



California Regional Water Quality Control Board San Diego Region



Linda S. Adams
Secretary for
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

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9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

March 10, 2010

A.G. Kading
Murrieta Education Center, LLC
35411 Paseo Viento
Capistrano Beach, CA 92624

Certified Mail – Return Receipt Requested
Article Number: 7008 1140 0002 4060 6852

In reply refer to:
742396: cloflen

Dear Mr. Kading:

Subject: Action on Request for Clean Water Act Section 401 Water Quality Certification for the **Murrieta Higher Education Facility Development Plan Project** Water Quality Certification No. **09C-057**

Enclosed find Clean Water Act Section 401 Water Quality Certification for discharge to Waters of the U.S. and acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017 DWQ for the **Murrieta Higher Education Facility Development Plan Project** (project). A description of the project and project location can be found in the project information sheet, location maps, and site maps, which are included as attachments.

Any petition for reconsideration of the Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that you have accepted and will comply with all the conditions of the Certification.

Failure to comply with all conditions of the Certification may subject you to enforcement actions by the California Regional Water Quality Control Board, San Diego Region, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$5,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

California Environmental Protection Agency



In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Chad Loflen at (858) 467-2727 or cloflen@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosures:

Clean Water Act Section 401 Water Quality Certification No. 09C-057 for the **Murrieta Higher Education Facility Development Plan**, with attachments

cc: Refer to Attachment 2 of Certification 9C-057 for E-mail Distribution List.

Tech Staff Info & Use	
File No.	09C-057
WDID	9000001951
Reg. Measure ID	369504
Place ID	742396
Party ID	516003
Person ID	53988



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Action on Request for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Discharge of Dredged and/or Fill Materials

**PROJECT: Murrieta Higher Education Facility
Development Plan,
Certification Number (09C-057)
WDID: 9 000001951**

CIWQS Reg. Meas. ID: 369504 Place ID: 742396 Party ID: 516003
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**APPLICANT: A.G. Kading
Murrieta Education Center, LLC
35411 Paseo Viento
Capistrano Beach, CA 92624**

ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

PROJECT DESCRIPTION:

The project is a multi-use commercial and educational development in the City of Murrieta, Riverside County. The project site contains northern and southern unnamed on-site drainages, each of which convey flows from east of the project site downstream into Murrieta Creek. Construction of the project would result in permanent impacts at the two on-site drainages, and at one off-site drainage associated with the Monroe Avenue road crossing. The project would require the placement of a culvert at the Monroe Avenue crossing, the placement of the entire northern drainage in an underground culvert, and the underground piping of a portion of the southern drainage. The project would result in permanent impacts to 0.09 acres (680 linear feet) and temporary impacts to 0.02 acres (75 linear feet) of unvegetated waters of the United States.

California Environmental Protection Agency

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 Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper



STANDARD CONDITIONS:

The following three standard conditions apply to all Certification actions, except as noted under Condition 3 for denials (Action 3).

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 section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This Certification action is not intended and must not be construed to apply to any discharge from 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 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial Certification action (Actions 1 and 2) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

ADDITIONAL CONDITIONS:

In addition to the three standard conditions, Mr. A.G. Kading, Murrieta Education Center, LLC must satisfy the following:

A. GENERAL CONDITIONS:

1. Mr. A.G. Kading, Murrieta Education Center, LLC must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), to support this 401 Water Quality Certification (Certification) and all subsequent submittals required as part of this Certification and as described in Attachment 1. The conditions within this Certification must supersede conflicting provisions within such plans submitted prior to the Certification action. Any modifications thereto, would require notification to the San Diego Water Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.
2. During construction, Mr. A.G. Kading, Murrieta Education Center, LLC must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.

3. Mr. A.G. Kading, Murrieta Education Center, LLC must permit the San Diego Water Board or its authorized representative at all times, upon presentation of credentials:
 - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b. Access to copy any records required to be kept under the terms and conditions of this Certification.
 - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
 - d. Sampling of any discharge or surface water covered by this Order.
4. Mr. A.G. Kading, Murrieta Education Center, LLC must notify the San Diego Water Board within **24 hours** of any unauthorized discharge, including hazardous or toxic materials, to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional best management practice (BMPs) or other measures that will be implemented to prevent future discharges.
5. Mr. A.G. Kading, Murrieta Education Center, LLC must, at all times, maintain appropriate types and sufficient quantities of materials onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the U.S. and/or State.
6. This Certification is not transferable in its entirety or in part to any person except after notice to the Executive Officer of the San Diego Water Board in accordance with the following terms.
 - a. Transfer of Property Ownership: Mr. A.G. Kading, Murrieta Education Center, LLC must notify the San Diego Water Board of any change in ownership of the project area. Notification of change in ownership must include, but not be limited to, a statement that Mr. A.G. Kading, Murrieta Education Center, LLC has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the Executive officer of the San Diego Water Board within **10 days** of the transfer of ownership.
 - b. Transfer of Mitigation Responsibility: Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in Section D shall include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions

and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board within **10 days** of the transfer date.

c. Transfer of Post-Construction BMP Maintenance Responsibility: Mr. A.G. Kading, Murrieta Education Center, LLC, assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred, Mr. A.G. Kading, Murrieta Education Center, LLC must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications.

7. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the 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.
8. In response to a suspected violation of any condition of this Certification, the San Diego Water Board may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the San Diego Water Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
9. In response to any violation or threatened violation of the conditions of this Certification, the San Diego Water Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.
10. Mr. A.G. Kading, Murrieta Education Center, LLC and successor owners must submit annual progress reports describing status of compliance with all requirements of this Certification to the San Diego Water Board prior to **August 1** of each year following the issuance of this Certification until the project has reached completion.

B. PROJECT CONDITIONS:

1. Prior to the start of the project, and annually thereafter, Mr. A.G. Kading, Murrieta Education Center, LLC must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
2. Mr. A.G. Kading, Murrieta Education Center, LLC must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, Statewide General Waste Discharge Requirements for discharges of dredged or fill material that have received State Water Quality Certification. These General Waste Discharge Requirement are accessible at:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/general_orders/go_wdr401regulated_projects.pdf.
3. Mr. A.G. Kading, Murrieta Education Center, LLC must notify the San Diego Water Board in writing at least **5 days** prior to the actual commencement of dredge, fill, and discharge activities.
4. Mr. A.G. Kading, Murrieta Education Center, LLC must comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-08-DWQ, and any subsequent re-issuance, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.
5. The treatment, storage, and disposal of wastewater during the life of the project must be done in accordance with waste discharge requirements established by the San Diego Water Board pursuant to CWC § 13260.
6. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
7. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or the State or placed in locations that may be subjected to storm flows. Pollutants discharged to areas within a stream diversion area must be removed at the end of each work day or sooner if rain is predicted.
8. All surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.

9. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.
10. Removal of vegetation must occur by hand, mechanically, or using EPA approved herbicides deployed using applicable BMPs to prevent impacts to Beneficial Uses of waters of the State. Removal of vegetation must occur outside of the avian nesting season (March 15- August 31).

C. POST CONSTRUCTION STORM WATER MANAGEMENT

1. All storm drain inlet structures within the project boundaries must be stamped and/or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
2. All post-construction BMPs, including those described in the Project Specific Water Quality Management Plan for Murrieta Education Center prepared by Excel Engineering and dated January, 2008, must be sized to comply with the following numeric sizing criteria and treat 100 percent of the impervious surfaces associated with the project:

a. Volume

Volume-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:

- i. The volume of runoff produced from a 24-hour 85th percentile storm event, as determined from the local historical rainfall record (0.6 inch approximate average for the San Diego County area); or
- ii. The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile 24-hour runoff event; or

b. Flow

Flow-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:

- i. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour; or
- ii. The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or
- iii. The maximum flow rate of runoff, as determined from the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.

3. Post-construction BMPs must be installed and functional prior to use of development.
4. Mr. A.G. Kading, Murrieta Education Center, LLC must install the on-site Stormchambers (or equivalent), FloGard Plus catch basin filters (or equivalent) and bio/san filters as described in the Project Specific Water Quality Management Plan for Murrieta Education Center prepared by Excel Engineering and dated January, 2008.
5. All post-construction structural BMPs must be regularly inspected and maintained by Mr. A.G. Kading, Murrieta Education Center, LLC or their designated party for the life of the project per the manufacturers' specifications.
6. Treatment BMPs must be inspected prior to the commencement of the rainy season (October 1) and after every storm event exceeding 0.5 inches of precipitation.
7. Records must be kept regarding inspections and maintenance in order to assess the performance of the systems and determine whether adaptations are necessary to protect receiving waters.

D. COMPENSATORY MITIGATION FOR LOSS OF WATERS OF THE U.S./STATE

1. Mitigation for permanent discharges to 0.09 acres (680 linear feet) and temporary discharges to 0.002 acres (75 linear feet) of non-wetland waters of the United States must occur as follows and as described in the Habitat Mitigation and Monitoring Plan Murrieta Education Center, dated February 16, 2010:
 - a. Through the on-site establishment (creation) of 0.126 acres (262 linear feet) of vegetated waters of the United States.
 - b. Through the on-site enhancement of 0.107 acres of un-vegetated waters of the United States.
 - c. Through the purchase of 0.5 acres of enhancement, restoration or establishment credit through the local Resource Conservation District or equivalent entity acceptable to the San Diego Water Board. Proof of purchase must be provided to the San Diego Water Board **within 12 months of Certification issuance.**
2. Mr. A.G. Kading, Murrieta Education Center, LLC must submit a Final Enhancement and Mitigation Plan **prior to commencement of** Project construction.
3. Mr. A.G. Kading, Murrieta Education Center, LLC must restore all areas of temporary impacts and all other areas of temporary disturbance which could

result in a discharge or a threatened discharge to waters of the United States/State. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species. Mr. A.G. Kading, Murrieta Education Center, LLC must implement all necessary BMPs to control erosion and runoff from areas associated with this project.

4. **Prior to the start of construction**, Mr. A.G. Kading, Murrieta Education Center, LLC must provide the San Diego Water Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. Within **one year of the start of construction**, Mr. A.G. Kading, Murrieta Education Center, LLC must submit proof of a completed preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation property must be adequate to demonstrate that the site will be maintained without future development or encroachment on the site which could otherwise reduce the functions and values of the site for the variety of beneficial uses of waters of the U.S. that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the site. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.
5. Mr. A.G. Kading, Murrieta Education Center, LLC must notify the San Diego Water Board in writing at least **5 days** prior to the actual commencement of mitigation installation, and upon completion of mitigation installation.
6. Mitigation Site Preparation: Mr. A.G. Kading, Murrieta Education Center, LLC must salvage leaf litter, coarse woody debris, and upper soil horizons from impacted jurisdictional water sites that are relatively free of invasive exotic species for use in on-site mitigation areas.
7. Mr. A.G. Kading, Murrieta Education Center, LLC must also salvage large cuttings from appropriate tree species if they exist at the impact site and use them as pole plantings at the mitigation site.
8. Mr. A.G. Kading, Murrieta Education Center, LLC must submit a report (including topography maps and planting locations) to the San Diego Water Board within **90 days** of completion of mitigation site preparation and planting, describing as-built status of the mitigation project.

9. The construction of proposed mitigation must be concurrent with project grading and completed no later than 9 months following the initial discharge of dredge or fill material into on-site waters. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10 percent of the cumulative compensatory mitigation (compounded monthly) for each month of delay.
10. Throughout the mitigation monitoring program mitigation areas must be maintained free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the onsite or offsite mitigation areas.
11. San Diego Water Board acceptance of the mitigation plan applies only to the site and plan that mitigates for the Murrieta Higher Education Facility project and must not be construed as approval of the mitigation site or plan for use by other current or future projects that are planning to use the Project site for mitigation.
12. If at any time during the implementation and establishment of the mitigation area(s), and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation area, Mr. A.G. Kading, Murrieta Education Center, LLC is responsible for repair and replanting of the damaged area(s).
13. Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful. Annual monitoring reports must be submitted prior to **December 1** of each year. Monitoring reports must include, but not be limited to, the following:
 - a. Names, qualifications, and affiliations of the persons contributing to the report;
 - b. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data, including at a minimum;
 - c. Topographic complexity characteristics at each mitigation site;
 - d. Upstream and downstream habitat and hydrologic connectivity;
 - e. Source of hydrology;
 - f. Width of native vegetation buffer around the entire mitigation site;
 - g. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
 - h. Photodocumentation from established reference points;
 - i. A Survey report documenting boundaries of mitigation area; and
 - j. Other items specified in the final mitigation and monitoring plan.

