

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

**EXECUTIVE OFFICER SUMMARY REPORT  
MARCH 13, 2019**

**ITEM 4**

**SUBJECT**

New Waste Discharge Requirements: Waste Discharge Requirements for the Bel Air Murrieta, LLC, Bel Air Apartment Homes, (Murrieta 196) Project (Tentative Order No. R9-2019-0011).  
(Darren Bradford)

**STAFF RECOMMENDATION**

Adoption of Tentative Order No. R9-2019-0011 (Tentative Order) is recommended.

**KEY ISSUE.** The Tentative Order (**Supporting Document No. 1**) authorizes 1.40-acre (683 linear feet) of permanent impacts to waters of the State attributed to the Bel Air Apartment Homes, (Murrieta 196) Project (Project). Compensatory mitigation to offset permitted Project impacts will be achieved through the purchase of 1.40-acre of mitigation bank credits in advance of Project construction and enhancement of approximately 1.97-acres of a vernal pool complex and wetland meadow within an 11.31-acre off-site property. Bel Air Murrieta, LLC (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*<sup>1</sup> 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 aspirational 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 on the south side of Murrieta Hot Springs Road, east of Via Princessa, north of Calle Del Lago in the City of Murrieta, Riverside County, California. (**Supporting Document No. 2**). The Project consists of the construction of a 196-unit multifamily residential community within a vacant 9.85 net acre (10.91 gross-acre) parcel. The units in the community may be sold to individual owners as condominiums or rented as apartments. The units will be located in nine three-story buildings, situated around community open space and amenities including a two-story community center and pool, children's play area, and barbecue areas.

The Project adds approximately 5.07-acre of impervious surface. 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 City of Murrieta.

***Proposed Discharge Impacts***

The Discharger submitted a Report of Waste Discharge (ROWD) in application for waste discharge requirements (WDRs) to construct the Project, on April 29, 2016. The Discharger

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<sup>1</sup> Practical Vision: [https://www.waterboards.ca.gov/sandiego/water\\_issues/programs/practical\\_vision/](https://www.waterboards.ca.gov/sandiego/water_issues/programs/practical_vision/)

proposes to discharge fill material associated with Project construction activities into a 1.40-acre (683 linear feet) isolated wetland (pond).

### ***Compensatory Mitigation***

Compensatory mitigation for permanent impacts to wetland waters of the State will be achieved through the purchase of 1.40-acre of wetland re-establishment mitigation bank credits from the San Luis Rey Mitigation Bank (SLRMB), in advance of Project construction, and enhancement of an approximately 1.97-acre vernal pool complex/wetland at the Western Riverside County Regional Conservation Authority (RCA) owned Moore Property. The Discharger will purchase the 3.57-acre Moore Property site and provide long-term management funding to Riverside Multi Species Habitat Conservation Plan (MSHCP) through the RCA to achieve a minimum mitigation compensation ratio of 2.41:1 (area mitigated:area impacted).

### ***Tentative Order***

Tentative Order No. R9-2019-0011 will, if adopted, serve as WDRs for the discharge of waste 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 December 19, 2018 for a period of 30 days (**Supporting Document No. 3**). The deadline for submission of written comments on the Tentative Order was January 18, 2019. The San Diego Water Board did not receive any public comments.

### **PUBLIC NOTICE**

On December 19, 2018 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 March 13, 2019 Board meeting and posted on the San Diego Water Board website.

### **SUPPORTING DOCUMENTS**

1. Tentative Order No. R9-2019-0011
2. Project Site/Location Map
3. Public Notice issued December 19, 2018