

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

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[TENTATIVE] REVISION ORDER R8-2024-0060

ORDER INFORMATION

Status: TENTATIVE
Program: Dredged or Fill Material Program
Order Type: Revision of Existing Order
Subject Order: Order R8-2024-0042
Discharger(s): Minor Ranch, LLC
Project: Menifee Valley Specific Plan Project
County: Riverside County
CIWQS WDID: 332023-01

CERTIFICATION

I, JAYNE JOY, Executive Officer, hereby certify that the following is a full, true, and correct copy of the order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on September 13, 2024.

JAYNE JOY
Executive Officer

FINDINGS

The California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) hereby finds as follows:

1. On May 3, 2024, the Santa Ana Water Board adopted Waste Discharge Requirements Order R8-2024-0042 (WDRs Order) for Minor Ranch, LLC (Discharger) and the Menefee Valley Specific Plan Project (Project) in Riverside County.
2. The WDRs Order prescribes requirements for the discharge of dredged or fill materials in connection with the Project, which includes 3.68 acres that have been designated as Waters of the State (WOTS). A detailed description of the Project is set forth in the WDRs Order findings, which are incorporated herein.
3. Section C of the WDRs Order prescribes requirements for mitigation of the Project's impacts to WOTS. In particular, Section C.2 prohibits the Discharger from impacting WOTS until the Santa Ana Water Board receives a copy of the Discharger's fully executed purchase agreement for 4.16 acres of re-establishment or rehabilitation credits from the Riverpark Mitigation Bank.
4. There are no new Riverpark Mitigation Bank mitigation credits available for purchase at this time. The mitigation credits cannot be sold until the release of additional compensatory credits is approved by the United States Army Corps of Engineers and other regulatory agencies. The necessary approvals are expected to occur within the next 6-12 months.
5. In the meantime, the Riverpark Mitigation Bank has implemented a reservation system whereby prospective purchasers agree to purchase credits, once available. These reservations require the prospective purchaser to make a non-refundable deposit equivalent to 10 percent of the specified purchase price.
6. The Discharger has demonstrated that it has already reserved the necessary mitigation credits once available for purchase. Santa Ana Water Board staff are satisfied that this reservation reflects a legally binding commitment to purchase mitigation credits in accordance with the WDRs Order.
7. Although the WDRs Order prohibits the Discharger from impacts to WOTS until the mitigation credits are fully purchased, this prohibition is no longer necessary in view of the Discharger's reservation and binding commitment to purchase mitigation credits once available. Regardless, the WDRs Order will continue to require purchase of mitigation credits from the Riverpark Mitigation Bank at some point in the future.

8. This Revision Order revises Section C of the WDRs Order to allow for mitigation credit reservations in lieu of a final purchase agreement, as well as to incorporate the above information. The revised WDRs Order would also require the submittal of a fully executed purchase agreement for Riverpark Mitigation Bank credits within 12 months. No other provisions of the WDRs Order are affected by this Revision Order.
9. The Santa Ana Water Board previously complied with the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) by adopting the WDRs Order as a “responsible agency” with the existing environmental review document. (State Clearinghouse No. 2022030233).
10. Although this Revision Order incorporates minor changes to the Project’s waste discharge requirements, no further environmental review is required at this time. (See Cal. Code Regs., tit. 14, § 15162.)
11. The adoption of this Revision Order is further exempt CEQA because it can be seen with substantial certainty that no new significant environmental impacts will result from the specified revisions. (See Cal. Code Regs., tit. 14, § 15061, subd. (b)(3).)

REVISIONS

IT IS HEREBY ORDERED that the WDRs Order shall be revised as provided below.

Revision 1 of 1

Section C of the WDRs Order shall be revised to read as follows (in its entirety):

1. The Discharger shall provide compensatory mitigation for authorized impacts to WOTS resulting from the Project by purchasing 4.16 acres of re-establishment or rehabilitation mitigation credits at the Riverpark Mitigation Bank no later than September 14, 2025.
2. The impacts to WOTS are not authorized and shall not occur until the Discharger submits to the Santa Ana Water Board the receipt of the valid reservation purchase agreement of 4.16 acres of re-establishment or rehabilitation credits from Riverpark Mitigation Bank. The Discharger shall maintain a valid and up to date reservation agreement until the mitigation credits are fully purchased.
3. The Discharger shall retain responsibility for providing 4.16 acres of compensatory mitigation for impacts to WOTS until the Santa Ana

Water Board has received documentation of the fully executed credits purchase.

4. The fully executed purchase agreement for 4.16 acres of Riverpark Mitigation Bank mitigation credits shall be submitted to the Santa Ana Water Board no later than September 14, 2025.

ADMINISTRATIVE REVIEW

Any person aggrieved by this Santa Ana Water Board action may petition the State Water Board for review in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. To be timely, the petition must be received by the State Water Board by 5:00 pm on the 30th day after the date of this Order; if the 30th day falls on a Saturday, Sunday or state holiday, the petition must be received by the State Water Board by 5:00 pm on the next business day. The law and regulations applicable to filing petitions are available on the [State Water Board website \(http://www.waterboards.ca.gov/public_notices/petitions/water_quality\)](http://www.waterboards.ca.gov/public_notices/petitions/water_quality). Copies will also be provided upon request.