14. In the event that the proposed mitigation does not obtain the 5th year success criteria, the applicant shall provide the SDWB with a technical report detailing the actions that will be taken to bring the mitigation up to the success criteria. This report shall also provide an evaluation of alternative mitigation opportunities within the Murrieta Hydrologic Area to be utilized for additional mitigation, if portions of the required mitigation are unsuccessful after five years.
15. For the purpose of determining mitigation credit for the removal of exotic/invasive plant species, only the actual area occupied by exotic/invasive plant species must be quantified to comply with mitigation requirements.
16. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the U.S./State where the resource has never previously existed (e.g. conversion of nonnative grassland to a freshwater marsh). Restoration is divided into two activities, re-establishment and rehabilitation. Re-establishment is defined as the return of natural/historic functions to a site where vegetated or unvegetated waters of the U.S./State previously existed (e.g., removal of fill material to restore a drainage). Rehabilitation is defined as the improvement of the general suite of functions of degraded vegetated or unvegetated waters of the U.S./State (e.g., removal of a heavy infestation or monoculture of exotic plant species from jurisdictional areas and replacing with native species). Enhancement is defined as the improvement to one or two functions of existing vegetated or unvegetated waters of the U.S./State (e.g., removal of small patches of exotic plant species from an area containing predominantly natural plant species). Preservation is defined as the acquisition and legal protection from future impacts in perpetuity of existing vegetated or unvegetated waters of the U.S./State (e.g., conservation easement).

E. STREAM PHOTO DOCUMENTATION PROCEDURE

1. Mr. A.G. Kading, Murrieta Education Center, LLC, and its successors, must conduct photo documentation of the project site, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation areas, including all areas of permanent and temporary impact, prior to and after project construction. Photo documentation must be conducted in accordance with the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure, included as Attachment Number (7). In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced. Mr. A.G. Kading, Murrieta Education Center, LLC must submit this information in a photo documentation report to the San Diego Water Board with the **Mitigation and Monitoring reports (see Condition D.13)**. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

F. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES PHOTO DOCUMENTATION PROCEDURE

1. Mr. A.G. Kading, Murrieta Education Center, LLC must conduct photo documentation of implemented post-construction BMPs. Photo-documentation must be modeled after the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure, included as Attachment 6. In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced. Mr. A.G. Kading, Murrieta Education Center, LLC must submit this information in a photo documentation report to the San Diego Water Board with the **Final Project Annual Report (see Condition A.10)**. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

G. GEOGRAPHIC INFORMATION SYSTEM REPORTING

1. Mr. A.G. Kading, Murrieta Education Center, LLC must submit Geographic Information System (GIS) shape files of the impact and mitigation areas within **first Mitigation and Monitoring Report (see Condition D.12)** following mitigation installation. All impact and mitigation areas shapefiles must be polygons. Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points. GIS metadata must also be submitted.

H. REPORTING:

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the San Diego Water Board for failure to furnish requested information pursuant to CWC section 13268.
2. All reports and information submitted to the San Diego Water Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.
3. Mr. A.G. Kading, Murrieta Education Center, LLC must submit a report to the San Diego Water Board within **the Final Project Annual Report (see Condition A.10)** of completion of the project. The report should include as-built drawings no bigger than 11" x 17" and photos of the completed project.
4. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

- a. For a corporation, by a responsible corporate officer of at least the level of vice president.
 - b. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - c. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
5. A duly authorized representative of a person designated in Items 4.a. through 4.c. above may sign documents if:
- a. The authorization is made in writing by a person described in Items 4.a. through 4.c. above.
 - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c. The written authorization is submitted to the San Diego Water Board Executive Officer.
6. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

7. Mr. A.G. Kading, Murrieta Education Center, LLC must submit reports required under this Certification, or other information required by the San Diego Water Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification; Project No. 09C-059
9174 Sky Park Court, Suite 100
San Diego, California 92123

8. Required Reports: The following list summarizes the reports required per the conditions of this Certification to be submitted to the San Diego Water Board.

Report Topic	Certification Condition	Due Date(s)
Unauthorized Discharge	A.4	Within 24 Hours
Certification Transfer	A.6	Within 10 Days of Transfer
Annual Progress Reports	A.10	August 01 Annually
Commencement of Fill	B.3	5 Days Prior
Proof of Mitigation Purchase	D.1	Within 12 months of Certification
Final Enhancement and Mitigation Plan	D.2	Prior to Construction
Preservation Mechanism	D.4	Draft Prior to Construction Final within 1 year of Construction Initiation
Mitigation Commencement and Installation Completion	D.5	5 days Prior and Upon Completion
Mitigation As-Builts	D.8	Within 90 days of Completion
Mitigation Annual Reports	D.13	December 01 Annually
Stream Photo Documentation	E.1	Mitigation and Monitoring Reports
Post-Construction BMP Photo Documentation	F.1	Final Project Annual Report
GIS Reporting	G.1	First Mitigation and Monitoring Report
Project As-Builts	H.3	Final Project Annual Report

CEQA FINDINGS:

1. The City of Murrieta is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and filed a Notice of Determination on December 12, 2008 for a Negative Declaration (SCH# 2008101093) for the project under CEQA Guidelines Title 14, California Code of Regulations, 15075 (14 CCR § 15075).
2. The San Diego Water Board has reviewed the lead agency’s Initial Study, and finds that the project as proposed will not have a significant effect on the environment and therefore determines that issuance of this Certification is consistent with the Negative Declaration.

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On August 05, 2009 receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No comments from the public were received.

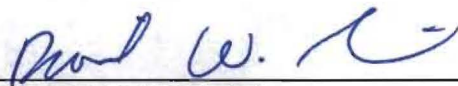
REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Chad Loflen
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-467-2727
cloflen@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the Murrieta Higher Education Facility Development Plan Project (Project No. 09C-057) 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 Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017 DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue waste discharge requirements at that time.

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 applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the San Diego Water Board's Water Quality Control Plan (Basin Plan).



DAVID W. GIBSON
Executive Officer
Regional Water Quality Control Board

3-10-10
Date

Attachments:

1. Project Information
2. Distribution List
3. Location Map
4. Site Maps
5. Mitigation Map
6. Post-Construction BMP Map
7. Stream Photodocumentation Procedure

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: A.G. Kading
Murrieta Education Center, LLC
35411 Paseo Viento
Capistrano Beach, CA 92624
Telephone: 949-661-7292

Applicant
Representatives: Tom Dodson & Associates
Attention: Lisa Tollstrup
2150 N. Arrowhead Avenue
San Bernardino, CA 92405
Telephone: 909-882-3612
Facsimile: 909-882-7015
Email: lisa@tdaenv.com

Project Name: Murrieta Higher Education Facility

Project Location: Latitude: 33 32' 46.92"N Longitude: 117 10'54.36"W to
Latitude: 33 32' 42.6"N Longitude: 117 10'49.30"W

Type of Project: Commercial Development

Need for Project: The project is a multi-use development with a focus on higher education. The project is needed to provide the Murrieta and Temecula area with a multi-institutional education use development for satellite campus purposes.

