



Santa Ana Regional Water Quality Control Board

March 4, 2015

Tom Mungari
Nova Homes, Inc.
245 Fischer Drive, Unit A-8A
Costa Mesa, CA 92626

tom@novahomesinc.us

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE MONTEOLIVO PROJECT, CITY OF CORONA, RIVERSIDE COUNTY (ACOE CORPS FILE NO. N/A) (SARWQCB PROJECT NO. 332014-25)

Dear Mr. Mungari,

On October 20, 2014, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from the City of Corona Public Works Department for a residential development project in the City of Corona, Riverside County. A letter detailing revisions from the original application to the proposed project and proposed mitigation was received on December 19, 2014. The project will consist of the construction of 106 single-family residential lots, associated roadways and infrastructure, occupying 61 acres of project land. Additionally, a mitigation/conservation area for the creation/restoration of riparian/streambed habitat will be created. On October 20, 2014, the applicant submitted a check for \$1,201.00, with the Certification application materials. On March 2, 2015 another check for an additional \$30,531.00, was received, which satisfies this project's 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 includes the permanent realignment of an unnamed tributary of Temescal Creek Reach 2 that flows parallel to Laurel Canyon Way for the length of the project site. The realigned Temescal Creek tributary's channel bottom and banks will be lined with ungrouted riprap for a length of 951 feet. The channel will be trapezoidal in shape

with a five-foot wide bed and three to one side slopes. One road crossing with a culvert that leads into the development will be constructed over the realigned drainage. Additionally, a 3.68 acre Mitigation Basin will be constructed within the project site. A portion of the mitigation basin will be graded to restore 0.08 acres to jurisdictional wetlands.

The work will take place within an unsectioned area of the El Sobrante Land Grant, of the U.S. Geological Survey *Corona South* 7.5 minute topographic quadrangle maps (UTM Zone 11 450906.26 Easting 3746309.23 Northing).

Receiving water: Unnamed tributary of Temescal Creek Reach 2, Temescal Creek Reaches 1-2 and Upper Santa Ana River Reach 3, which have present or potential beneficial uses, including: agricultural supply (AGR), groundwater recharge (GWR), water contact recreation (REC1), non-contact water recreation (REC2), warm freshwater habitat (WARM), Rare, Threatened or Endangered Species (RARE), and wildlife habitat (WILD).

Fill area:

Temporary Impact to Wetland Waters of the US	0.08 acre	linear feet N/A
Permanent Impact to Non-Wetland Waters of the US	0.34 acre	2,533 linear feet
Temporary Impact to Non-Wetland Waters of the US	0.32 acre	787 linear feet

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 29

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.
- Temporary impacts to both Wetland and Non-Wetland Waters of the United States will be mitigated by creating a 3.68 acre On-Site Mitigation Basin. Of the 3.68 acres, at least 0.08 acres will be restored to Wetland Waters.

Offsite Water Quality Standards Mitigation Proposed:

- The applicant will mitigate the project's impacts offsite through the acquisition of in-lieu fee program mitigation credits from the Riverside-Corona Resource Conservation District, for the restoration of 0.76 acres of non-wetlands/riparian habitat.
- The applicant will mitigate the project's impacts offsite through the acquisition of in-lieu fee program mitigation credits from the Santa Ana Watershed Association by enhancing 1.52 acres within the watershed.

Should the proposed project 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 will ensure those impacts are mitigated to an acceptable level. Appropriate BMPs will be implemented to reduce construction-related impacts to Waters of the State.

