Santa Ana Regional Water Quality Control Board

June 20, 2016

Mr. Jim Lytle
Subdivision Specialist
The Woods (Riverside) Venture L.L.L.P/SR Conestoga, LLC
41391 Kalmia Street, Suite 200
Murrieta, CA 92562

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CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR LINE N STORM DRAIN OUTLET PROJECT, UNINCORPORATED RIVERSIDE COUNTY (USACE FILE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 332016-03) (CIWQS PLACE ID 821429)

Dear Mr. Lytle:

On December 16, 2015, we received from AMEC Foster Wallace on behalf of The Woods Venture L.L.L.P./SR Conestoga LLC (Applicant) an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") for a project (Project) to construct a storm drain outlet in Salt Creek. The Applicant submitted a check for $1,843.00 with the Certification application materials, which satisfies the fee requirement for consideration of a 401 Certification. This fee amount was determined using the Dredge and Fill Fee Calculator on the State Water Resources Control Board (SWRCB) web site, which is based on the most current iteration of California Code of Regulations, Division 3, Chapter 9, Article 1, Section 2200 (a) (3).

This letter responds to your request for Certification that the proposed Project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) (Basin Plan) and subsequent Basin Plan amendments:

Project Description: The proposed Project consists of the construction of a storm drain outlet located to serve future Tentative Tracts 33743 and 32817. The new storm drain outlet consists of a grouted rip-rap energy dissipating structure constructed into the banks of Salt Creek.

The work will take place approximately 1.0 mile west of State Route 79 and 0.20 mile north of Domenigoni Parkway within unincorporated Riverside County in Section 32 of Township 5 South, Range 2 West, of the United States (U.S.) Geological Survey *Corona North* 7.5 minute topographic quadrangle map (33.69563° N/ -117.11189° W).

Receiving water: Salt Creek has designated beneficial uses (existing or potential) that include: contact recreation (REC1), non-contact recreation (REC2), warm freshwater habitat (WARM), and wildlife habitat (WILD).

Fill area:

Permanent Impact to Waters of the U.S.	0.009 acre	55 linear feet
Temporary Impact to Waters of the U.S.	0.020 acre	26 linear feet

Dredge/Fill volume: Not Applicable

Federal permit: U.S. Army Corps of Engineers (USACE) Permit Nationwide No. 7 - Outfall Structures and Associated Intake Structures

You have proposed to mitigate water quality impacts as described in your Certification application. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed:

- Standard water quality related best management practices (BMPs) will be employed during construction activities.

Offsite Water Quality Standards Mitigation Proposed:

- The Project Applicant will mitigate the 0.009 acre permanent impacts at a 2:1 ratio (mitigation ratio area) through the purchase of 0.018 acre mitigation credit in a Regional Board approved mitigation bank or in-lieu-fee program in the San Jacinto Watershed, or at a 3:1 ratio (mitigation ratio area) through the purchase of 0.027 acre mitigation credit with the Riverside-Corona Resource Conservation District (RCRCD) In-Lieu-Fee Program.

Should the proposed Project have the potential to impact State- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife should ensure those impacts are mitigated to an acceptable level.

Appropriate BMPs will be implemented to reduce construction-related impacts to waters of the State per the requirements of Regional Board Order No. R8-2010-0033 (NPDES Permit No. CAS618033), commonly known as the Riverside County Municipal Storm Water Permit, and subsequent iterations thereof. Order No. R8-2010-0033 requires the Applicant substantially comply with the requirements of State Water Resources Control Board General NPDES Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order Number 2012-0006-DWQ.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a Responsible Agency, the Regional Board is required to consider an Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND) prepared by the lead agency in determining whether to approve an application submitted for a project to receive 401 Water Quality Certification. A responsible agency has responsibility to mitigate and avoid the direct and indirect environmental effects of those parts of the project it decides to carry out, finance, or approve. Further, the responsible agency must make findings as required by Sections 15091 and, if necessary, 15093, for each and every significant impact of the project.