Project Description: The project is a multi-use commercial and educational development in the City of Murrieta, Riverside County. The project site contains northern and southern unnamed on-site drainages, each of which convey flows from east of the project site downstream into Murrieta Creek. Construction of the project would result in permanent impacts at the two on-site drainages, and at one off-site drainage associated with the Monroe Avenue road crossing. The project would require the placement of a culvert at the Monroe Avenue crossing, the placement of the entire northern drainage in an underground culvert, and the underground piping of a portion of the southern drainage. The project would result in permanent impacts to 0.09 acres (680 linear feet) and temporary impacts to 0.02 acres (75 linear feet) of unvegetated waters of the United States.

Federal U.S. Army Corps of Engineers §404, NWP 14, 39

Agency/Permit: ACOE Staff: Stephen Estes

Other Required Regulatory Approvals: California Department of Fish and Game 1600 Streambed Alteration Agreement, CDFG Staff: Anna Milloy

California Environmental Quality Act (CEQA) Compliance: Initial Study and Negative Declaration, Notice of Determination: 12/12/2008, SCH#2008101093, Lead Agency: City of Murrieta

Receiving Water: Unnamed tributaries to Murrieta Creek, Santa Margarita HU, Murrieta HA, Murrieta HSA

Affected Waters of the United States: Temporary:
Un-vegetated Streambed: 0.02 acres, 75 linear feet

Permanent:
Un-vegetated Streambed: 0.09 acres, 680 linear feet

Dredge Volume: n/a

Related Projects Implemented/to be Implemented by the Applicant(s): None. Final Road Improvements and associated Post-construction BMPs will be implemented with associated development and the City of Murrieta

Compensatory Mitigation: On-site:
Vegetated Streambed: 0.126 acres (262 linear feet) of creation (establishment), 0.107 acres of enhancement and restoration of temporary impacts to pre-project conditions.

Off-site:
Purchase of 0.50 acres of enhancement, restoration or establishment credit through the local Resource Conservation District or other approved entity.

Mitigation Location: On-site at the Southern Drainage.
Off-site to be determined.

Best Management
Practices (BMPs):

Construction

In accordance with State Water Resources Control Board Water Quality Order No. 99-08-DWQ, and any subsequent re-issuance.

Post Construction

In accordance with the Project Specific Water Quality Management Plan for Murrieta Education Center prepared by Excel Engineering and dated January, 2008.

The Project will construct a mixed use commercial development and parking areas. Mr A.G. Kading, Murrieta Education Center, LLC proposes to utilize a low impact development treatment train system to treat and retain storm water flows on-site. The project proposes to utilize Kristar FloGard (or equivalent) storm drains inserts on storm drains constructed as part of the project. Additionally, downspouts for the project will be disconnected from impervious surfaces and biofiltered prior to entering the infiltration chambers. All new impervious surfaces associated with the construction of the project are proposed to be infiltrated on-site in Stormchamber (or equivalent) subsurface infiltration chambers. The Post-Construction BMPs proposed will treat 100 percent of new impervious surfaces associated with construction of the project.

Public Notice:

August 05, 2009. No comments were received on the project.

Inspection:

n/a

Fees:

Total Due: \$5,022.00

Total Paid: \$5,022.00 (check No. 10098 and No. 10160)

CIWQS:

Regulatory Measure ID: 369504

Place ID: 742396

Party ID: 516003

Person ID: 53988

**ATTACHMENT 2
E-MAIL DISTRIBUTION LIST**

Stephen Estes
U.S. Army Corps of Engineers, Regulatory Branch
Stephen.M.Estes@usace.army.mil

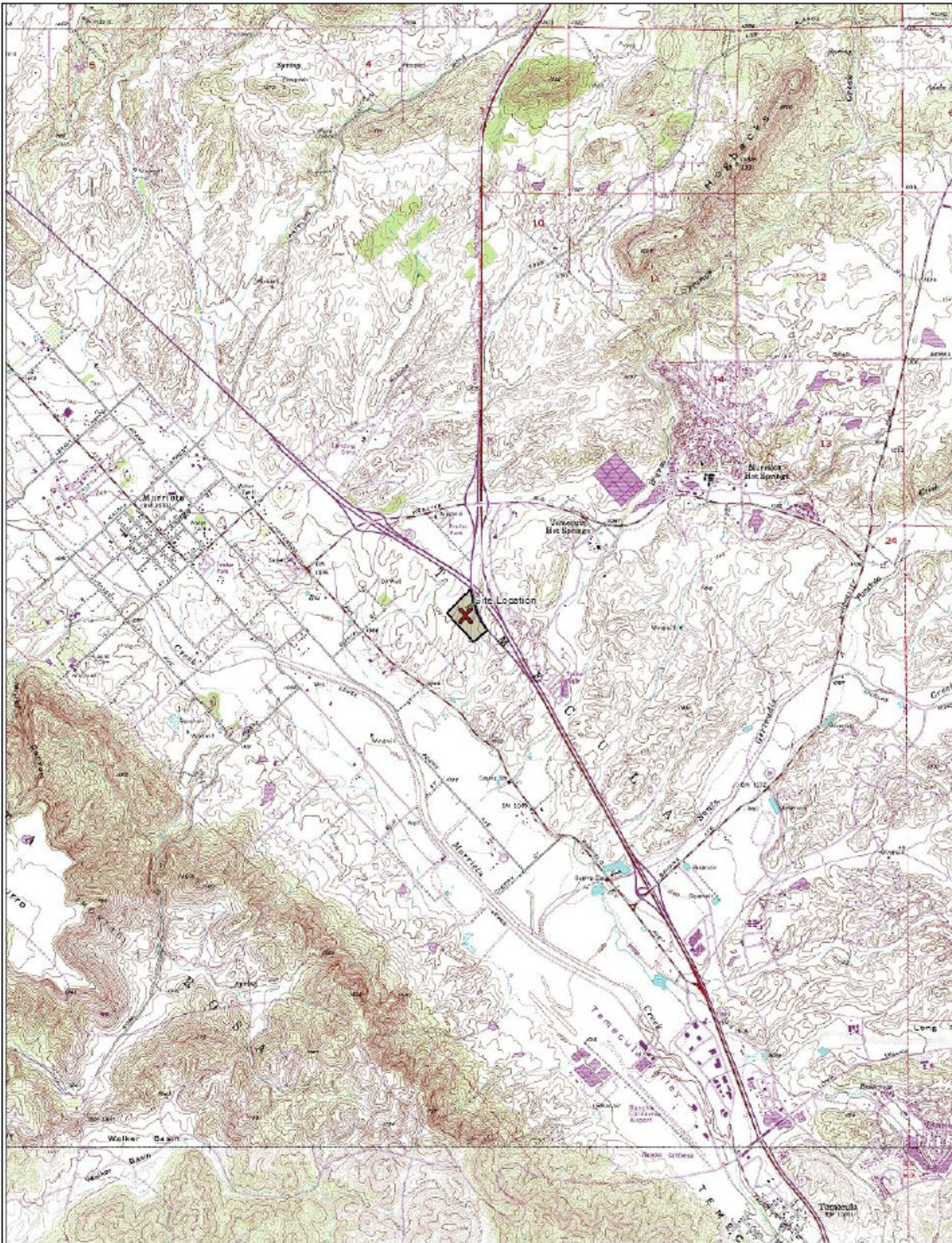
Anna Milloy
California Department of Fish and Game
amilloy@dfg.ca.gov

