



# California Regional Water Quality Control Board

## Santa Ana Region



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Arnold Schwarzenegger  
Governor

May 14, 2007

Bill Storm  
Laing-Sequoia Partners, LLC  
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Irvine, CA 92612

### **CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR MCCANNA HILLS SPECIFIC PLAN, VILLAGES I THROUGH IV, COUNTY OF RIVERSIDE (ACOE REFERENCE NO. NOT AVAILABLE)**

Dear Mr. Storm :

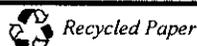
On January 30, 2007, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification), submitted on your behalf by RBF Consulting, Inc., for Villages I through IV of the McCanna Hills Specific Plan (Specific Plan No. 246 or SP 246) in an unincorporated area of Riverside County.

The development of the McCanna Hills Specific Plan involves the discharge of fill to 0.08 acres (2,555 linear feet) of an ephemeral drainage that is isolated and, consequently, not within the jurisdiction of the U.S. Army Corps of Engineers (Corps). The isolated drainage is waters of the State and the proposed discharge of fill will require authorization pursuant to the Porter-Cologne Water Quality Control Act under separate waste discharge requirements. Due to the extent of the proposed fill, the discharge cannot be authorized under State Water Quality Control Board Order No. 2004-0004-DWQ, "Statewide General Waste Discharge Requirements for Dredge and Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction" (Order No. 2004-0004-DWQ). Individual waste discharge requirements will be issued in a separate action by the Regional Board at a later time.

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) and subsequent Basin Plan amendments:

Project Description: McCanna Hills Specific Plan consists of five villages. Villages I through IV are proposed for Certification. Village V (a.k.a. Tract 33427) was reviewed and issued Certification on April 10, 2006. Villages I and II include Tract 33976, Tract 33977, and Tract 33978. Land uses in Villages III and IV include both commercial and residential use, however, specific tract and/or parcel maps have not been developed. McCanna Hills Specific

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Plan includes the construction of up to 3,210 single-family and multi-family residential units (291 units are in Village V) on 575.1 acres; 57.2 acres for commercial retail; 43.5 acres of community parks; 61.4 acres for schools; 357.52 acres for open space; and a 1.2-acre reservoir site. The project includes the construction of sub-regional storm drain Line A-K, which is an element of the Perris Valley Area Drainage Plan originally adopted by the Riverside County Flood Control and Water Conservation District in July 1987. Line A-K is an underground storm drain line within the Orange Avenue right-of-way that will discharge into the Perris Valley Storm Drain. Stub-outs will be provided in Line A-K for connections of storm drain systems serving future development.

Village I includes a portion of Tract 33977 that is designated as Tract 33977-0. Tract 33977-0 lies within the planned alignment of Riverside County's Mid-County Parkway Project, a major planned transportation corridor from Interstate 15 near the City of Corona, to Sanderson Road (State Route 79) in the City of San Jacinto. As a consequence, depending on the timing of development, Tract 33977-0 may not be constructed.

McCanna Hills is located south of Ramona Expressway and north of Nuevo Road, within Sections 14, 15, 22, and 23 of Township 4 South, Range 3 West, of the U.S. Geological Survey *Perris, California*, 7.5-minute topographic quadrangle map (33 deg. 49 min. 00 sec. N/117 deg. 10 min. 37 sec. W).

Receiving water:	Perris Valley Storm Drain and an un-named ephemeral drainage.
Fill area:	0.06 acres of permanent impact, and 0.43 acres of temporary impact to ephemeral drainages (1,783 linear feet).
Dredge/Fill volume:	N/A
Federal permit:	U.S. Army Corps of Engineers Nationwide Permit No. 39

You have proposed to mitigate water quality impacts as described in your Certification application and subsequent submittals. The proposed mitigation is summarized below:  
Onsite Water Quality Standards Mitigation Proposed:

- Nuisance flow and 'first-flush' discharges from Villages I and II will be treated in extended detention basins located at the northeast corner of Dunlap Road and

- Orange Avenue and along the south side of Walnut Avenue. The extended detention basins will be operated and maintained by a homeowner's association.
- Nuisance flow and 'first-flush' discharges from the residential portions of Villages III and IV will be treated in extended detention basins, while discharges from the commercial areas will be treated in extended detention basins, infiltration facilities (including basins, trenches, and/or porous pavements).
  - Additional site-specific best management practices (BMPs) will be specified in the Water Quality Management Plans (WQMPs) and in the sites' Storm Water Pollution Prevention Plans (SWPPPs).

Offsite Water Quality Standards Mitigation Proposed:

- No offsite water quality standards mitigation is proposed.