This 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 for this project issued by the State of California, or any subdivision thereof, may result in appropriate enforcement action, including imposition of administrative civil liability.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an EIR or Negative Declaration prepared by the lead agency in determining whether to approve a project. A responsible agency has responsibility for mitigating and avoiding only the direct and indirect environmental effects of those parts of the project which 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, the Regional Board has considered the Mitigated Negative Declaration (MND) prepared for the proposed project and filed with the Riverside County Clerk and Recorder by the City of Corona on September 3, 2014, and information provided subsequently in the applicant's application, in approving this Certification. More specifically, the Regional Board has considered those sections of the MND relating to water quality. Based on the mitigation proposed in the MND, and the conditions set forth in this Certification, impacts to water quality will be reduced to a less than significant level and beneficial uses will be protected. Thus, the Regional Board independently finds that changes or alterations have been required in, or incorporated into the project, which 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 applicant must comply with the requirements of the applicable Clean Water Act section 404 permit.
- 2) Applicant shall ensure that all fees associated with this project shall be paid to each respective agency prior to conducting any on-site construction activities.
- 3) A copy of this Certification and any subsequent amendments must be maintained on site for the duration of work as a denoted element of any project Storm Water Pollution Prevention Plan (SWPPP), Water Quality Management Plan (WQMP) and/or Habitat Mitigation and Management Plan (HMMP).
- 4) Proposed on-site and off-site mitigation shall be timely implemented. Materials documenting the purchase of necessary mitigation credits shall be provided to this office prior to the discharge of fill to, or the dredging or excavation of material from, waters of the United States or Waters of the State of California.
- 5) A HMMP for the onsite mitigation shall be provided to this office for approval prior to the discharge of fill to, or the dredging or excavation of material from, waters of United States or Waters of the State of California.
- 6) The applicant shall complete the post-construction restoration of temporary impacts to waters of the U.S. within 30 days following completion of construction activities. Upon consideration of a written request, this period may be extended by Regional Board authorization to accommodate proper planting times. If restoration is not initiated within one year of impacts, additional mitigation may be required to offset temporal loss of waters of the U.S.
- 7) Prior to construction activities, the project proponent shall delineate the work area with brightly colored fencing or other methods to ensure both temporary and permanent impacts to Waters of the United States and Wasters of the State of California do not exceed the limits authorized in this certification.
- 8) All materials generated from construction activities associated with this project shall be managed appropriately. This shall include identifying all potential pollution sources within the scope of work of this project, and incorporating all necessary pollution prevention BMPs as they relate to each potential pollution source identified. Additionally no materials maybe stored within waters of the United States or Waters of the State of California.
- 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.
- 11) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such a manner that petroleum products or other pollutants from the equipment may enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the state on-site, except as necessary to complete the proposed project. No equipment shall be operated in areas of flowing water.
- 12) This 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 the conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.
- 13) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 14) Applicant shall ensure that all elements of the approved WQMP are fully implemented to address all identified pollutants and hydrologic conditions of concern resulting from the project.
- 15) Applicant shall follow all procedures and policies specified within the project's HMMP.
- 16) Construction de-watering discharges, including temporary stream diversions necessary for project construction may be regulated under Regional Board Order No. R8-2009-0003, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality. For more information, please review Order No. R8-2009-0003 at www.waterboards.ca.gov/santaana/
- 17) Prior to any grading for the project in riparian areas or wetlands that are slated to be impacted, functional assessments of these areas shall be conducted using the California Rapid Assessment Method, February 2012 (CRAM). Similarly, wetland and riparian habitat mitigation sites shall be assessed periodically with CRAM, beginning with the end of the first growing season following the initial planting of the mitigation site. Mitigation site

assessments shall be conducted annually, during the period from October through December, until success criteria are met for consecutive years. This information shall be reported to <http://www.californiawetlands.net/tracker/>

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 the applicant to 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 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 section 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying 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.

Tom Mungari
Nova Homes, Inc
RWQCB No: 332014-25 CIWQS No: 812395

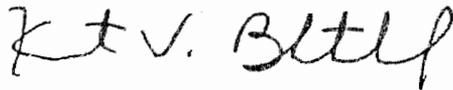
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This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which 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 Marc Brown at (951) 321-4584.

Sincerely,



Kurt V. Berchtold
Executive Officer
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

LSA Associates, Inc. – Denise Woodward – denise.woodward@lsa-assoc.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 Regulatory Office WTR-8