USEPA, Region 9
R9-WTR8-Mailbox@epa.gov

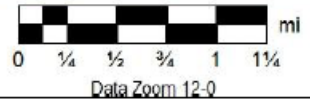
State Water Resources Control Board, Division of Water Quality
401 Water Quality Certification and Wetlands Unit
Stateboard401@waterboards.ca.gov

Lisa Tollstrup
lisa@tdaenv.com

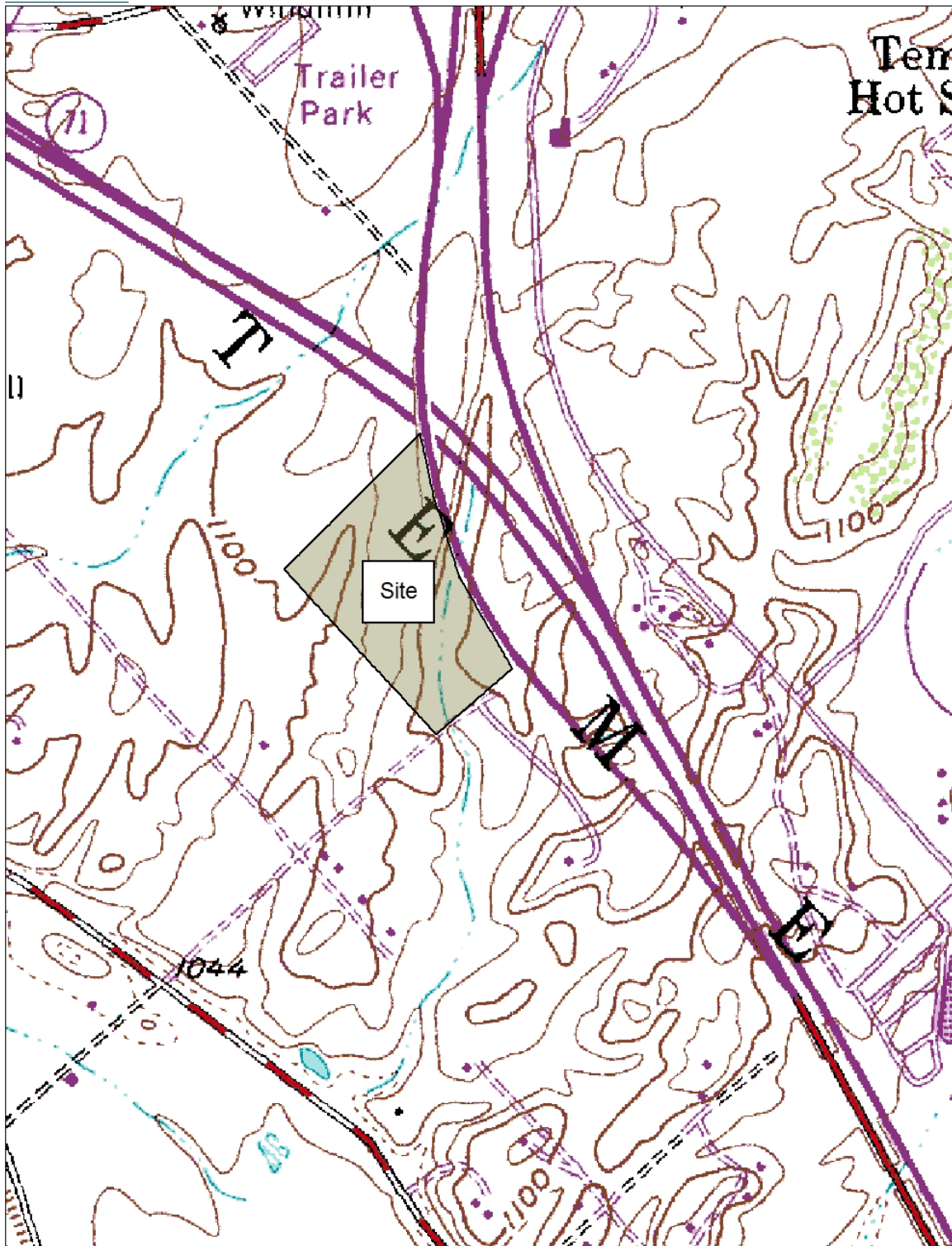
ATTACHMENT 3 PROJECT LOCATION



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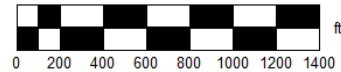
ATTACHMENT 4 SITE MAPS