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 Game will ensure those impacts are mitigated to an acceptable level. Appropriate Best Management Practices will be implemented to reduce construction-related impacts to Waters of the State. This project is over one acre. Therefore, coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 99-08 DWQ, is required, as is development of a Storm Water Pollution Prevention Plan (SWPPP), to control the discharge of pollutants from the project site.

The Val Verde Unified School District plans to construct an Elementary School in Planning Area 13 of Village I. This School is expected to discharge into the basin at Dunlap Road. Pollutants in storm water runoff from the School have the potential to overwhelm the treatment capacity of the basin and create a condition of nuisance. In Regional Board Order No. R8-2002-0011, NPDES Permit No. CAS168033, (Order No. R8-2002-0011) commonly known as the Riverside County municipal storm water runoff permit, Val Verde Unified School District (District) is recognized as one of many entities that may discharge urban runoff containing pollutants into municipal storm drain systems. The Regional Board, "expected that these entities [would] work cooperatively with the Permittees to manage Urban Runoff." In addition, the Regional Board, pursuant to 40 CFR 122.26(a), asserted its discretion and authority to require non-cooperating entities to participate in Order No. R8-2002-0011, or to issue individual storm water permits. Although pollutants from the planned School may be treated in the future homeowner's association basin, the District cannot rely on this facility to fully remove pollutants from its storm water discharges. The District is expected to develop additional source control and treatment control measures to remove pollutants in its storm water runoff as part of its development process.

You have applied for a Nationwide Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have applied for a Streambed Alteration Agreement with the California Department of Fish and Game. McCanna Hills Specific Plan was previously known as the Preissman Specific Plan, although still SP 246.

Pursuant to the California Environmental Quality Act (CEQA), the County of Riverside certified an environmental impact report for the Preissman Specific Plan in 1994 and adopted an addendum to the EIR on August 23, 2005. In addition, the County of Riverside prepared an initial study for Tracts 33977 and 33978. No subsequent CEQA document was prepared for Tracts 33977 and 33978 in accordance with CEQA Guidelines Section 15182. The Executive Officer has considered the County's EIR, the addendum, and the initial study in the issuance of this Certification.

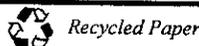
**This 401 Certification is contingent upon the execution of the following conditions:**

1. This Certification is conditioned upon the construction of all proposed storm water treatment facilities as proposed. All structural storm water treatment facilities shall be constructed and operational prior to the occupancy of any on-site residential home or commercial facility.
2. Laing-Sequoia Partners, LLC shall operate and maintain the proposed treatment facilities until such time that a subsequent responsible entity or entities, such as a home owner's or property owner's association(s), etc., accept the responsibility to operate and maintain the proposed treatment facilities.
3. In the event that any treatment facility receives pollutants for treatment from areas that are under the control of multiple subsequent responsible entities, Laing-Sequoia Partners, LLC shall construct sufficient pre-treatment facilities to assure that any single responsible entity's discharge to a facility serving multiple responsible entities does not cause or contribute to by-pass, overflow, or a condition of nuisance therein.
4. Regional Board staff and other authorized representatives shall be allowed:
  - a. Entry upon premises where storm water treatment facilities are located, or where records are kept under the requirements of this Certification;
  - b. Access to copy any records that are kept under the requirements of this Certification;
  - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations related to the treatment of storm water runoff from the project site; and
  - d. To photograph, sample and monitor for the purpose of assuring compliance with this Certification.
5. This Certification and any subsequent amendments shall be maintained on site as a denoted element of any project SWPPP or WQMP.
6. This Certification is transferable only upon written notice to the Executive Officer. The notice shall include written acknowledgement of this Certification by the transferee's authorized representative.

**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

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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.

Although we anticipate no further regulatory involvement, 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, we may formulate Waste Discharge Requirements.

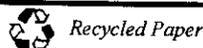
In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability 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.

In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (Regional Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance. Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. Please notify our office five (5) days before construction begins on this project.

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

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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. 200-0017-DWQ is available at [www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf](http://www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf)

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT  
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Dan Swenson  
State Water Resources Control Board, OCC – Erik Spiess  
State Water Resources Control Board, DWQ-Water Quality Certification Unit –  
Jenny Chen  
California Department of Fish and Game, Ontario Office – Jeff Brandt  
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Tim Vendlinski

cc: Val Verde Unified School District, Office of the Superintendent, 975 West Morgan  
Street, Perris, 92751 – Dr. C. Fred Workman

APF:401/certifications/McCanna Hills SP 362007-03