigation for permanent impacts to waters of the state through one of the following options:

- a. Conducting permittee-responsible mitigation including habitat re-establishment and habitat enhancement for 12.5 acres of waters within Lake Mathews Estelle Mountain Reserve;
- b. Conducting permittee-responsible mitigation within 12.5 acres of waters of the state through collaboration with the San Jacinto Resource Conservation District, and
- c. Purchase of re-establishment/rehabilitation mitigation credits at the Riverpark Mitigation Bank at the minimum 3:1 ratio (mitigation:impacts) for a total of 1.74 acres.

Also, section C. Mitigation Requirements on pages 9-10 of the Tentative Order provided as follows:

### C. Mitigation Requirements

The Discharger shall provide compensatory mitigation for permanent impacts to waters of the state through one of the following three (3) options:

- I. Option 1: Permittee-Responsible Mitigation – The Discharger is required to provide permittee-responsible mitigation for the authorized permanent impacts to 0.58 acre of waters of the state by conducting habitat re-establishment and habitat enhancement for 12.5 acres of waters of the state within the Lake Mathews Estelle Mountain Reserve.
- II. Option 2: Permittee-Responsible Mitigation – The Discharger is required to provide permittee-responsible mitigation for the authorized permanent impacts to 0.58 acre of waters of the state by conducting habitat re-establishment and habitat enhancement for 12.5 acres of waters of the state through collaboration with San Jacinto Resource Conservation District.
  - a. The Discharger shall submit a final compensatory mitigation plan for review and approval by Santa Ana Water Board staff.
  - b. The Discharger shall submit the final compensatory mitigation plan no less than 120 days prior to the Project initiation.
  - c. The final compensatory mitigation plan shall include all the elements as outlined in the *Dredge and Fill Procedures, Subpart J – Compensatory Mitigation for Losses of Aquatic Resources*.
  - d. The impacts to waters of the state are not authorized and shall not occur until a final compensatory mitigation plan has been approved. Upon approval by the Santa Ana Water Board, the Discharger shall implement the approved plan.
  - e. The Discharger is responsible for the permittee-responsible compensatory mitigation in perpetuity. However, the Discharger may transfer the compensatory mitigation requirements associated with long-term management when the following conditions have been met:
    - i. Performance standards are met.
    - ii. A transfer agreement to a third party has been approved by the Santa Ana Water Board.
    - iii. A transfer agreement shall be submitted from an authorized representative of the third party (transferee)

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

- iv. Notification of transfer of responsibilities meeting the above condition must be provided to the Santa Ana Water Board. A draft transfer agreement is due to the Santa Ana Water Board no less than 30 days prior to the transfer of the mitigation responsibility. A final transfer agreement is due to the Santa Ana Water Board within 30 days of the completion of the transfer.
- v. An endowment fund has been provided by the Discharger to the third party for management in perpetuity of the mitigation site.
- vi. A conservation easement, deed restriction, or other appropriate restrictive covenant for the mitigation site has been recorded and approved by the Santa Ana Water Board.

III. Option 3: Mitigation Bank: The Discharger shall provide compensatory mitigation for authorized impacts to waters of the state from the Project by purchasing 1.74 acres of mitigation credits (re-establishment and/or rehabilitation credits) at the Riverpark Mitigation Bank.

- a. The impacts to waters of the state are not authorized and shall not occur until the Discharger submits to the Santa Ana Water Board the receipt of purchase of 1.74 acre of mitigation credits from Riverpark Mitigation Bank.
- b. The Discharger shall retain responsibility for providing compensatory mitigation until the Santa Ana Water Board has received documentation of the credit purchase.

Based on subsequent review, Finding No. 20 on pages 4-5 should be revised and an additional finding be included as follows:

20. The Discharger has proposed to provide compensatory mitigation for permanent impacts to waters of the state through one of the following options:
- a. Conducting permittee-responsible mitigation of ~~including habitat~~ **rehabilitation**/re-establishment and habitat enhancement for ~~42.5~~ **1.74** acres of waters within Lake Mathews Estelle Mountain Reserve;
  - b. Conducting permittee-responsible mitigation **of rehabilitation/re-establishment** of ~~42.5~~ **1.74** acres of waters of the state through collaboration with the San Jacinto Resource Conservation District, and
  - c. Purchase of re-establishment/rehabilitation mitigation credits at the Riverpark Mitigation Bank at the minimum 3:1 ratio (mitigation:impacts) for a total of 1.74 acres.
21. **The Discharger intends to mitigate all impacts to waters of the state and habitat for the BLIP expansion activities, including Phase 2, Stages 1-3 and potential future phases through permittee-responsible compensatory mitigation. The compensatory mitigation will consist of habitat re-establishment/ rehabilitation and habitat enhancement for a total of 12.5 acres of riverine and riparian habitat at Lake Mathews Estelle Mountain Reserve or through the San Jacinto Resource Conservation District. Of which, 1.74 acres of the re-establishment/rehabilitation of waters of the state are associated with the Order.**

Also, section C. Mitigation Requirements, on pages 9-10 of the Tentative Order should be revised and include the same requirements as Option 2, as follows:

C. Mitigation Requirements

The Discharger shall provide compensatory mitigation for permanent impacts to waters of the state through one of the following three (3) options:

- I. Option 1: Permittee-Responsible Mitigation – The Discharger is required to provide permittee-responsible mitigation for the authorized permanent impacts to 0.58 acre of waters of the state by conducting ~~habitat~~ **rehabilitation**/re-establishment and ~~habitat enhancement~~ of ~~42.5~~ **1.74** acres of waters of the state within the Lake Mathews Estelle Mountain Reserve.
  - a. **The Discharger shall submit a final compensatory mitigation plan for review and approval by Santa Ana Water Board staff.**

- b. The Discharger shall submit the final compensatory mitigation plan no less than 120 days prior to the Project initiation.
- c. The final compensatory mitigation plan shall include all the elements as outlined in the *Dredge and Fill Procedures, Subpart J – Compensatory Mitigation for Losses of Aquatic Resources*.
- d. The impacts to waters of the state are not authorized and shall not occur until a final compensatory mitigation plan has been approved. Upon approval by the Santa Ana Water Board, the Discharger shall implement the approved plan.
- e. The Discharger is responsible for the permittee-responsible compensatory mitigation in perpetuity. However, the Discharger may transfer the compensatory mitigation requirements associated with long-term management when the following conditions have been met:
  - i. Performance standards are met.
  - ii. A transfer agreement to a third party has been approved by the Santa Ana Water Board.
  - iii. A transfer agreement shall be submitted from an authorized representative of the third party (transferee) for acceptance by the Santa Ana Water Board. This agreement shall demonstrate acceptance and understanding of the responsibility to comply with and fully satisfy the required compensatory mitigation and long-term management conditions. Failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the Santa Ana Water Board under Water Code section 13385, subdivision (a).
  - iv. Notification of transfer of responsibilities meeting the above condition must be provided to the Santa Ana Water Board. A draft transfer agreement is due to the Santa Ana Water Board no less than 30 days prior to the transfer of the mitigation responsibility. A final transfer agreement is due to the Santa Ana Water

**Board within 30 days of the completion of the transfer.**

- v. **An endowment fund has been provided by the Discharger to the third party for management in perpetuity of the mitigation site.**
  - vi. **A conservation easement, deed restriction, or other appropriate restrictive covenant for the mitigation site has been recorded and approved by the Santa Ana Water Board.**
- II. Option 2: Permittee-Responsible Mitigation – The Discharger is required to provide permittee-responsible mitigation for the authorized permanent impacts to 0.58 acre of waters of the state by conducting ~~habitat~~ **rehabilitation**/re-establishment and ~~habitat enhancement~~ for of ~~12.5~~ **1.74** acres of waters of the state through collaboration with San Jacinto Resource Conservation District.
- f. The Discharger shall submit a final compensatory mitigation plan for review and approval by Santa Ana Water Board staff.
  - g. The Discharger shall submit the final compensatory mitigation plan no less than 120 days prior to the Project initiation.
  - h. The final compensatory mitigation plan shall include all the elements as outlined in the *Dredge and Fill Procedures, Subpart J – Compensatory Mitigation for Losses of Aquatic Resources*.
  - i. The impacts to waters of the state are not authorized and shall not occur until a final compensatory mitigation plan has been approved. Upon approval by the Santa Ana Water Board, the Discharger shall implement the approved plan.
  - j. The Discharger is responsible for the permittee-responsible compensatory mitigation in perpetuity. However, the Discharger may transfer the compensatory mitigation requirements associated with long-term management when the following conditions have been met:
    - vii. Performance standards are met.
    - viii. A transfer agreement to a third party has been approved by the Santa Ana Water Board.

- ix. A transfer agreement shall be submitted from an authorized representative of the third party (transferee) for acceptance by the Santa Ana Water Board. This agreement shall demonstrate acceptance and understanding of the responsibility to comply with and fully satisfy the required compensatory mitigation and long-term management conditions. Failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the Santa Ana Water Board under Water Code section 13385, subdivision (a).
  - x. Notification of transfer of responsibilities meeting the above condition must be provided to the Santa Ana Water Board. A draft transfer agreement is due to the Santa Ana Water Board no less than 30 days prior to the transfer of the mitigation responsibility. A final transfer agreement is due to the Santa Ana Water Board within 30 days of the completion of the transfer.
  - xi. An endowment fund has been provided by the Discharger to the third party for management in perpetuity of the mitigation site.
  - xii. A conservation easement, deed restriction, or other appropriate restrictive covenant for the mitigation site has been recorded and approved by the Santa Ana Water Board.
- III. Option 3: Mitigation Bank: The Discharger shall provide compensatory mitigation for authorized impacts to waters of the state from the Project by purchasing 1.74 acres of mitigation credits (re-establishment and/or rehabilitation credits) at the Riverpark Mitigation Bank.
- a. The impacts to waters of the state are not authorized and shall not occur until the Discharger submits to the Santa Ana Water Board the receipt of purchase of 1.74 acre of mitigation credits from Riverpark Mitigation Bank.
  - b. The Discharger shall retain responsibility for providing compensatory mitigation until the Santa Ana Water Board has received documentation of the credit purchase.