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Data Zoom 14-5



 Project Site

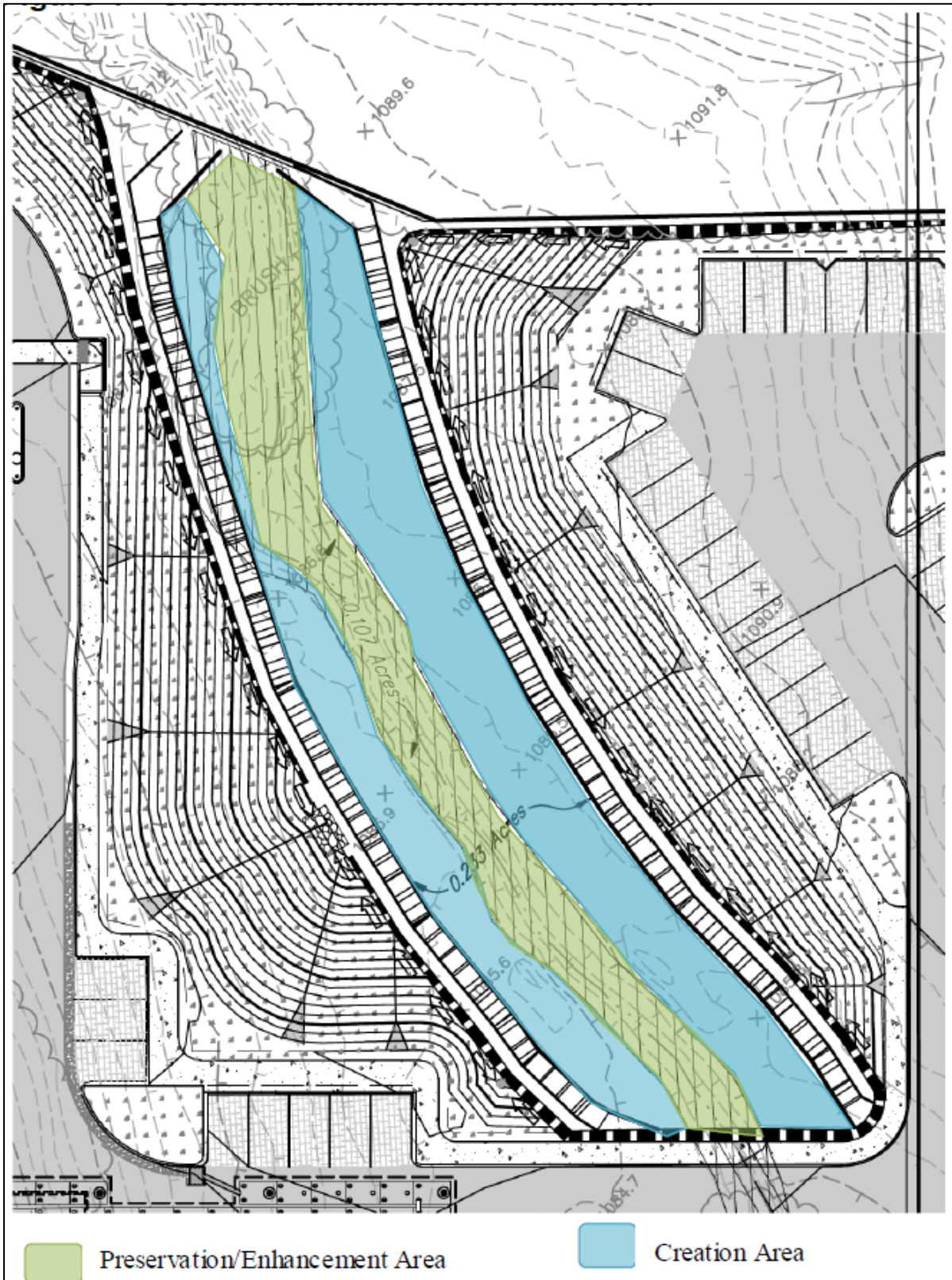
 Channel



— Offsite Channel Location

ATTACHMENT 5 MITIGATION MAPS

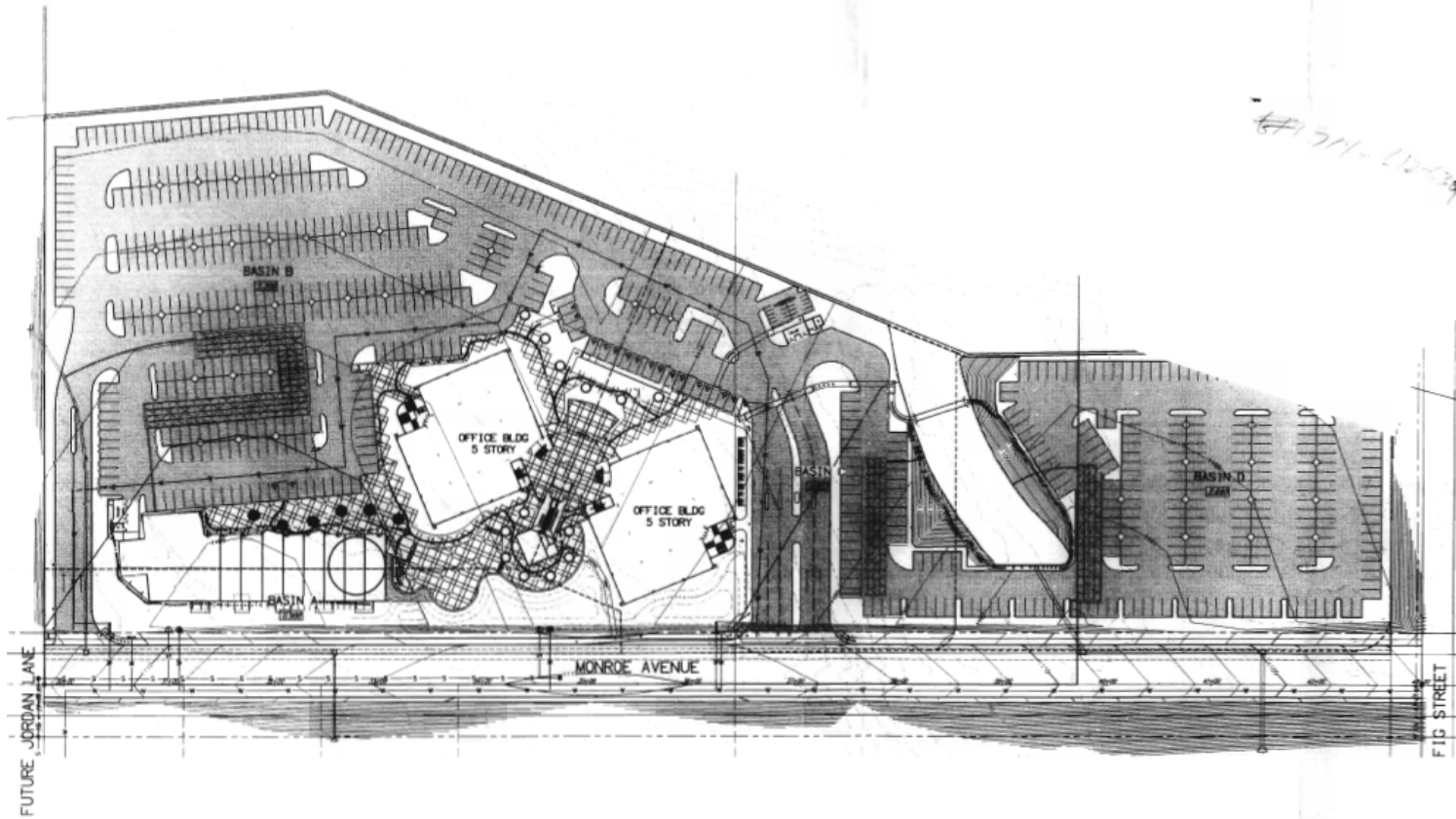
On-Site Mitigation at Channel 1



ATTACHMENT 6 POST CONSTRUCTION BMP MAP

LEGEND

Basin - Rain Detention	BASIN A
Basin Area (Area)	(2,880)
Basin of Retention Basin	[Symbol]
Parking Area (Area)	[Symbol]
Channel Area	[Symbol]
Proposed Area for Underpinning of Existing Pipes	[Symbol]



ON-SITE UNDERGROUND DETENTION USING STORAGE CHAMBERS WITH INFILTRATION TO THE GROUND. THE TOTAL CAPACITY OF CHAMBERS IS 37,750 CF.



