



Winston H. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board

Executive Office

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Gray Davis
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our website at <http://www.swrcb.ca.gov>.*

March 18, 2003

Ms. Kathleen Dale
Senior Regulatory Specialist
Campbell BioConsulting, Inc.
27403 Ynez Road, Suite 208
Temecula, CA 92591-4617

ORDER FOR TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION: BUNDY CANYON ROAD PROJECT (Tract 28416), RIVERSIDE COUNTY

This order responds to your request for water quality certification for the subject project. Your completed application was received on November 11, 2002.

ACTION:

1. ☐ Order for Standard Certification
2. ☒ Order for Technically-Conditioned Certification
3. ☐ Order for Denial of Certification

STANDARD CONDITIONS:

The following four standard conditions apply to all certification actions.

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and Article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to subsection 3855(b) of Chapter 28, CCR 23, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23, and owed by the applicant.

California Environmental Protection Agency



4. Enforcement

- a. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under State law. For purposes of section 401(d) of the federal Clean Water Act, the applicability of any State law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
- b. In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports SWRCB deems appropriate, provided that the burden, including costs of the reports, shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- c. In response to any violation of the conditions of this certification, SWRCB may add to or modify the conditions of this certification, as appropriate, to ensure compliance.

ADDITIONAL CONDITIONS:

1. The applicant shall comply with the requirement of Santa Ana Region Water Quality Control Board (RWQCB), Order No. 01-34, NPDES No. CAG 618005, "Watershed-Wide Waste Discharge Requirements", and SWRCB Water Quality Order No. 99-08-DWQ, the "General Permit for Storm Water Discharges Associated with Construction Activity".
2. Prior to conducting any grading, the applicant shall receive written approval from the Santa Ana RWQCB of a plan and construction schedule for facilities to treat low flow and first flush storm water runoff from the development. All low flow should be kept on site to protect downstream beneficial uses. The required facilities shall be designed to detain the first flush from the five year, 24- hour storm for a minimum of 48 hours before discharging off site. The applicant shall implement the plan as approved.
3. The applicant shall submit an annual report, due on or before September 30 to the Santa Ana RWQCB for a period of five years, documenting the maintenance, monitoring and success of the proposed water quality treatment facilities identified in Condition Number 2 above.
4. The applicant shall apply the compensatory mitigation measures specified in California Department of Fish and Game Streambed Alteration Agreement No. 6-2001-231, signed by the California Department of Fish and Game on July 15, 2002.

5. The applicant shall provide evidence of payment for the compensatory mitigation to SWRCB and the Santa Ana and San Diego RWQCBs prior to initiation of grading.
6. The applicant shall provide SWRCB and the respective Regional Boards a copy of the conservation easement and long-term management provisions for the avoided stream reaches within Open Space Lots 255 and 263 as required in the California Department of Fish and Game Streambed Alteration Conditions, Notification Number 6-2001-231, on Item 5, c.
7. This Certification is not transferable to any person except after notice to the Executive Director of SWRCB and Executive Officers of the Santa Ana and San Diego RWQCBs. The permittee shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new owner containing a specific date for the transfer of this Certification's responsibility and coverage between the current owner and the new owner. This agreement shall include an acknowledgement that the existing owner is liable for violations up to the transfer date and that the new owner is liable from the transfer date on.

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the federal Clean Water Act, and with other applicable requirements of State law.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant project description and the enclosed Project Information Sheet, and (b) compliance with all applicable requirements of the San Diego and Santa Ana RWQCBs'

Water Quality Control Plans (Basin Plans).

If you have any questions regarding this matter, please contact Dawit Tadesse, Environmental Scientist, at (916) 341-5486 or email: taded@dwq.swrcb.ca.gov. You may also contact Oscar Balaguer, Chief, Water Quality Certification Unit, at (916) 341-5485 or email: balao@dwq.swrcb.ca.gov.

Ms. Kathleen Dale

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Sincerely,

Celeste Cantú
Executive Director

Enclosure

cc: Mr. Gerald J. Thibeault
Executive Officer
Santa Ana Regional
Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA, 92501-3339

Mr. John Robertus
Executive Officer
San Diego Regional
Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA, 92123-4340

Mr. Jae Chung
Regulatory Branch
Los Angeles District
U.S. Army Corps of Engineers
P.O. Box 532711
Los Angeles, CA 90053-2325

Mr. Tim Vendlinski, Chief (WTR-8)
Wetlands Regulatory Office
U.S. Environmental Protection Agency,
Region 9
75 Hawthorne Street
San Francisco, CA 94105

PROJECT INFORMATION

Applicant & Agent:	Bennett California Land, L.P. & Kathleen Dale Campbell BioConsulting, Inc. Temecula, CA, 92591-4617
Project Name and Purpose:	Bundy Canyon Road Improvement Project The project site is an approximately 160-acre property located in the Wildomar area of unincorporated Riverside County. The site lies on both sides of Bundy Canyon Road, approximately two miles east of Interstate 15. It is located within the developing corridor that stretches along Interstate 15 generally between Lake Elsinore and Temecula. In a total construction area of approximately 70 acres, the project will provide 229 residential lots, with three large open space lots. The receiving waters will be filled to build housing units and drainage basins to detain storm water runoff before off site discharge.
Receiving Water(s) Name(s):	Unnamed ephemeral streams and seasonal wetlands.
Water Body Type(s) & Area of Filled/Excavated Waters (Acres)	Permanent impact to 0.49 acre of ephemeral streams and 0.05 acre of seasonal wetlands.
Dredge Volume (cy):	None
Non-Compensatory Mitigation:	Construction and managing drainage basins.
Compensatory Mitigation:	The applicant will purchase 2.2 acres of mitigation credit for willow riparian habitat restoration at the Riverside-Corona Resource Conservation District's Temescal Wash Restoration Project, specifically at the <u>Pulte Homes Mitigation site</u> , which is located immediately north of Cajalco Road Bridge, and is affected by flows from Cajalco Creek and Bedford Canyon and at the <u>Worldwide Housing site</u> located immediately south of Cajalco Bridge. The applicant will also purchase 0.6 acre of Oak Woodland riparian streams on the Santa Rosa Plateau and will plant 198 oak trees there.
U.S. Army Corps of	Individual Permit No. 200200200-YJC.

Ms. Kathleen Dale

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**Engineers Permit
Number:**

Status of CEQA:

A Negative Declaration was adopted by Riverside County on December 11, 2001 and was received by the County Clerk on December 18, 2001.

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