

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

**EXECUTIVE OFFICER SUMMARY REPORT
JUNE 12, 2019**

ITEM 5

SUBJECT

New Waste Discharge Requirements: Waste Discharge Requirements for Sand Development, LP, Tentative Tract Map No. 33356 (Amended Exhibit No. 3) Project, Riverside County (Tentative Order No. R9-2019-0092). (*Darren Bradford*)

STAFF RECOMMENDATION

Adoption of Tentative Order No. R9-2019-0092 (Tentative Order) is recommended.

KEY ISSUE. The Tentative Order (**Supporting Document No. 1**) authorizes 0.31 acre (1,908 linear feet) of permanent impacts, and 0.59 acre (308 linear feet) of temporary impacts to ephemeral streambed waters of the State attributed to the Tentative Tract Map No. 33356 (Amended Exhibit No. 3) Project (Project). Compensatory mitigation to offset permitted Project impacts will be achieved through the purchase of 1.21-acre of river re-establishment mitigation bank credits in advance of Project construction. Sand Creek Development, LP (Discharger) has taken a sequence of appropriate steps in the Project design to first avoid, then minimize, and lastly mitigate for permanent adverse impacts to existing waters of the State.

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 goals 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 at the northwest corner of the Anza Road and Linda Rosea Road intersection, east of the City of Temecula in an unincorporated portion of southwestern Riverside County, California. (**Supporting Document No. 2**). The Project consists of the subdivision of 39.62 acres into 16 single-family residential lots and two (2) open space lots for the USGS-designated blueline stream ('Drainage A') which traverses the eastern portion of the project site along Anza Road. Residential lots range in size from 0.75 acre to 3.91 acres. The two open space lots together total approximately 11 acres.

The Project adds approximately 7.36 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 submitted a Report of Waste Discharge (ROWD) in application for waste discharge requirements (WDRs) to construct the Project, on May 31, 2017. The Discharger

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

proposes to discharge permanent fill material associated with Project construction activities to 0.31 acre (1,908 linear feet) of ephemeral streambed waters of the State, and temporary fill to 0.59 acre (308 linear feet) of ephemeral streambed waters of the State.

Compensatory Mitigation

Compensatory mitigation for permanent impacts to wetland waters of the State will be achieved through the purchase of 1.21-acre of wetland re-establishment mitigation bank credits from the San Luis Rey Mitigation Bank (SLRMB), in advance of Project construction to achieve a minimum mitigation compensation ratio of 3.9:1 (area mitigated:area impacted).

Tentative Order

Tentative Order No. R9-2019-0092 will, if adopted, serve as WDRs for the discharge of fill material attributable to the Project to waters of the State, pursuant to Water Code section 13260 et. seq. The Tentative Order allows reasonable use of private property for housing, and associated infrastructure development, and growth of the economy, while offsetting the adverse Project impacts to waters of the State. The Tentative Order serves to authorize unavoidable direct adverse impacts to an isolated wetland (pond), attributed to the Project and requires the Discharger to implement compensatory mitigation sufficient to offset the permitted Project impacts.

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 U.S. 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 the Project discharges under WDRs and Board action is required to adopt the Tentative Order.

The Tentative Order was released for public review and comment pursuant to Water Code section 13167.5 on March 13, 2019 for a period of 30 days (**Supporting Document No. 3**). The deadline for submission of written comments on the Tentative Order was April 12, 2019. The San Diego Water Board did not receive any public comments. A minor error in the title block of the Tentative Order is corrected in redline/strikeout text to clarify that the Project is located in Riverside County.

PUBLIC NOTICE

On March 13, 2019 the San Diego Water Board provided public notice of the release of the Tentative Order for public review and comment and today's public hearing to the Discharger and other interested parties via e-mail. The public hearing notice, written comment period and Tentative Order were also posted on the San Diego Water Board website on December 19, 2018 for a period of 30 days for public review and comment. Notice was also provided in the Meeting Notice and Agenda for the June 12, 2019 Board meeting and posted on the San Diego Water Board website.

SUPPORTING DOCUMENTS

1. Tentative Order No. R9-2019-0092
2. Project Site/Location Map
3. Public Notice issued March 13, 2019