SCALE 1" = 50'



ENGINEER OF WORK:

EXCEL ENGINEERING

101 FRANKLIN AVE. SUITE 200, RENO, NV 89501
 775.784.8871
 www.excel-engineering.com

CITY OF MURRIETA DEPARTMENT OF PUBLIC WORKS		SHEET 1	SHEETS 1
SMP TRIBUTARY AREA FOR MURRIETA EDUCATION CENTER APN 910-020-009, 014 DPO-007-2560, CUP-007-0561			
APPROVED:			
JAMES SCOTT HULEY, P.E. 3408	6/20/22	TOP SHEET	DATE
DATE	PROJECT NO.	DRAWING NO.	

FIGURE 3

ATTACHMENT 7 STREAM PHOTO DOCUMENTATION PROCEDURES

Standard Operating Procedure (SOP)

Stream Photo Documentation Procedure

(CARCD 2001, Written by TAC Visual Assessments work group)

Introduction:

Photographs provide a qualitative, and potentially semi-quantitative, record of conditions in a watershed or on a water body. Photographs can be used to document general conditions on a reach of a stream during a stream walk, pollution events or other impacts, assess resource conditions over time, or can be used to document temporal progress for restoration efforts or other projects designed to benefit water quality. Photographic technology is available to anyone and it does not require a large degree of training or expensive equipment. Photos can be used in reports, presentations, or uploaded onto a computer website or GIS program. This approach is useful in providing a visual portrait of water resources to those who may never have the opportunity to actually visit a monitoring site.

Equipment:

Use the same camera to the extent possible for each photo throughout the duration of the project. Either 35 mm color or digital color cameras are recommended, accompanied by a telephoto lens. If you must change cameras during the program, replace the original camera with a similar one comparable in terms of media (digital vs. 35 mm) and other characteristics. A complete equipment list is suggested as follows:

Required:

- Camera and backup camera
- Folder with copies of previous photos (do not carry original photos in the field)
- Topographic and/or road map
- Aerial photos if available
- Compass
- Timepiece
- Extra film or digital disk capacity (whichever is applicable)
- Extra batteries for camera (if applicable)
- Photo-log data sheets or, alternatively, a bound notebook dedicated to the project
- Yellow photo sign form and black marker, or, alternatively, a small black board and chalk

Optional:

- GPS unit
- Stadia rod (for scale on landscape shots)
- Ruler (for scale on close up views of streams and vegetation)
- Steel fence posts for dedicating fixed photo points in the absence of available fixed landmarks

How to Access Aerial Photographs:

Aerial Photos can be obtained from the following federal agencies:

USGS Earth Science Information Center
 507 National Center
 12201 Sunrise Valley Drive
 Reston, VA 22092
 800-USA-MAPS

USDA Consolidated Farm Service Agencies
 Aerial Photography Field Office
 222 West 2300 South
 P.O. Box 30010
 Salt Lake City, UT 84103-0010
 801-524-5856

Cartographic and Architectural Branch
 National Archives and Records Administration
 8601 Adelphi Road
 College park, MD 20740-6001
 301-713-7040

Roles and Duties of Team:

The team should be comprised of a minimum of two people, and preferably three people for restoration or other water quality improvement projects, as follows:

1. Primary Photographer
2. Subject, target for centering the photo and providing scale
3. Person responsible for determining geographic position and holding the photo sign forms or blackboard.

One of these people is also responsible for taking field notes to describe and record photos and photo points.

Safety Concerns:

Persons involved in photo monitoring should **ALWAYS** put safety first. For safety reasons, always have at least two 2 volunteers for the survey. Make sure that the

area(s) you are surveying either are accessible to the public or that you have obtained permission from the landowner prior to the survey.

Some safety concerns that may be encountered during the survey include, but are not limited to:

- Inclement weather
- Flood conditions, fast flowing water, or very cold water
- Poisonous plants (e.g.: poison oak)
- Dangerous insects and animals (e.g.: bees, rattlesnakes, range animals such as cattle, etc.)
- Harmful or hazardous trash (e.g.: broken glass, hypodermic needles, human feces)

We recommend that the volunteer coordinator or leader discuss the potential hazards with all volunteers prior to any fieldwork.

General Instructions:

From the inception of any photo documentation project until it is completed, always take each photo from the same position (photo point), and at the same bearing and vertical angle at that photo point. Photo point positions should be thoroughly documented, including photographs taken of the photo point. Refer to copies of previous photos when arriving at the photo point. Try to maintain a level (horizontal) camera view unless the terrain is sloped. (If the photo can not be horizontal due to the slope, then record the angle for that photo.) When photo points are first being selected, consider the type of project (meadow or stream restoration, vegetation management for fire control, ambient or event monitoring as part of a stream walk, etc.) and refer to the guidance listed on *Suggestions for Photo Points by Type of Project*.

When taking photographs, try to include landscape features that are unlikely to change over several years (buildings, other structures, and landscape features such as peaks, rock outcrops, large trees, etc.) so that repeat photos will be easy to position. Lighting is, of course, a key ingredient so give consideration to the angle of light, cloud cover, background, shadows, and contrasts. Close view photographs taken from the north (i.e., facing south) will minimize shadows. Medium and long view photos are best shot with the sun at the photographer's back. Some artistic expression is encouraged as some photos may be used on websites and in slide shows (early morning and late evening shots may be useful for this purpose). Seasonal changes can be used to advantage as foliage, stream flow, cloud cover, and site access fluctuate. It is often important to include a ruler, stadia rod, person, farm animal, or automobile in photos to convey the scale of the image. Of particular concern is the angle from which the photo is taken. Oftentimes an overhead or elevated shot from a bridge, cliff, peak, tree, etc. will be instrumental in conveying the full dimensions of the

project. Of most importance overall, however, is being aware of the goal(s) of the project and capturing images that clearly demonstrate progress towards achieving those goal(s). Again, reference to *Suggestions for Photo Points by Type of Project* may be helpful.

If possible, try to include a black board or yellow photo sign in the view, marked at a minimum with the location, subject, time and date of the photograph. A blank photo sign form is included in this document.