As required by Section 15096, in approving this Certification, the Regional Board has considered the Winchester Hills Specific Plan EIR prepared by the Riverside County Planning Department and the Tract 32817 MND and subsequent information provided in the Applicant's application. The Winchester Hills Specific Plan EIR was filed with the County of Riverside County Clerk and the Office of Planning and Research on May 14, 1996. The MND for Tract 32817 prepared by Riverside County Planning Department was filed with the County of Riverside County Clerk on April 10, 2006. In addition, an Initial Study (IS) for Tract 33743 was prepared by the Riverside County Planning Department on December 22, 2008 that found no supplemental CEQA documentation was required for the tract. The Riverside County Board of Supervisors approved the IS on February 4, 2009. Specifically, the Regional Board considered those sections of the EIR, MND and IS pertaining to impacts to water quality standards. Based upon the mitigation proposed in the EIR and MND, and the conditions set forth in this Certification, potentially adverse impacts to water quality should be reduced to a less than significant level and beneficial uses protected if all stated mitigation and conditions are performed. Thus, the Regional Board independently finds that changes or alterations have been required in or incorporated into the Project that avoid or mitigate impacts to water quality to a less than significant level.

This 401 Certification is contingent upon the execution of the following conditions:

1) The proposed mitigation shall be implemented in a timely manner. A copy of the receipt from the transfer of funds to the appropriate mitigation entity shall be provided to the Regional Board prior to the discharge of fill to, or the dredging or excavation of material from, waters of the State of California.

2) This Order for Water Quality Certification will remain valid until the USACE 2012 Nationwide permits expire on March 18, 2017, or through an extended period beyond the expiration date that is authorized in writing by the USACE.

3) The Applicant must comply with the requirements of the applicable Clean Water Act Section 404 permit.

4) The Applicant shall ensure that all fees associated with this Project are paid to each respective agency prior to conducting any onsite construction activities.

5) A copy of this 401 Certification and any subsequent amendments must be maintained onsite for the duration of work as a denoted element of any Project Storm Water Pollution Prevention Plan (SWPPP).

6) All post-construction structural storm water treatment facilities shall be constructed and operational prior to any occupation in the residential development to be served by the storm drain outlet.

7) Prior to construction activities, the Applicant shall delineate the work area with brightly colored fencing or other methods to ensure temporary impacts to waters of the United States and waters of the State of California do not exceed the limits authorized in this Certification.

8) Effective perimeter control BMPs must be in place at all times to control the discharge of pollutants from the Project site during construction. Construction waste must be contained and protected against wind and exposure to storm water at all times unless being actively handled. Chemical, fuel, and lubricant containers must be kept closed and protected from damage or upset at all times unless being actively used. Dirt and landscaping material stockpiles must have effective erosion control BMPs in place to prevent their transport in storm water or directly into the channel, and may not be located within waters of the United States. Discharges of wastewater from the site are prohibited.

9) The Project proponent shall utilize BMPs during Project construction to minimize the controllable discharges of sediment and other wastes to drainage systems or other waters of the State and of the United States.

10) Substances resulting from Project-related activities that could be harmful to aquatic life, including, but not limited to, petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, portland cement concrete or asphalt concrete, and washings and cuttings thereof, shall not be discharged to soils or waters of the State. All waste concrete shall be removed from the Project site.

11) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such manner that petroleum products or other pollutants from the equipment might enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the State onsite, except as necessary to complete the proposed Project. No equipment shall be operated in areas of flowing water.

12) This 401 Water Quality Certification is subject to the acquisition of all local, regional, State, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval issued by the State of California, or any subdivision thereof, may result in appropriate enforcement action, including the revocation of this Certification and imposition of administrative civil or criminal liability.

13) Construction dewatering discharges, including temporary stream diversions necessary to carry out the Project, are subject to regulation by Regional Board Order No. R8-2015-0004, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimis) Threat to Water Quality. For more information, please review Order No. R8-2015-0004 at www.waterboards.ca.gov/santaana/

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

(a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.

(b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

(c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the Applicant.

If the above-stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require that the Applicant submit a Report of Waste Discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this 401 Water Quality Certification, the holder of any permit or license subject to this Certification shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of Section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this

Certification. Violations of the conditions of this Certification may subject the Applicant to civil liability pursuant to Water Code Sections 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby certify that any discharge from the referenced Project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law.

This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 2003-0017-DWQ is available at: www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Should there be any questions, please contact Jason Bill at (951) 782-3295 or jason.bill@waterboards.ca.gov, or Wanda Cross at (951) 782-4468 or wanda.cross@waterboards.ca.gov.

Sincerely,

Kurt V. Berchtold
Executive Officer

cc: AMEC Foster Wheeler – Scot Chandler – scot.chandler@amecfw.com
U. S. Army Corps of Engineers, Los Angeles Office - James Mace
CA Department of Fish and Wildlife – Kim Freeburn-Marquez
State Water Resources Control Board, Office of Chief Counsel - David Rice
State Water Resources Control Board DWQ - Water Quality Certification Unit
U.S. EPA - Supervisor of the Wetlands Section – Jason A. Brush