



California Regional Water Quality Control Board San Diego Region



Linda S. Adams
Secretary for
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

August 31, 2009

Certified Mail – Return Receipt Requested

Article Number: 7007 0710 0000 5763 4632

Bruce Cook
SCC/Murrieta, LLC
2392 Morse Avenue
Irvine, CA 92614

7007 0710 0000 5763 4649

7007 0710 0000 5763 4656

John Prater
Physician's Hospital of Murrieta, LLC
201 Seaboard Lane
Franklin, Tennessee 37067

In reply refer to:
647956.: cloflen

Erin Ibele
Health Care REIT, Inc.
One SeaGate, Suite 1500
P.O. Box 1475
Toledo, OH 43603

Dear Mr. Cook, Mr. Prater and Ms. Ibele:

SUBJECT: Amendments to CWA Section 401 Water Quality Certification
No. 07C-024

On July 21, 2009 the California Regional Water Quality Control Board, San Diego Region (Regional Board) received a request from Glenn Lukos Associates, on behalf of Physician's Hospital of Murrieta, to amend the Golden City Physician's Hospital and Tentative Parcel Map 35011 (Project) Section 401 Water Quality Certification, File No. 07C-024 (Certification). The requested amendments include proposed changes to the Project's mitigation, a deletion of a Certification Condition, and an extension in the period in which mitigation must be constructed.

The existing Certification was issued on October 09, 2008 to develop a medical facility, associated infrastructure, road improvements and three commercial pads. The existing Certification allows for 0.21 acres (5,978 linear feet) of permanent impacts to waters of the United States and requires mitigation be completed at two offsite locations no later than 9 months following the initial discharge of dredge and/or fill material. On October 17, 2008 the Regional Board received notification that the initial discharge into waters of the United States would occur on October 20, 2008. The amendment request wishes to extend the required completion date from July 20, 2009 to October 31, 2009. An additional change requested is to allow for a reduction in the amount of mitigation (80 linear feet) at one site in exchange for an equal increase at the other.

California Environmental Protection Agency



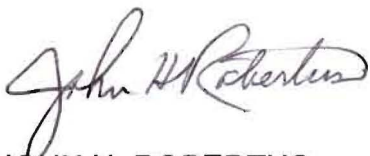
Other minor requests include the modification of language to reference the final mitigation and monitoring plan rather than the conceptual plan, and to delete a condition that has been previously met by the dischargers.

After a review of the Project's file and the proposed changes to the mitigation conditions, I concur that the proposed reallocation of linear feet between mitigation areas and the updating of Certification conditions to reference the final mitigation and monitoring plan are reasonable modifications to the original Section 401 Water Quality Certification. However, the proposed extension of the required mitigation completion date and the deletion of Additional Condition D.2 are neither reasonable nor warranted changes to the original Certification. As a result, the Section 401 Water Quality Certification for the Golden City Physician's Hospital and Tentative Parcel Map 35011 has been amended to reflect the shift in linear feet between mitigation areas and the final mitigation and monitoring plan. The amendments are included as Enclosure 1.

As mentioned previously, the Regional Board received a notification that initial fill to waters of the United States would occur on October 20, 2008. If that date was met, mitigation would be required to be completed by July 20, 2009. Condition D.9 requires an additional 0.1 acre of mitigation for every month that completion of mitigation is late. To date, the Regional Board has not received a notification of mitigation completion required by Condition D.4 of the certification.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter. If you have any questions regarding this notification, please contact Chad Loflen at (858) 467-2727 or cloflen@waterboards.ca.gov.

Respectfully,



JOHN H. ROBERTUS
Executive Officer

Enclosures:

1. Addendum to Clean Water Act Section 401 Water Quality Certification No. 07C-024
2. Clean Water Act Section 401 Water Quality Certification No. 07C-024, dated October 09, 2008

cc via email (w/encl.):

Crystel Doyle, United States Army Corps of Engineers,
crystel.l.doyle@usace.army.mil

Bill Orme, State Water Resources Control Board
Stateboard401@waterboards.ca.gov

David Smith, Wetlands Regulatory Office, U.S. Environmental Protection Agency
R9-WTR8-Mailbox@epa.gov

Martin Rasnick, Glenn Lukos Associates
mrasnick@wetlandpermitting.com

File No.	07C-024
CIWQS Place ID	647956
WDID	9000001621
Reg. Measure No.	322211

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,
SAN DIEGO REGION**

ADDENDUM TO

**CLEAN WATER ACT SECTION 401
WATER QUALITY CERTIFICATION NO. 07C-024**

FOR

**Golden City Physician's Hospital and Tentative
Parcel Map 35011 Project**

Additional Condition D.1 is modified:


1. Mitigation for permanent discharges to 0.21 acres (5,978 linear feet) of non-wetland waters of the United States must be achieved as follows and as described in ***Final Conceptual Mitigation and Monitoring Plan – Commercial Site Physician's Hospital of Murrieta and Parcel Map 35011 Project*** [*Hospital Site*] *City of Murrieta, Riverside County, California* dated ~~January 16, 2008, revised May 30, 2008~~ **July 01, 2009** by Glenn Lukos Associates. (Mitigation Plan):
 - a. Offsite creation of 0.52 acres/1,825 linear feet of jurisdictional waters of the United States. The creation will occur in two areas within Tract 28532-4 in the Golden City Specific Plan. Mitigation Site A is located within the southeastern portion of Tract 28532-4 and will consist of a ~~325~~ **405**-foot long by 5-foot wide riparian swale. Mitigation Site B will consist of the creation of a ~~1,500~~ **1,420** foot long by 12-15 foot wide riparian corridor within Tract 28532-4.

Additional Condition D.15 is modified:

Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful by the Regional Board. Annual monitoring reports must be submitted prior to **August 1** of each year. Monitoring reports must include, but not be limited to, the following:

- a. Names, qualifications, and affiliations of the persons contributing to the report;
- b. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data, including at a minimum;
 - i. Topographic complexity characteristics at each mitigation site;

- ii. Upstream and downstream habitat and hydrologic connectivity;
- iii. Source of hydrology;
- iv. Width of native vegetation buffer around the entire mitigation site;
- c. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
- d. Results of the conditional assessment, if one was conducted during that year;
- e. Photodocumentation from established reference points;
- f. A Survey report documenting boundaries of mitigation area; and
- g. Other items specified in the ~~**Conceptual Mitigation and Monitoring Plan – Commercial Site [Hospital Site] City of Murrieta, Riverside County, California**~~ dated January 16, 2008, revised May 30, 2008 by Glenn Lukos Associates or the final plan required by Condition D-2 **Final Mitigation and Monitoring Plan- Physician’s Hospital of Murrieta and Parcel Map 35011 Project [Hospital Site]; City of Murrieta, Riverside County, California, dated July 01, 2009, by Glen Lukos Associates.**



JOHN H. ROBERTUS
Executive Officer

31 Aug, 2009
Date



Linda S. Adams
Acting Secretary for
Environmental
Protection

California Regional Water Quality Control Board San Diego Region



Arnold
Schwarzenegger
Governor

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

Action on Request for
Clean Water Act Section 401 Water Quality Certification
and General Discharge Requirements
for Discharge of Dredged and/or Fill Materials