Recording Information:

Use a systematic method of recording information about each project, photo point, and photo. The following information should be entered on the photo-log forms (blank form included in this document) or in a dedicated notebook:

- Project or group name, and contract number (if applicable, e.g., for funded restoration projects)
- General location (stream, beach, city, etc.), and short narrative description of project's habitat type, goals, etc.
- Photographer and other team members
- Photo number
- Date
- Time (for each photograph)
- Photo point information, including:
 - Name or other unique identifier (abbreviated name and/or ID number)
 - Narrative description of location including proximity to and direction from notable landscape features like roads, fence lines, creeks, rock outcrops, large trees, buildings, previous photo points, etc. – sufficient for future photographers who have never visited the project to locate the photo point
 - Latitude, longitude, and altitude from map or GPS unit
- Magnetic compass bearing from the photo point to the subject
- Specific information about the subject of the photo
- Optional additional information: a true compass bearing (corrected for declination) from photo point to subject, time of sunrise and sunset (check newspaper or almanac), and cloud cover.

For ambient monitoring, the stream and shore walk form should be attached or referenced in the photo-log.

When monitoring the implementation of restoration, fuel reduction, or Best Management Practices (BMP) projects, include or attach to the photo-log a narrative description of observable progress in achieving the goals of the project. Provide supplementary information along with the photo, such as noticeable changes in habitat, wildlife, and water quality and quantity.

Archive all photos, along with the associated photo-log information, in a protected environment.

The Photo Point: Establishing Position of Photographer:

1. Have available a variety of methods for establishing position: maps, aerial photos, GPS, permanent markers and landmarks, etc. If the primary method fails (e.g., a GPS or lost marker post) then have an alternate method (map, aerial photo, copy of an original photograph of the photo-point, etc).
2. Select an existing structure or landmark (mailbox, telephone pole, benchmark, large rock, etc.), identify its latitude and longitude, and choose (and record for future use) the permanent position of the photographer relative to that landmark. Alternatively, choose the procedure described in *Monitoring California's Annual Rangeland Vegetation* (UC/DANR Leaflet 21486, Dec. 1990). This procedure involves placing a permanently marked steel fence post to establish the position of the photographer.
3. For restoration, fuel reduction, and BMP projects, photograph the photo-points and carry copies of those photographs on subsequent field visits.

Determining the Compass Bearing:

1. Select and record the permanent magnetic bearing of the photo center view. You can also record the true compass bearing (corrected for declination) but do not substitute this for the magnetic bearing. Include a prominent landmark in a set position within the view. If possible, have an assistant stand at a fixed distance from both the photographer and the center of the view, holding a stadia rod if available, within the view of the camera; preferably position the stadia rod on one established, consistent side of the view for each photo (right or left side).
2. Alternatively, use the procedure described in *Monitoring California's Annual Rangeland Vegetation* (UC/DANR Leaflet 21486, Dec. 1990). This procedure involves placing a permanently marked steel fence post to establish the position of the focal point (photo center).
3. When performing ambient or event photo monitoring, and when a compass is not available, then refer to a map and record the approximate bearing as north, south, east or west.

Suggestions for Photo Points by Type of Project:

Ambient or Event Monitoring, Including Photography Associated with Narrative Visual Assessments:

1. When first beginning an ambient monitoring program take representative long and/or medium view photos of stream reaches and segments of shoreline being monitored. Show the positions of these photos on a map, preferably on the stream/shore walk form. Subjects to be photographed include a representative view of the stream or shore condition at the beginning and ending positions of the segment being monitored, storm drain outfalls, confluence of tributaries, structures (e.g., bridges, dams, pipelines, etc.).
2. If possible, take a close view photograph of the substrate (streambed), algae, or submerged aquatic vegetation.
3. Time series: Photographs of these subjects at the same photo points should be repeated annually during the same season or month if possible.
4. Event monitoring refers to any unusual or sporadic conditions encountered during a stream or shore walk, such as trash dumps, turbidity events, oil spills, etc. Photograph and record information on your photo-log and on your Stream and Shore Walk Visual Assessment form. Report pollution events to the Regional Board. Report trash dumps to local authorities.

All Restoration and Fuel Reduction Projects – Time Series:

Take photos immediately before and after construction, planting, or vegetation removal. Long term monitoring should allow for at least annual photography for a minimum of three years after the project, and thereafter at 5 years and ten years.

Meadow Restoration:

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long view showing an overlapping sequence of photos illustrating a long reach of stream and meadow (satellite photos, or hill close by, fly-over, etc.)
3. Long view up or down the longitudinal dimension of the creek showing riparian vegetation growth bounded on each side by grasses, sedges, or whatever that is lower in height
4. Long view of conversion of sage and other upland species back to meadow vegetation

5. Long view and medium view of streambed changes (straightened back to meandering, sediment back to gravel, etc.)
6. Medium and close views of structures, plantings, etc. intended to induce these changes

Stream Restoration/stabilization:

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long-view showing all or representative sections of the project (bluff, bridge, etc.)
3. Long view up or down the stream (from stream level) showing changes in the stream bank, vegetation, etc.
4. Long view and medium view of streambed changes (thalweg, gravel, meanders, etc.)
5. Medium and close views of structures, plantings, etc. intended to induce these changes.
6. Optional: Use a tape set perpendicular across the stream channel at fixed points and include this tape in your photos described in 3 and 4 above. For specific procedures refer to Harrelson, Cheryl C., C.L. Rawlins, and John P. Potyondy, *Stream Channel Reference Sites: An Illustrated Guide to Field Techniques*, United States Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station, General Technical Report RM-245.

Vegetation Management for Fire Prevention (“fuel reduction”):

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long view showing all or representative sections of the project (bluff, bridge, etc.)
3. Long view (wide angle if possible) showing the project area or areas. Preferably these long views should be from an elevated vantage point.
4. Medium view photos showing examples of vegetation changes, and plantings if included in the project. It is recommended that a person (preferably holding a stadia rod) be included in the view for scale

5. To the extent possible include medium and long view photos that include adjacent stream channels.

Stream Sediment Load or Erosion Monitoring:

1. Long views from bridge or other elevated position.
2. Medium views of bars and banks, with a person (preferably holding a stadia rod) in view for scale.
3. Close views of streambed with ruler or other common object in the view for scale.
4. Time series: Photograph during the dry season (low flow) once per year or after a significant flood event when streambed is visible. The flood events may be episodic in the south and seasonal in the north.
5. Optional: Use a tape set perpendicular across the stream channel at fixed points and include this tape in your photos described in 1 and 2 above. For specific procedures refer to Harrelson, Cheryl C., C.L. Rawlins, and John P. Potyondy, *Stream Channel Reference Sites: An Illustrated Guide to Field Techniques*, United States Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station, General Technical Report RM-245.

PHOTO SIGN FORM: Print this form on yellow paper. Complete the following information for each photograph. Include in the photographic view so that it will be legible in the finished photo.

Location:

Subject Description:

Date:

Time: