

Central Valley Regional Water Quality Control Board
20 June 2025 Board Meeting

Response to Comments
for
Richland Planned Communities Inc., Treasure Project
Tentative Waste Discharge Requirements

The following are Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff responses to comments submitted by interested persons regarding the tentative Waste Discharge Requirements (WDRs) for Richland Planned Communities Inc. Treasure Project in Sacramento County.

The tentative WDR was issued for a 30-day public comment period on 11 March 2025, with comments due by 10 April 2025. The Central Valley Water Board received public comments regarding the tentative permit by the due date from the Permittee. Changes were made to the proposed permit based on public comments received.

The submitted comments were accepted into the record, and are summarized below, followed by Central Valley Water Board staff responses.

PERMITTEE COMMENTS

1. Edit to Description of Indirect Impacts to Waters of the State

The Permittee identified the second and third sentences in the first paragraph of section 6 of the Findings as erroneous and not applicable to their project site.

RESPONSE:

Staff concur and revised the first paragraph of section 6 of the Findings as follows:

The Central Valley Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. The Permittee will implement a water diversion plan, erosion control measures, and a Stormwater Pollution Prevention Plan (SWPPP), as described in the Avoidance and Minimization Measures to ensure that the Project will avoid and minimize erosion, sedimentation, and turbidity in waters of the state at the Project site.

2. Edit to Section 4.b. Request for Notice of Completion of Discharges Letter

The Permittee proposed changing “construction activities” to “construction discharge activities” to two instances in the first paragraph of Section 4.b. of the Requirements.

RESPONSE: Staff concur and also further removed the word “construction” for additional clarification. Section 4.b. of the Requirements was revised as follows:

b. Request for Notice of Completion of Discharges Letter:

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The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project discharge activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project discharge activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period.

3. Edits to Section J.2 Financial Security

The Permittee proposed multiple edits in track changes to Section J.2. of the Requirements, summarized as follows:

- a. Add the missing subsection label for the first section of Section J.2 of the Requirements.
- b. Add in the specific name of their designated third party, Westervelt, in conjunction to references of the Permittee
- c. Add in the percentage of construction costs to the first sentence.
- d. Replace the word “sole” with “reasonable” to the word in the first paragraph.
- e. Add in 3 sections the first section providing more detail regarding the phases of the security.
- f. Add “such as a bond or cash deposit” to describe a different security instrument in Section J.2.b.

RESPONSE: Staff responses for each letter above are as follows:

- a. Staff concur and added the subsection “a” label to the first paragraph.
- b. Staff concur in part. Westervelt is an example of a potential third party that can be contracted with to satisfy the financial securities requirements. The specific mitigation management entity is not named to leave the choice broader. The third party will be identified in the final compensatory mitigation plan, not in the Order. Staff revised section J.2.a to include “designated third party” and clarified that the Permittee will establish financial securities in consultation with a Permittee-designated third party in section J.2.c.
- c. Staff do not concur. The percentage of construction costs identified will be submitted in the final compensatory mitigation plan, not specified in the Order. To ensure future changes can be made without having to amend the Order at a future Board meeting, no revisions were made to the existing language.
- d. Staff do not concur. The sentence as written prescribes that Central Valley Water Board staff sole discretion to use the financial securities document if the Permittee has failed to meet its mitigation obligations. Making the determination based on a reasonable judgement is implied for all actions taken by the Central Valley Water Board staff. No revisions were made.

- e. Staff do not concur. The proposed language outlining specific plan details as items i and ii and iii should be detailed in the final compensatory mitigation plan submitted to Central Valley Water Board staff. Specific phasing and plan details are not described within the Order to preserve clarity of the requirements. The plan is implemented by reference and any changes or details are discussed in consultation between the Central Valley Water Board staff and the Permittee or legally responsible representative outside of the Order adoption process. Additional clarification was provided in the last sentence of subsection J.2.c.
- f. Staff do not concur. The existing language leaves the type of security instrument broader and does not prescribe specific methods that limit the discretion of the Permittee. No revisions were made.

As described above, staff revised section J.2 Financial Security of the Requirements as follows:

J. Compensatory Mitigation Requirements:

[...]

2. Financial Security

- a. The Permittee and a designated third party shall establish in favor of the Central Valley Water Board, an irrevocable letter of credit in an amount sufficient to pay for the cost of the Permittee's required compensatory mitigation under this Order within 90 days of issuance of this Order. The Permittee or a designated third party entity shall prepare a draft letter of credit and submit it to the Central Valley Water Board staff for written acceptance. The letter of credit shall allow the Central Valley Water Board to immediately draw on the letter of credit if the Central Valley Water Board staff determines in its sole discretion that the Permittee has failed to meet its mitigation obligations.
- b. If the Permittee is unable to establish a letter of credit, it shall arrange a different security instrument with Central Valley Water Board staff within 90 days of issuance of this Order.
- c. The Permittee shall finalize and execute the security instrument in coordination with a designated third party within sixty (60) days after the Central Valley Water Board staff approves the draft security instrument. The Permittee shall have a security instrument_or agreement with a designated third party in place until the Permittee has completed the required compensatory mitigation and achieved all performance standards within a timeline identified in the Final Compensatory Mitigation Plan.

4. Edits to Section J.3.a Permittee-Responsible Compensatory Mitigation Responsibility

The Permittee proposed language in section J.3.a of the Requirements to adjust the timeline of the compensatory mitigation installation.

Response: Staff concur in part. In general, standard permittee responsible compensatory mitigation installation is required to be completed within 90 days of submittal of a Notice of Project Completion. However, this plan as submitted is not what staff generally see for permittee responsible mitigation proposals. The language of this requirement should have been adjusted to accommodate the unique plan submitted under this particular mitigation hierarchy. The following revisions were made to section J.3.a of the Requirements:

3. Permittee-Responsible Compensatory Mitigation Responsibility

- a. Permittee responsible compensatory mitigation shall commence and be completed within a timeline as described in the final compensatory mitigation plan. Any modifications to the aspects outlined in the final compensatory mitigation plan will be submitted to Central Valley Water Board staff for approval prior to implementation. A determination will be made by Central Valley Water Board staff within 30 days of submittal of proposed changes to the compensatory mitigation plan.

5. Edits to Section J.3.b Permittee-Responsible Compensatory Mitigation Responsibility

The Permittee proposed adding “or Westervelt” to section 3.b.ii and 3.b.iii of the Requirements.

Response: Staff do not concur. The final Compensatory Mitigation Plan is incorporated by reference in the proposed Waste Discharge Requirements. The intent of the original Order requirement is to maintain that the Permittee agrees to submit all compensatory mitigation plan updates and reporting to the Central Valley Water Board. The proposed Waste Discharge Requirements will be issued to Richland Planned Communities, Inc. and any third parties in contract with to satisfy compensatory mitigation requirements are at the sole discretion of the Project proponent. Staff recommend retaining the language from the original tentative Waste Discharge Requirements; therefore, no revisions were made..

6. Edits to Section J.5 Total Required Compensatory Mitigation

The Permittee proposed language to section J.5.a of the Requirements to include “purchasing wetland habitat created by Westervelt”.

Response: Staff concur in part. The Project proponent submitted a draft compensatory mitigation plan that outlined an agreement between Richland Planned Communities, Inc. and Westervelt Ecological Services for Richland Planned Communities, Inc. to create 25 acres of establishment wetland habitat that is

managed in perpetuity by Westervelt Ecological Services. Staff revised the language in Section J.5 Total Required Compensatory Mitigation as follows:

5. Total Required Compensatory Mitigation

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to wetlands by a combination of creating or purchasing approximately 25 acres of wetland or commensurate habitat as an establishment project created and managed by an authorized mitigation management third party.
- b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 3. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

7. Edits to Attachment B, Table 1

The Permittee proposed changing the Receiving Waters from “Laguna Creek” to “Tributaries to Stone Lake”

Response: Staff concur in part. After reviewing project document submittals, the 401 application indicates that there are no receiving waters to the three isolated features impacted by project activities. Staff agree that Laguna Creek should be removed, however no receiving waterbody will be identified in Attachment B, Table 1. Staff revised the Receiving Waters column in Attachment B, Table 1 to remove “Laguna Creek”.

8. Edits to Attachment B, Table 3

The Permittee identified that the contact information needed to be updated in Attachment B, Table 3.

Response: Staff concur. Staff added the website and email contact information for the Permittee Responsible Compensatory Mitigation Site Information in Attachment B, Table 3 as follows:

Table 3: Permittee Responsible Compensatory Mitigation Site Information

Contractor	Westervelt Ecological Services
Website:	https://wesmitigation.com/
Permittee Responsible Contact Name:	Travis Hemmen
Phone:	916-646-3644
Email:	themmen@westervelt.com
Permittee Site Location - County:	Sacramento
Latitude:	38.245°

Longitude:	-121.373°
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9. Attachment C

The Permittee identified a typo showing brackets around the title name of Attachment C.

Response: Staff removed the typo in Attachment C.

10. Attachment D, Section III.A Definition of Reporting Terms

The Permittee proposed the last sentence of Section III.A of Attachment D to add the word “discharges” after the word Project and to remove “and restoration” after the word construction.

Response: Staff concur in part. Including the word “discharges” in the last sentence does not correctly describe the Active Discharge Period. The language in the original draft states our definition of an active discharge period as the period of time during active construction on a project, keeping the language consistent with our regulatory requirements. Removing reference to “and restoration” is appropriate because of the nature of the project. Section III.A of Attachment D has been revised as follows:

III. Definition of Reporting Terms

A. Active Discharge Period:

The active discharge period begins with the effective date of this Order and ends on the date that the Permittee receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project, including site construction and any Permittee responsible compensatory mitigation construction.

11. Attachment D header

The Permittee identified a typo showing the header in Attachment D as “Attachment E”.

Response: Staff replaced the “Attachment E” header in Attachment D with “Attachment D”.