**PROJECT: Golden City Physician's Hospital and Tentative Parcel Map
35011 (Originally Commercial Development Site Project)
File No. 06C-118
WDID No. 9000001621**

APPLICANTS: Mike Turner
SunCal Companies
1250 Corona Pointe Court, Suite 210
Corona, CA 92879

CIWQS Reg. Meas. ID: 322211 Place ID: 647956
--

John Prater
Physician's Hospital of Murrieta, LLC
201 Seaboard Lane
Franklin, Tennessee 37067

Erin Ibele
Health Care REIT, Inc.
One SeaGate, Suite 1500
P.O. Box 1475
Toledo, OH 43603

ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

The project has two components. The first is a multi-purpose medical facility supporting a hospital, a medical offices building and associated infrastructure. The second is the preparation of three commercial pads, which will be rough graded, stabilized for erosion control and developed at a later date. The project

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper



also includes improvements to Triple C Ranch Road and the re-alignment of Antelope Road.

STANDARD CONDITIONS:

The following three standard conditions apply to all certification actions, except as noted under Condition 3 for denials (Action 3).

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action (Actions 1 and 2) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

ADDITIONAL CONDITIONS:

In addition to the three standard conditions, Mike Turner and SunCal Companies, John Prater and Physcian's Hospital of Murrieta, LLC and Erin Ibele and Health Care REIT, Inc. (the Applicants) must satisfy the following:

A. GENERAL CONDITIONS:

1. The Applicants must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (Regional Board), to support this 401 Water Quality Certification and all subsequent submittals required as part of this certification and as described in Attachment 1. The conditions within this certification supersede conflicting provisions within such plans submitted prior to the certification action. Any modifications thereto, would require notification to the Regional Board and reevaluation for individual Waste Discharge Requirements and/or certification amendment.
2. During construction, the Applicants must maintain a copy of this certification at the project site so as to be available at all times to site personnel and agencies.

3. The Applicants must permit the Regional Board or its authorized representative at all times, upon presentation of credentials:
 - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b. Access to copy any records required to be kept under the terms and conditions of this certification.
 - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this certification.
 - d. Sampling of any discharge or surface water covered by this Order.
4. The Applicants must notify the Regional Board within 24 hours of any unauthorized discharge, including hazardous or toxic materials, to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional best management practice (BMPs) or other measures that will be implemented to prevent future discharges.
5. The Applicants must, at all times, maintain appropriate types and sufficient quantities of materials onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the U.S. and/or State.
6. This Certification is not transferable to any person except after notice to the Executive Officer of the Regional Board. The Applicants must notify the Regional Board of any change in ownership of the project area. Notification must include, but not be limited to, a statement that the property owner has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands the permit requirements and must implement them; the seller and purchaser must sign and date the notification. The notification for transfer of mitigation responsibility shall include a signed statement from the new party demonstrating acceptance and understanding of the responsibility to meet the mitigation conditions and applicable requirements of the Certification. Notification must be provided within **10 days** of the sale of the property.
7. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation is 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.

8. In response to a suspected violation of any condition of this certification, the 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, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
9. 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.
10. The Applicants and successor owners must submit annual progressive reports to the Regional Board prior to **August 1** of each year following the issuance of this certification until the mitigation has been deemed successful by the Regional Board. At minimum, the annual reports must include the status of construction activities, best management practices implementation, and mitigation implementation. If no progress has been made on the project, the annual report must state this.

B. PROJECT CONDITIONS:

1. The Applicants must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-017-DWQ, Statewide General Waste Discharge Requirements for discharges of dredged or fill material that have received State Water Quality Certification. These General Waste Discharge Requirements are accessible at:
http://www.waterboards.ca.gov/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf.
2. Prior to the start of the project, and annually thereafter, the Applicants must educate all personnel on the requirements in this certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
3. The Applicants must notify the Regional Board in writing at least **5 days** prior to the actual commencement of dredge, fill, and discharge activities.
4. The Applicants must comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.
5. The treatment, storage, and disposal of wastewater during the life of the project must be done in accordance with waste discharge requirements established by the Regional Board pursuant to CWC § 13260.

6. Discharges of concentrated flow during construction and after project completion, must not cause downstream erosion or damage to properties or stream habitat. All storm drain outlets (including drains that discharge onsite or offsite flows) on the Golden City Physician's Hospital and Tentative Parcel Map 35011 site must be designed to prevent downstream erosion (e.g. through the use of velocity dissipators). If it is found that any flows from the project site are causing downstream erosion or damage to properties or habitat, the Applicants must notify the Regional Board immediately and implement measures to eliminate the erosive flows.
7. All areas that will be left in a rough graded state including, but not limited to, the commercial superpads east of the proposed Antelope Road, must be revegetated with native species no later than one week after completion of rough grading. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at <http://www.cal-ipc.org/ip/inventory/weedlist.php>. The Applicants, and subsequent owners, are responsible for implementing and maintaining BMPs to prevent erosion of the commercial superpads and to prevent flows from this area from causing negative impacts to Beneficial Uses downstream.

C. POST CONSTRUCTION STORM WATER MANAGEMENT:

1. All storm drain inlet structures within the project boundaries must be stamped and/or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
2. Best management practices (BMPs) must be implemented to treat stormwater runoff from all roofs, roads, parking areas, and other impervious areas that can convey stormwater to the stormdrain system and/or waters of the State/U.S. All BMPs, including, but not limited to, filtration trenches, Filterra systems, fossil filters and detention basins, must be sized to comply with the following numeric sizing criteria:
 - a. Volume-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:
 - i. The volume of runoff produced from a 24-hour 85th percentile storm event, as determined from the local historical rainfall record (0.6 inch approximate average for the San Diego County area); or
 - ii. The volume of runoff produced by the 85th percentile 24-hour rainfall event, determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or

- iii. The volume of annual runoff based on unit basin storage volume, to achieve 90% or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook – Industrial/Commercial, (1993); or
 - iv. The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile 24-hour runoff event; or
 - b. Flow-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:
 - i. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour; or
 - ii. The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or
 - iii. The maximum flow rate of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.
3. The Applicants must submit a copy of the Final Water Quality Management Plan for the Golden City Physician's Hospital and Tentative Parcel Map 35011 to the Regional Board prior to the initiation of clearing and grubbing.
4. Post-construction BMPs must be installed and functional prior to occupancy and/or planned use of development areas.
5. All rough graded desilting basins must be designed, constructed and maintained according to the most recent California Stormwater Quality Association guidance for sediment basins, until all development on the project site is completed and post-construction BMPs are installed and operational.
6. Treatment BMPs must be provided to treat flows from all roads (public and private) that will be improved as part of the project. All fossil filters (Clearwater Solutions or equivalent) must contain a media mix that will provide medium to high removal efficiency, per California Stormwater Quality Association, for the expected and potential pollutants for roads.
7. The Applicants or their designated party must inspect and maintain all catch basins and fossil filters per the manufacturer's specifications in perpetuity.
 - a. Fossil filters must be inspected at a minimum quarterly, including just prior to the rainy season (just prior to October 1) and once after the rainy season (after April 30) and after every major storm event.

Inspections must be conducted by a qualified individual familiar with the operation and configuration of the filters.

- b. The media filters must be replaced annually at a minimum.
8. The extended detention basins must be designed and constructed in accordance with the most recent California Stormwater Quality Association guidance for extended detention basins. The basin outlets must be placed to maximize the flowpath through the facility. The ratio of flowpath length to width from the inlet to the outlet must be at least 1.5:1. The flowpath length is defined as the mean width of the basin.
 9. The Applicants must maintain the extended detention basin in perpetuity according to the most recent California Stormwater Quality Association guidance for extended detention basins. Typical activities include, but are not limited to:
 - a. Semiannual inspection for the beginning and end of the wet season for standing water, slope stability, sediment accumulation, trash and debris, and presence of burrows;
 - b. Removal of accumulated trash and debris in the basin as needed to ensure proper functioning of the basin; and
 - c. Yearly inspection of accumulated sediment volume. Accumulated sediment should be removed and the basin re-graded when the accumulated sediment volume exceeds 10 percent of the basin volume.
 10. The Applicants must design, construct and maintain in perpetuity all filtration trenches according to the most recent California Stormwater Quality Association guidance for vegetated swales. Typical maintenance activities include, but are not limited to:
 - a. Semiannual inspection at the beginning and end of the wet season for erosion, damage to vegetation and sediment and debris accumulation;
 - b. Removal of accumulated trash and debris in the trench as needed to ensure proper functioning;
 - c. Removal of accumulated sediment when it builds up beyond 3 inches at any spot or covers vegetation.
 11. The Applicants must maintain the permeable pavement areas in perpetuity according to the most recent California Stormwater Quality Association guidance for pervious pavements and the manufacturers specifications. Typical activities include, but are not limited to:
 - a. Preventing soil from being washed onto the pavement; and
 - b. Vacuum cleaning the surface using commercially available street cleaners at the following times: End of the rainy season (April 30), mid-

summer (July/August) and prior to the beginning of the rainy season (October 1).

12. The project's runoff peak flow rate and velocity for the post-construction condition must be controlled to prevent erosion and protect downstream habitat. Flows from the Golden City Physician's Hospital and Tentative Parcel Map 35011 storm drain outlets must not cause erosion or degradation of beneficial uses of downstream waters of the State. If it is found that flows from the storm drain outlets are causing erosion in the downstream areas, the Regional Board must be notified and the Applicants must implement measures to reduce and eliminate the erosive flows.
13. The Applicants must implement the source control BMPs described in the application for 401 Certification and in the *Water Quality Management Plan Oak Springs Ranch, Wildomar, CA*, prepared by Fuscoe Engineering, including, but not limited to, the following:
 - a. Provide training and educational materials to property owners, operators, tenants and employees regarding good housekeeping and other practices that contribute to the protection of water quality.
 - b. Develop and enforce restrictions regarding onsite activity that may negatively impact water quality including, but not limited to:
 - i. Prohibiting the discharges of fertilizer, pesticides or wastes to streets or storm drains;
 - ii. Prohibiting the blowing or sweeping of debris into the storm drain;
 - iii. Prohibiting hosing down paved surfaces and/or using water to clean up fertilizer or other pollutant spills;
 - c. Irrigation equipment must be inspected and maintained on a monthly basis, at a minimum. Inspections must include checking water sensors and adjusting irrigation heads and timing devices if necessary;
 - d. Implementation of an integrated pest management plan;
 - e. Common area litter control, including litter removal, emptying trash receptacles and picking up grass and plant clippings, must be conducted at least weekly;
 - f. Street sweeping of private streets and parking lots must be conducted at least two times per month;
14. Records must be kept regarding inspections and maintenance of all structural BMPs, including, but not limited to, filtration trenches, Filterra systems, fossil filters and detention basins, and non-structural source control BMPs, in order to assess the performance of the systems and determine whether adaptations are necessary to protect receiving waters. Copies of the inspection and maintenance log must be provided to the Regional Board upon request.

- a. Before occupancy, the Applicants, their designated party or the successor owners of Golden City Physician's Hospital and Tentative Parcel Map 35011, must submit a letter to the Regional Board describing where the post-construction inspection and maintenance log will be kept. Failure to maintain a post-construction inspection and maintenance log will be a violation of this Certification.
15. The Applicants, and its successors, are responsible for inspection and maintenance of all post-construction structural BMPs associated with Golden City Physician's Hospital and Tentative Parcel Map 35011 including, but not limited to, filtration trenches, Filterra systems, fossil filters and detention basins, until such responsibility is legally transferred to another entity.
- a. At the time maintenance responsibility for post-construction BMPs is legally transferred, the Applicants, or successor owners, must submit to the Regional Board a copy of such documentation. Documentation must be submitted within 30 days of the transfer of responsibility.
 - b. At the time maintenance responsibility for post-construction BMPs is legally transferred, the Applicants, or successor owners, must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications and/or California Stormwater Quality Association guidance.
 - c. When responsibility is legally transferred to another entity, the transferee will be responsible for the inspection and maintenance of all post-construction structural BMPs associated with Golden City Physician's Hospital and Tentative Parcel Map 35011 in perpetuity.

D. COMPENSATORY MITIGATION FOR LOSS OF WATERS OF THE U.S./STATE:

1. Mitigation for permanent discharges to 0.21 acres (5,978 linear feet) of non-wetland waters of the United States must be achieved as follows and as described in *Conceptual Mitigation and Monitoring Plan – Commercial Site [Hospital Site] City of Murrieta, Riverside County, California* dated January 16, 2008, revised May 30, 2008 by Glenn Lukos Associates. (Mitigation Plan):
 - a. Offsite creation of 0.52 acres/1,825 linear feet of **jurisdictional** waters of the United States. The creation will occur in two areas within Tract 28532-4 in the Golden City Specific Plan. Mitigation Site A is located within the southeastern portion of Tract 28532-4 and will consist of a 325-foot long by 5-foot wide riparian swale. Mitigation Site B will consist of the creation of a 1,500 foot long by 12-15 foot wide riparian corridor within Tract 28532-4.

- b. The offsite enhancement of 0.52 acre of riparian habitat within the Golden City Specific Plan by planting existing drainages with southern willow scrub and mulefat habitat.
2. At least 5 days prior to the initiation of discharges to waters of the United States, the Applicants must submit a final mitigation and monitoring plan that is based upon *Conceptual Mitigation and Monitoring Plan – Commercial Site [Hospital Site] City of Murrieta, Riverside County, California* dated January 16, 2008, revised May 30, 2008 by Glenn Lukos Associates.
3. The Applicants must restore all areas of temporary impacts to waters of the United States/State and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicants must implement all necessary BMPs to control erosion and runoff from areas associated with this project.
4. The Applicants must notify the Regional Board in writing at least **5 days** prior to the actual commencement of mitigation installation, and completion of mitigation installation.
5. Mitigation Site Preparation: The Applicants must salvage leaf litter, coarse woody debris, and upper soil horizons from impacted jurisdictional water sites that are relatively free of invasive exotic species for use in on-site mitigation areas.
6. The Applicants must also salvage large cuttings from appropriate tree species if they exist at the impact site and use them as pole plantings at the mitigation site.
7. Within **90 days** of the issuance of this certification, The Applicants must provide the Regional Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. At a minimum, the areas that must be included in the preservation mechanism are the approximately 14 acre onsite open space area, the 0.50 acre enhancement area and the open conveyance channel (from top of bank to top of bank). Within one year of the issuance of this certification, the Applicants must submit proof of a completed preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation property must be adequate to demonstrate that the site will be maintained without future development or encroachment on the site, which could otherwise reduce the functions and values of the site for the variety of beneficial uses of waters of the U.S. that it supports. The legal

limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the site. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

8. The Applicants must submit a report (including topography maps and planting locations) to the Regional Board within **90 days** of completion of mitigation site preparation and planting, describing as-built status of the mitigation project.
9. The construction of proposed mitigation must be concurrent with project grading and completed no later than **9 months** following the initial discharge of dredge or fill material into on-site waters. Delays in implementing mitigation must be compensated for by additional mitigation of 0.1 acre for each month of delay.
10. Prior to initiation of mitigation activities, the Applicants must conduct a conditional assessment to evaluate the abiotic structure, biotic structure and hydrology of the areas proposed for permanent impacts and the proposed creation areas.
 - a. The results of the assessments must be submitted to the Regional Board no later than **30 days** after the initiation of mitigation activities.
 - b. The same methodology used in the initial assessments will be utilized in measuring the progress of the mitigation through the monitoring period. At a minimum, the Applicants must conduct one additional assessment prior to the end of the monitoring period. The results of the assessment must be submitted in the next annual mitigation report.
 - c. The results of the assessments will be used to evaluate success of the mitigation areas in replacing the resources impacted by the proposed fill. To be considered successful, the mitigation areas must meet or exceed the baseline scores, established by the initial assessments.
11. A jurisdictional delineation of the creation areas must be conducted prior to the completion of the 5-year monitoring period. In order to be considered successful, the mitigation must result in the creation of 0.52 acre and 1,825

linear feet of jurisdictional waters of the United States. See Condition D.17 for a definition of creation.

12. Throughout the mitigation monitoring program mitigation areas must be maintained free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than five percent of the onsite or offsite mitigation areas. Whenever possible, removal of non-native and/or invasive species must be conducted by hand or hand-operated power tools rather than by chemical means.
13. Any maintenance activities that do not contribute to the success of the mitigation site and enhancement of beneficial uses and ecological functions and services are prohibited. Maintenance activities are limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species and remedial measures deemed necessary for the success of the restoration program.
14. If at any time during the implementation and establishment of the mitigation area(s), and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation area, The Applicants is responsible for repair and replanting of the damaged area(s).
15. Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful by the Regional Board. Annual monitoring reports must be submitted prior to **August 1** of each year. Monitoring reports must include, but not be limited to, the following:
 - a. Names, qualifications, and affiliations of the persons contributing to the report;
 - b. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data, including at a minimum;
 - i. Topographic complexity characteristics at each mitigation site;
 - ii. Upstream and downstream habitat and hydrologic connectivity;
 - iii. Source of hydrology;
 - iv. Width of native vegetation buffer around the entire mitigation site;
 - c. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
 - d. Results of the conditional assessment, if one was conducted during that year;
 - e. Photodocumentation from established reference points;
 - f. A Survey report documenting boundaries of mitigation area; and

- g. Other items specified in the *Conceptual Mitigation and Monitoring Plan – Commercial Site [Hospital Site] City of Murrieta, Riverside County, California* dated January 16, 2008, revised May 30, 2008 by Glenn Lukos Associates or the final plan required by Condition D. 2.

16. **Responsible Party Updates:** The Applicants must provide the name and contact information of any third party accepting responsibility for implementing the mitigation requirements of this Certification. The notification must be submitted to the Regional Board within 30 days of the transfer of responsibility. The notification must include a signed statement from the new party demonstrating acceptance and understanding of the responsibility to meet the mitigation conditions and applicable requirements of the Certification.
17. For purposes of this certification, creation is defined as the creation of vegetated or unvegetated waters of the U.S./State where they have never been documented or known to occur (e.g., conversion of nonnative grassland to freshwater marsh). Restoration is defined as the creation of waters of the U.S./State where they previously occurred (e.g., removal of fill material to restore a drainage). Enhancement is defined as modifying existing waters of the U.S./State to enhance functions and values (e.g., removal of exotic plant species from jurisdictional areas and replacing with native species).

E. STREAM PHOTO DOCUMENTATION PROCEDURE:

1. The Applicants, and their successors, must conduct photo documentation of the project site, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation areas, including all areas of permanent and temporary impact, prior to and after project construction. Photo documentation must be conducted in accordance with the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure, included as Attachment Number 6. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced. The Applicants must submit this information in a photo documentation report to the Regional Board with the Mitigation Maintenance and Monitoring reports. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

F. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES PHOTO DOCUMENTATION PROCEDURE:

1. The Applicants must conduct photo documentation of implemented post-construction BMPs. Photo-documentation must be modeled after the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure, included as Attachment 6. In

addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced. The Applicants must submit this information in a photo documentation report to the Regional Board with the Mitigation Maintenance and Monitoring reports. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

G. GEOGRAPHIC INFORMATION SYSTEM REPORTING:

1. The Applicants must submit Geographic Information System (GIS) shape files of the impact area within **30 days** of project impacts, the mitigation area within **30 days** of mitigation installation, and BMP locations within **30 days** of BMP installation. All impact and mitigation areas shapefiles must be polygons. Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points. BMP locations may be submitted as points. GIS metadata must also be submitted.

H. REPORTING:

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.
2. All reports and information submitted to the Regional Board must be submitted in both hardcopy and electronic format.
3. The Applicants must submit a report to the Regional Board within 30 days of completion of the project. The report should include as-built drawings no bigger than 11" x 17" and photos of the completed project including post-construction BMPs.
4. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:

"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."

5. The Applicants must submit reports required under this certification, or other information required by the Regional Board, to:

Executive Officer
 California Regional Water Quality Control Board
 San Diego Region
 Attn: 401 Certification; Project No. 07C-024
 9174 Sky Park Court, Suite 100
 San Diego, California 92123

6. Required Reports: The following list summarizes the reports, excluding spill notifications and emergency situations, required per the conditions of this Certification to be submitted to the Regional Board.

Report Topic	Certification Condition	Due Date(s)
Transfer of Ownership	A.6	Within 10 days of the sale of the property
Annual Progress Report	A.10	Prior to August 1 of each year
Pre-Discharge Notification	B.2	5 days prior to discharge of fill
Notification of downstream erosion (if needed)	B.6	Immediately
Final WQMP	C.3	Prior to initiation of clearing and grubbing
Ponding or Scour around velocity dissipators (if needed)	C.12.	Immediately
Location of BMP inspection log	C.14.a	Prior to occupancy
Transfer of BMP maintenance responsibility (if needed)	C.15.a	Within 30 days of transfer
Final Mitigation Plan	D.2	5 days prior to discharge of fill
Initiation and Completion of Mitigation	D.4	5 days prior to initiation and completion
Draft Preservation Mechanism	D.7	Within 90 days of issuance of this Certification
Final Preservation Mechanism	D.7	Within 1 year of issuance of this Certification and prior to initiation of construction
Mitigation As-Builts	D.8	Within 90 days of completion of mitigation
Baseline Conditional Assessment	D.10.a	30 days after the initiation of mitigation
Annual Mitigation Reports	D.15	Annually until mitigation deemed successful
Transfer of responsibility for	D.16	Within 30 days of transfer

mitigation		of responsibility
Stream Photo Documentation	E.1	Pre-impact with the first annual mitigation report; post-impact by the final mitigation report
BMP Photo Documentation	F.1	With the first annual mitigation report
GIS Shapefiles – Impact areas, mitigation areas and BMPs	G.1	Within 30 days of project impacts, within 30 days of mitigation installation and within 30 days of BMP installation

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On March 20, 2007 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Mariah Mills
 California Regional Water Quality Control Board, San Diego Region
 9174 Sky Park Court, Suite 100
 San Diego, CA 92123
 (858) 627-3977
mmills@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the Golden City Physician's Hospital and Tentative Parcel Map 35011 (Project No. 07C-024) 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. This discharge is also regulated under California Regional Water Quality Control Board, San Diego Region, Waiver of Waste Discharge Requirements (Waiver Policy) No. 17. Please note that this waiver is conditional and, should new information come to our attention that indicates a water quality problem, the Regional Board may issue waste discharge requirements at that time. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification," which requires compliance with all conditions of this Water Quality Certification.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



JOHN H. ROBERTUS
Executive Officer
Regional Water Quality Control Board

10/9/2008
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map
 4. Site Maps
 5. Mitigation Maps
 6. Stream Photo Documentation Procedure

**ATTACHMENT 1
PROJECT INFORMATION****Applicants:**

Mike Turner
SunCal Companies
1250 Corona Pointe Court, Suite 210
Corona, CA 92879
Telephone: (951) 271-3800
Fax: (951) 271-3850
Email: mturner@suncal.com

John Prater
Physician's Hospital of Murrieta, LLC
201 Seabord Lane
Franklin, Tennessee 37067
Telephone: (615) 550-2600
Fax: (615) 550-2601
Email: jprater@surgicaldevelopmentpartners.com

Erin Ibele
Health Care REIT, Inc.
One SeaGate, Suite 1500
P.O. Box 1475
Toledo, OH 43603
Telephone: (419) 247-2800

**Applicant
Representatives:**

Glenn Lukos Associates
Attention: Martin Rasnick
29 Orchard
Lake Forest, CA 92630
Telephone: (949) 837-0404
Facsimile: (949) 837-5834
Email: mrasnick@wetlandpermitting.com

Project Name:

Golden City Physician's Hospital and Tentative Parcel Map 35011
(Original 401 Application name was the Commercial Development Site Project)

Project Location:

The project is located in the City of Murrieta, Riverside County, California. The project is bounded by Antelope Road and I-215 to the west, Tentative Tract 28532-1 to the east, Baxter Road to the south and Triple C Ranch Road to the north. APNs 384-250-001, 384-250-002, 382-251-001, 384-251-003, 384-251-004, 384-251-007, 384-251-013, 384-251-014, 384-251-015. Latitude 33°36'30"N, Longitude 117°09'30"W.

Type of Project:

Hospital and Commercial mixed-use

Need for Project:

The project is needed to provide necessary emergency services and to alleviate the overcrowding of existing medical facilities within

the City of Murrieta. The project will also meet the objectives of the City of Murrieta's Golden City Specific Plan by providing an available and affordable commercial development.

- Project Description: ✓ The project has two components. The first is a multi-purpose medical facility supporting a hospital, a medical offices building and associated infrastructure. The second is the preparation of three commercial pads, which will be rough graded, stabilized for erosion control and developed at a later date. The project also includes improvements to Triple C Ranch Road and the re-alignment of Antelope Road.
- Federal Agency/Permit: ✓ U.S. Army Corps of Engineers §404 Individual Permit, Crystel Doyle
- Other Required Regulatory Approvals: ✓ California Department of Fish and Game Streambed Alteration Agreement 1600-2007-0056-R6, Jeff Brandt
- California Environmental Quality Act (CEQA) Compliance: ✓ Supplemental Environmental Impact Report Amendment to the Development Agreement for Golden City (City of Murrieta, Specific Plan No.5), Golden City Specific Plan Amendment No.1, CUP 007-2499 (Conditional Use Permit), DPO 008-2608 (Development Plan), and TPM 006-2185 (Tentative Parcel Map 35011. City of Murrieta, September 17, 2008. State Clearinghouse No. 2008021138.
- Receiving Water: ✓ Unnamed tributaries to Warm Springs Creek. Santa Margarita Hydrologic Unit, Murrieta Hydrologic Area, French Hydrologic Subarea (902.33)
- Affected Waters of the United States: ✓ Size of impact: The project will permanently fill 0.21 acre (5,978 linear feet) of non-wetland waters of the United States.
- Dredge Volume: ✓ None
- Related Projects Implemented/to be Implemented by the Applicant(s): ✓ The applicant has not disclosed any related projects.
- Compensatory Mitigation: ✓ Compensatory mitigation for the proposed impacts will consist of the following (Refer to Attachment 6 for map):
- ✓ ▪ Offsite creation of 0.52 acres/1,825 linear feet of jurisdictional waters of the United States. The creation will occur in two areas within Tract 28532-4 in the Golden City Specific Plan. Mitigation Site A is located within the southeastern portion of Tract 28532-4 and will consist of a 325-foot long by 5-foot wide riparian swale. Mitigation Site B will consist of the creation of a 1,500 foot long by 12-15 foot wide riparian corridor within Tract 28532-4.
 - ✓ ▪ The offsite enhancement of 0.52 acre of riparian habitat

within the Golden City Specific Plan by planting existing drainages with southern willow scrub and mulefat habitat.

Mitigation Ratios:

- Creation: Approximately 2.5:1 in terms of acreage, 0.3:1 in terms of linear feet.
- Enhancement: Approximately 2:1 in terms of acreage.

Mitigation Plan: *Conceptual Mitigation and Monitoring Plan – Commercial Site [Hospital Site] City of Murrieta, Riverside County, California* dated January 16, 2008, revised May 30, 2008 by Glenn Lukos Associates.

Best Management Practices (BMPs):

During construction, the Applicants will comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.

Post-construction water quality for Golden City Physician's Hospital and Tentative Parcel Map 35011 will be managed through a combination of site design, source control and treatment control BMPs as described in the *Preliminary Water Quality Management Plan for Commercial Site for Golden City Specific Plan (Tract 28532 / Tentative Parcel Map 35011 and Parcel 2 of PM 110/62)* prepared by Albert A. Webb Associates, dated January 14, 2008, revised July 1, 2008, final revision forthcoming. BMPs will include, but not be limited to, the following:

Site Design BMPs:

- Incorporating landscaped medians with curb cuts throughout the parking lots to intercept storm water runoff;
- Using landscape design that minimizes the use of impervious surfaces
- Constructing the satellite parking lot of porous pavement;
- Draining roof and sidewalk runoff to landscaped areas;
- Incorporation of bioswales throughout the project to provide treatment and promote infiltration;
- Landscaping with native and drought tolerant species; and
- Use of efficient irrigation systems.

Source Control BMPs:

- Education materials and training for homeowners and renters;
- Activity and use restrictions to reduce pollutants reaching the storm drain system;
- Implementation of integrated pest management techniques;
- Minimum weekly routine litter control;
- Minimum bi-monthly street sweeping of streets and parking areas;
- Storm drain stenciling;
- Minimum weekly landscape and irrigation system inspection

including checking water sensors, irrigation heads and timers;

- Routine, minimum weekly, inspection and housekeeping of trash storage areas.
- Inclusion of properly designed trash storage areas and loading docks to prevent pollutants from entering storm water.

Treatment Control BMPs:

- Three types of treatment BMPs will be employed on the project site: filtration trenches with a combination of sand, peat and aggregate media; Filterra bioretention filtration system tree boxes; and fossil filter catch basin inserts with a media mixture that will provide medium to high level of treatment per CASQA for expected pollutants from roads (Clearwater Solutions or equivalent). After treatment, all runoff will be routed through one of two extended detention basins to prevent downstream hydromodification impacts.

Public Notice: March 20, 2007

Fees: Total Fees: \$30,390.00
✓ Total Paid: \$500.00 (check No. 00003866)
\$29,890.00 (check No. 016338)

CIWQS: Regulatory Measure ID: 322211
Place ID: 647956
Party ID: 297189

ATTACHMENT 2
DISTRIBUTION LIST
(email only)

Crystel Doyle
U.S. Army Corps of Engineers
Regulatory Branch, San Diego Field Office
16885 West Bernardo Drive, Suite 300A
San Diego, CA. 92127
crystel.l.doyle@usace.army.mil

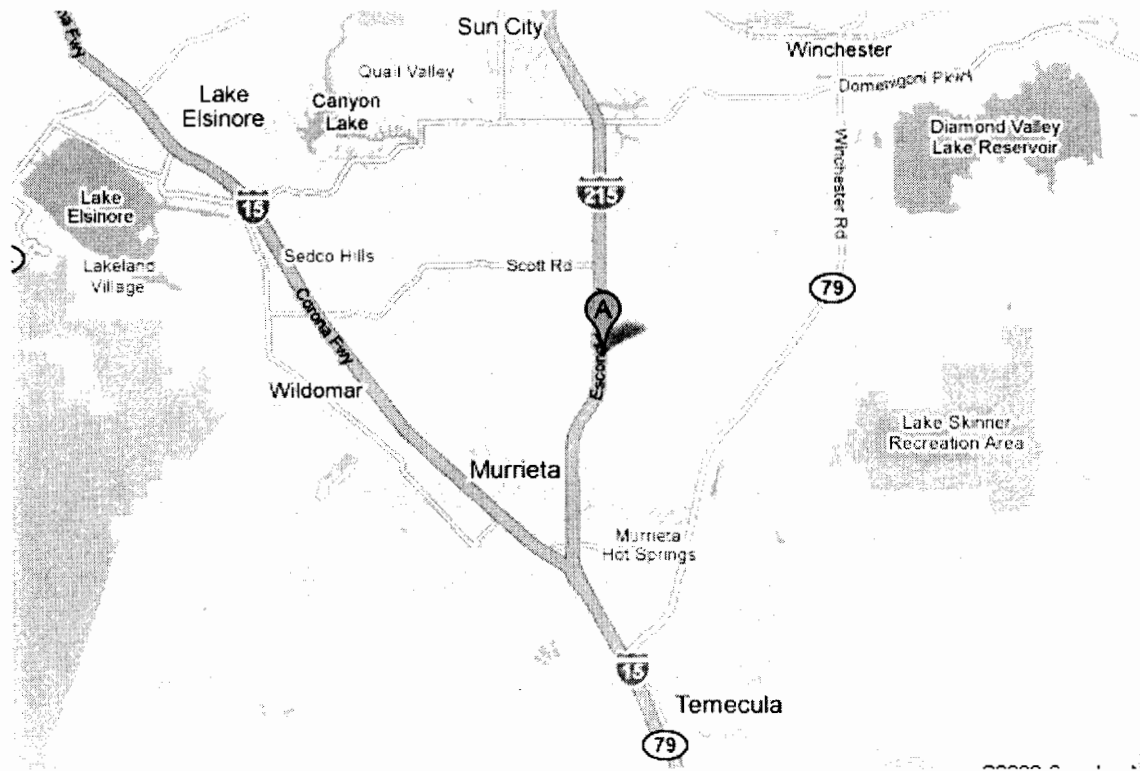
Bill Orme
State Water Resources Control Board, Division of Water Quality
401 Water Quality Certification and Wetlands Unit
P.O. Box 100
Sacramento, CA 95812-0100
BOrme@waterboards.ca.gov

David W. Smith
Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105
smith.davidw@epa.gov

Martin Rasnick
Glenn Lukos Associates
29 Orchard
Lake Forest, CA 92630
mrasnick@wetlandpermitting.com

Farida Naceem
City of Murrieta
One Town Square
24601 Jefferson Avenue
Murrieta, CA 92562
fnaceem@murrieta.org

ATTACHMENT 3 LOCATION MAP



**ATTACHMENT 4
SITE MAPS**

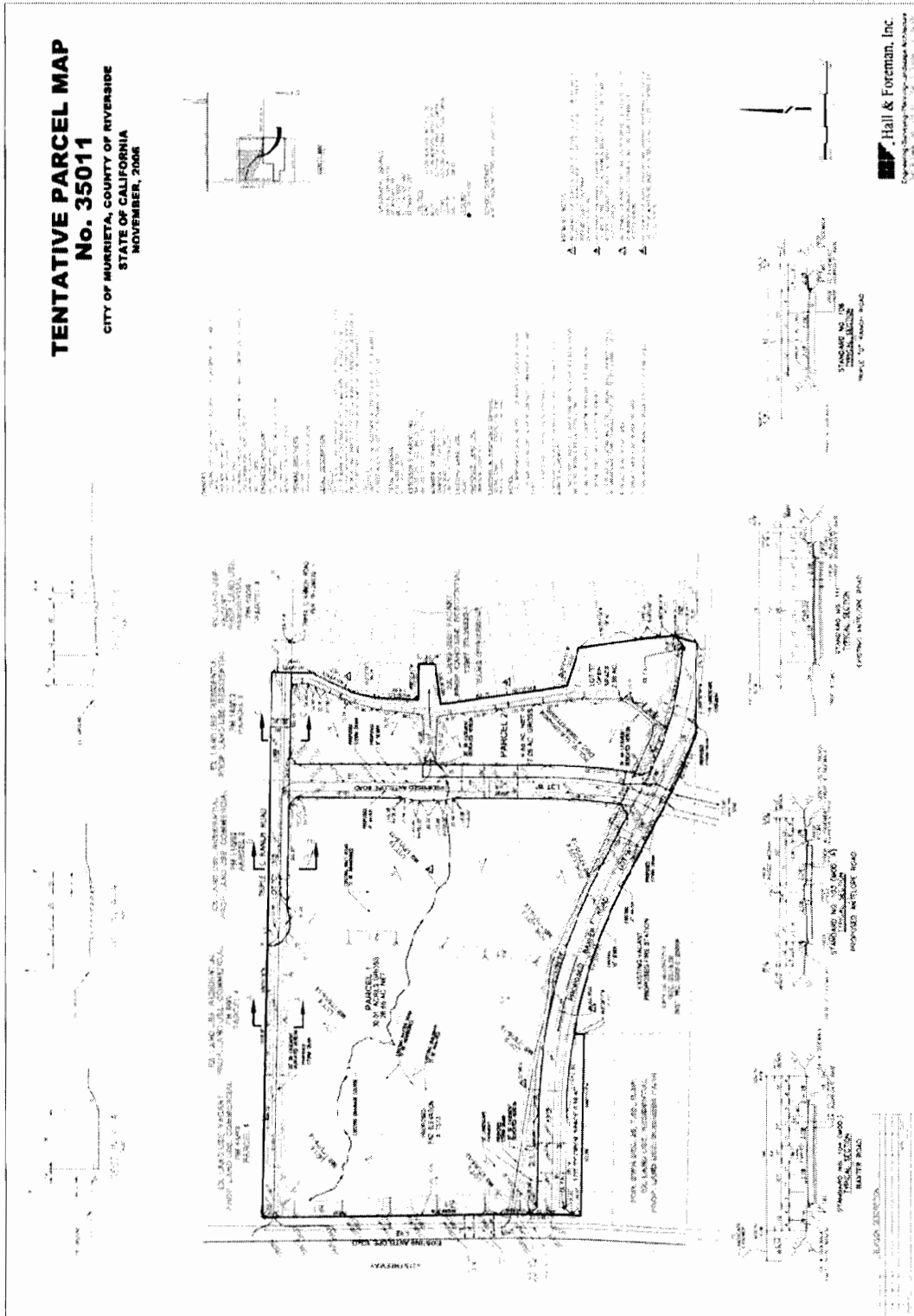


FIGURE 4-6
Site Location Site Plan – Development Plan Hospital and Support Facilities

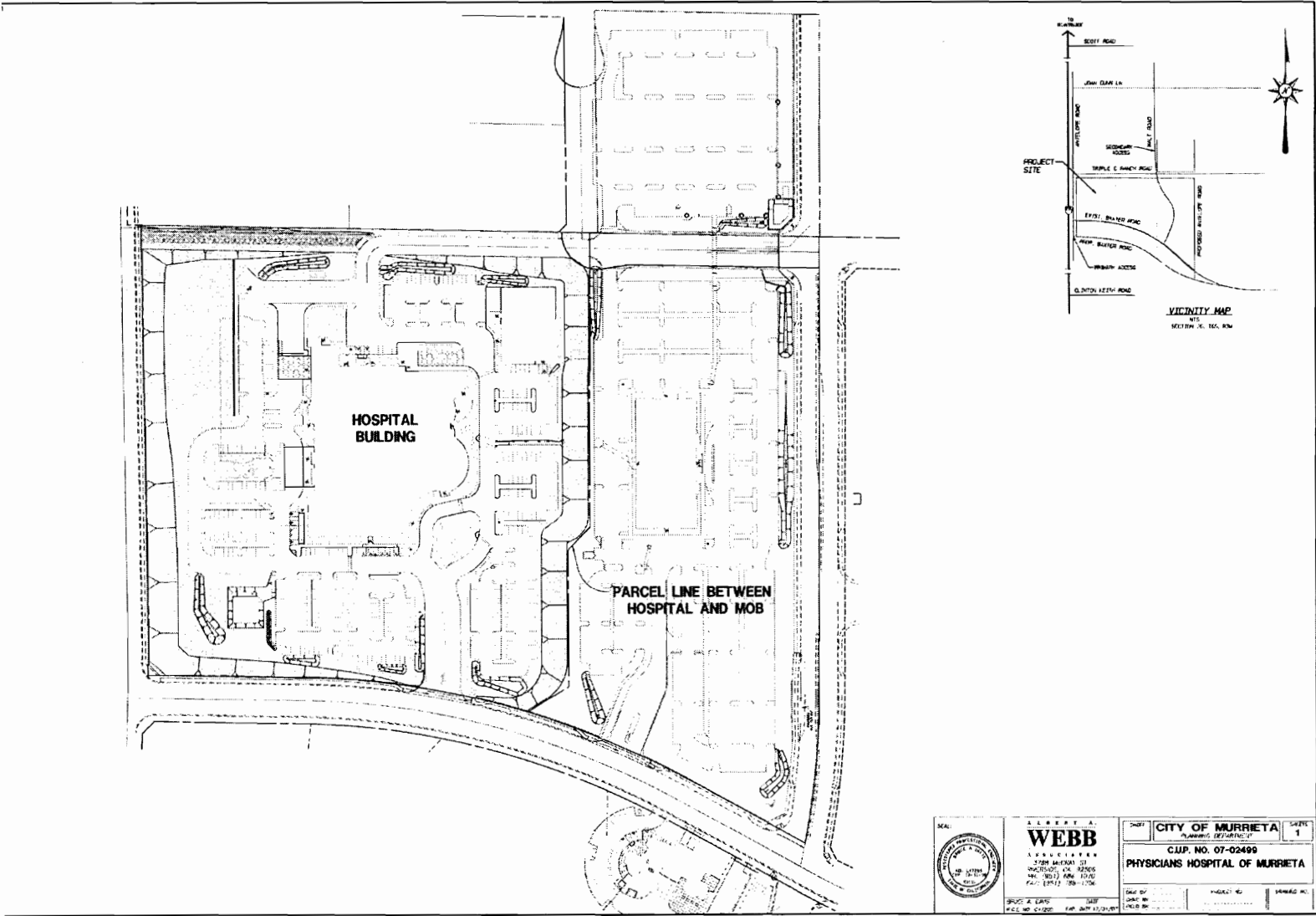
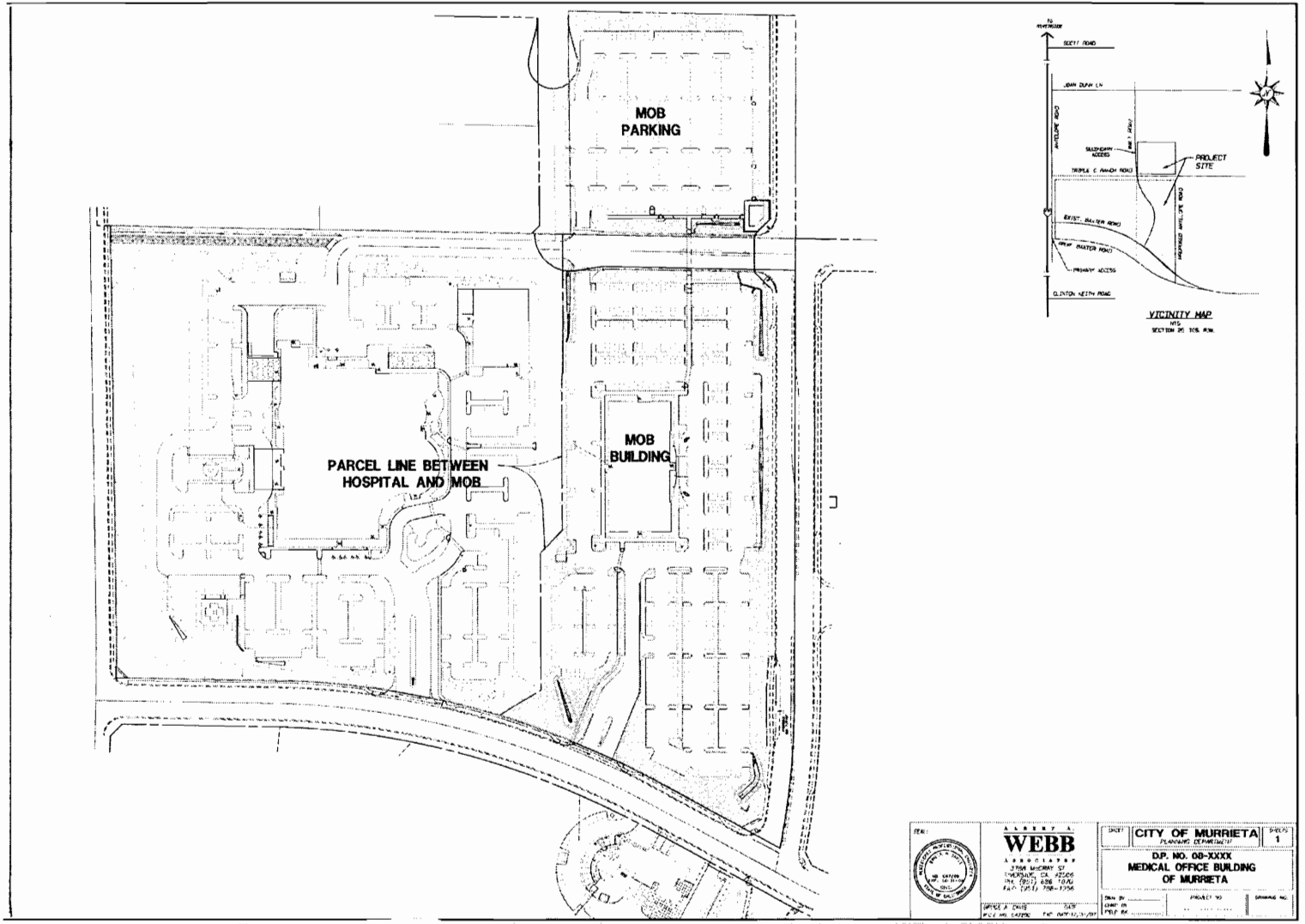
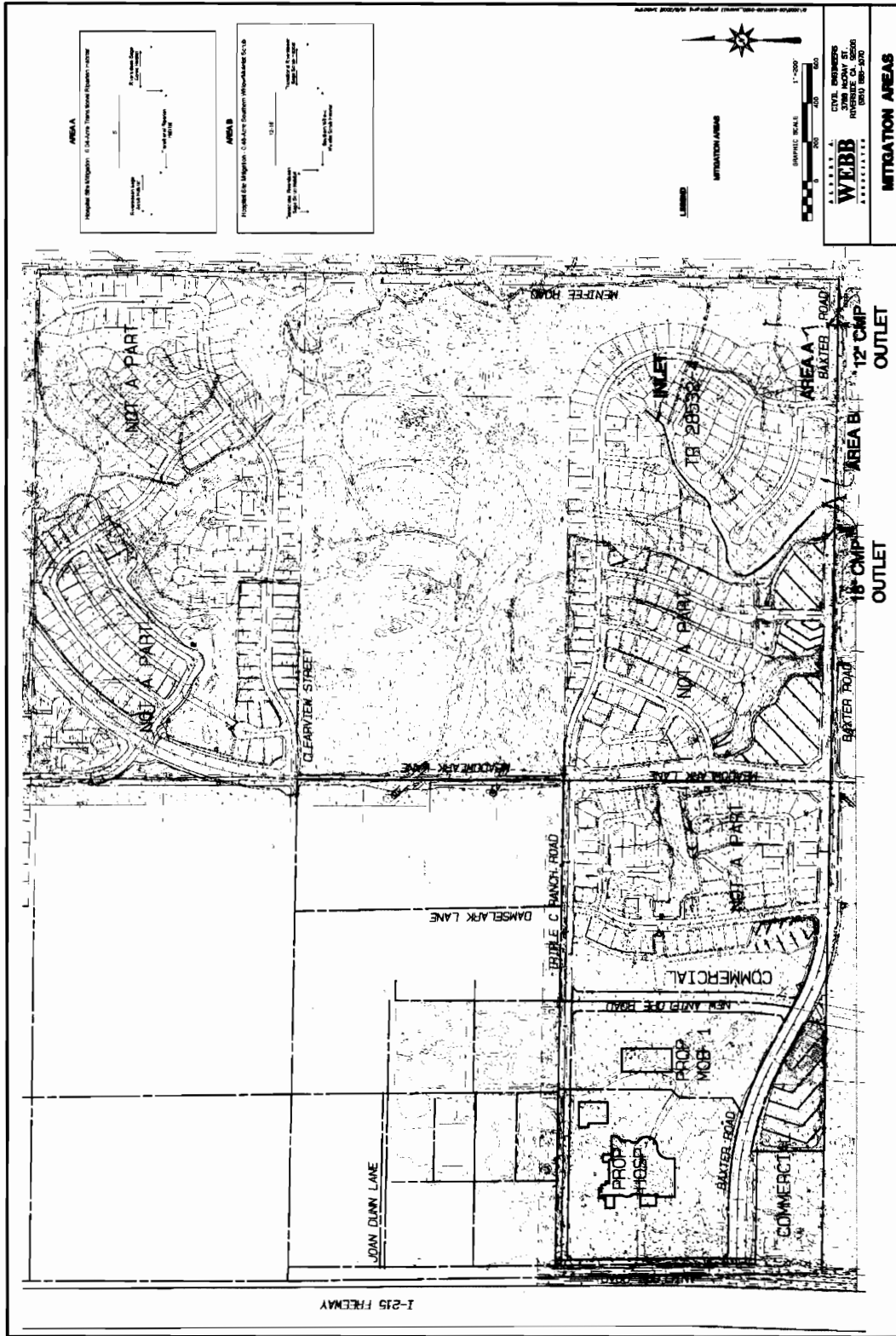


FIGURE 4-8
Site Location Site Plan – Development Plan MOB



ATTACHMENT 5 MITIGATION MAP



I-215 FREEMAN