

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

**EXECUTIVE OFFICER SUMMARY REPORT
JUNE 9, 2021**

ITEM 3

SUBJECT

New Waste Discharge Requirements: Waste Discharge Requirements for Strata Keith, LLC, Horizons/Approved Tract Map No. 36672 Project, Riverside County (Tentative Order No. R9-2021-0020). (*Darren Bradford*)

STAFF RECOMMENDATION

Adoption of Tentative Order No. R9-2021-0020 (Tentative Order) is recommended.

KEY ISSUE

The Tentative Order (**Supporting Document No. 1**) authorizes the discharge of fill material resulting in permanent impacts to 0.12 acre (1,041 linear feet) of ephemeral streambed surface waters of the State of California (State) attributed to the Horizons/Approved Tract Map No. 36672 Project (Project). Compensatory mitigation to offset permitted Project impacts will be achieved through the purchase of 0.36 acre of re-established river credits from the San Luis Rey Mitigation Bank (SLRMB) and 0.24 acre of vernal pool wetland preservation credits from the Barry Jones Mitigation Bank (BJMB) in advance of Project construction.

PRACTICAL VISION

The Tentative Order implements the San Diego Water Board's Practical Vision, entitled *Healthy Waters, Healthy People*,¹ by requiring mitigation and monitoring for impacts sufficient to offset unavoidable adverse impacts to aquatic resources from the Project. The waste discharge requirements employ the best practicable treatment and control of discharges to ensure and verify that the highest level of water quality is maintained consistent with the maximum benefit to the people of the State. The compensatory mitigation required in the Tentative Order implements the goal of the Recovery of Stream, Wetlands and Riparian Systems chapter of the Practical Vision to attain no overall net loss and a long-term net gain in the quantity, quality and sustainability of aquatic resources.

DISCUSSION

The Project is located on the northwest corner of Prielipp Road and Elizabeth Lane within the City of Wildomar California, Riverside County (**Supporting Document No. 2**). The Project proposes to construct a mixed-use residential and assisted living development, comprising 20.27 acres with an additional 4.29 acres off-site. The residential portion includes 2-story townhomes on the majority of the project site. Specifically, townhomes will be constructed within the northern and central portions of the site, including 138 units on 12 acres. A recreation and leasing building will be constructed in the central portion of the apartment complex along with 350 parking spaces, which includes 276 garage spaces. The assisted living facility will be located in the southern portion of the Project site north of Prielipp Road, and comprises 32 skilled nursing units (1-story) and 54

¹ Practical Vision: https://www.waterboards.ca.gov/sandiego/water_issues/programs/practical_vision/

assisted living units (2-story) in addition to 86 parking spaces on 4.5 acres. Additional features of the Project include the extension of Elizabeth Lane along the eastern boundary of the Project site, a 2-acre open space area along the western boundary, and the construction of Bunny trail to the north. The Project adds approximately 9.88 acres of impervious surfaces. Post-construction best management practices (BMPs) to manage and control the effects of resulting runoff increases will be designed, constructed, and maintained to comply with the most current Standard Storm Water Mitigation and Hydromodification Plans for the County of Riverside.

Proposed Discharge Impacts

The Discharger, Strata Keith, LLC, submitted a Report of Waste Discharge (ROWD), in application for waste discharge requirements (WDRs) to construct the Project, on July 1, 2016. Additional information to complete the ROWD application was subsequently received and the ROWD was deemed complete on February 2, 2021. The Discharger proposes to discharge permanent fill material associated with Project construction activities to 0.12 acre (1,041 linear feet) of an isolated ephemeral tributary to Murrieta Creek, a water of the State within the Murrieta Hydrologic Area (HA), Murrieta Hydrologic Subarea (HSA) (902.32).

Compensatory Mitigation

Compensatory mitigation for permanent impacts to ephemeral streambed waters of the State will be achieved through the purchase 0.36 acre of re-established river credits from the SLRMB and 0.24 acre of vernal pool wetland preservation credits from the BJMB, in advance of Project construction. The purchase of these credits will achieve a mitigation compensation ratio of 5:1 (area mitigated:area impacted).

Tentative Order

Tentative Order No. R9-2021-0020 will, if adopted, serve as WDRs² for the discharge of fill material attributable to the Project to waters of the State. The Tentative Order allows reasonable use of private property for retail and commercial services, and associated infrastructure development, and growth of the economy, while offsetting the adverse Project impacts to waters of the State. The Tentative Order authorizes unavoidable direct adverse impacts, attributed to the Project, to an isolated ephemeral streambed and requires the Discharger to implement compensatory mitigation sufficient to offset the permitted Project impacts.

² Pursuant to Water Code section 13260 et. seq.

The San Diego Water Board typically relies upon its authority under Clean Water Act (CWA) section 401 to regulate discharges of dredged or fill material to waters of the United States and/or State through the issuance of water quality certifications. The San Diego Water Board has delegated this function to the Executive Officer and the issuance of water quality certifications is not typically scheduled for consideration by the Board unless the project is very large or controversial. However, the United States Army Corp of Engineers has determined that no waters of United States are present within the Project's impact area. Therefore, the Project discharges are to waters of the State outside of CWA jurisdiction and the water quality certification regulatory process does not apply. The San Diego Water Board is relying upon its authority under the Porter-Cologne Water Quality Control Act to regulate Project discharges under WDRs and Board action is required to adopt the Tentative Order.

The Tentative Order was noticed for a public hearing and released for public review and comment for a 30-day period on March 18, 2021. The public comment period closed on April 19, 2021. The San Diego Water Board received no comment letters regarding the Tentative Order during the comment period. Changes were made to Finding I.I of the Tentative Order to correct minor editorial errors. The Tentative Order (**Supporting Document No. 1**) displays the changes made after the March 18, 2021, public release in red-underline for added text and red strikeout for deleted text.

PUBLIC NOTICE

The Tentative Order was noticed, provided to the Discharger and other interested parties and released for public review and comment on March 18, 2021 with comments due by April 19, 2021. The Notice of Opportunity to Comment and Public Hearing (Notice) and the Tentative Order were posted on the San Diego Water Board website for the duration of the 30-day comment period and sent to all interested parties. The Notice announced a public hearing to be held on June 9, 2021; availability of the Tentative Order for review; and provided instructions for submittal of written comments (**Supporting Document No. 3**). Notice of the public hearing on the Tentative Order was also provided in the Meeting Notice and Agenda for the June 9, 2021 Board meeting which is posted on the San Diego Water Board website.

SUPPORTING DOCUMENTS

1. Tentative Order No. R9-2021-0020
2. Project Site/Location Map
3. Public Notice issued March 18, 2021