

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

October 17, 2016

Certified Mail – Return Receipt Requested

Article Number: 7011 0470 0002 8952 8776

Mr. Andrew Webster
Rancho California Water District
42135 Winchester Road
Temecula, CA 92590

In reply/refer to:
12C-028:779687:dbradford

**Subject: Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification
No. 12C-028 for the Recycled Water Storage Pond No. 5 Project**

Mr. Webster:

Enclosed find Amendment No. 1 (Certification Amendment) to Clean Water Act Section 401 Water Quality Certification No. 12C-028 (Certification) issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) in response to an amendment request submitted by Rancho California Water District for the Recycled Water Storage Pond No. 5 (Project). The Certification Amendment shows changes in underline/strikeout format to indicate added and removed language. A complete copy of the Certification is located on the San Diego Water Board Website at:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/401projects_2012.shtml

Failure to comply with the Certification Amendment may subject Rancho California Water District to enforcement actions by the San Diego Water Board including administrative enforcement orders requiring Rancho California Water District 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 \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and/or referral to the District Attorney for criminal prosecution.

In the subject line of any response, please include reference number 12C-028:779687:dbradford. For questions or comments, please contact Darren Bradford by telephone at (619) 521-3356 or by email at darren.bradford@waterboards.ca.gov.

Respectfully,

DAVID W. GIBSON
Executive Officer

HENRY ABARBANEL, PH.D. | DAVID GIBSON, EXECUTIVE OFFICER

2375 Northside Drive, Suite 100, San Diego, CA 92108 | (619) 516-1900 | www.waterboards.ca.gov/sandiego



WG:jgs:eb:dlb

cc:

U.S. Army Corps of Engineers, Regulatory Branch
San Diego Field Office
Peggy Bartels
Peggy.J.Bartels@usace.army.mil

California Department of Fish and Wildlife
South Coast Region
Habitat Conservation Planning – South
Kim Freeburn
Kim.Freeburn@wildlife.ca.gov

U.S. EPA, OWOW, Region 9
R9-WTR8-Mailbox@epa.gov

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

Tech Staff Info & Use	
Certification No.	12C-028
Party ID	274891
WDID	9000002445
Regulatory ID	384263
Place ID	779687
Person ID	88332

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

2375 Northside Drive, Suite.100, San Diego, CA 92108
Phone (619) 516-1990 • Fax (619) 516-1994
<http://www.waterboards.ca.gov/sandiego/>

**Amendment No. 1 to Clean Water Act Section 401
Water Quality Certification No. 12C-028**

**PROJECT: Recycled Water Storage Pond No. 5
Certification Number 12C-028**

**APPLICANT: Rancho California Water District
42135 Winchester Road
Temecula, CA 92590**

Reg. Meas. ID: 384263
Place ID: 779687
Party ID: 274891
Person ID: 88332
WDID: 9000002445

On August 9, 2012, Clean Water Act Section 401 Water Quality Certification No. 12C-028 (Certification) was issued to Rancho California Water District (Applicant) for the Recycled Water Storage Pond No. 5 Project (Project).

By letter dated September 7, 2016, LSA Associates, Inc., on behalf of the Applicant, requested the Certification be amended to address a revised off-site location for the wetland establishment and riparian habitat restoration mitigation site (Off-site Mitigation Area). The previously proposed on-site location did not possess the natural hydrology suitable to support wetland establishment and riparian habitat restoration. The revised Off-site Mitigation Area is located within and adjacent to an existing ephemeral drainage that is approximately one mile north of the Recycled Water Storage Pond 5 Project site on lands owned by the Applicant. On October 28, 2015, construction of the Off-site Mitigation Area was completed in accordance with the specifications of the Addendum, prepared by RBF Consulting on August 31, 2012.

Based on the Applicant's request, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is amending the Certification to address a revised off-site location for the wetland establishment and riparian habitat restoration. Except as modified or superseded by the Certification modifications set forth below, all of the findings, provisions and other requirements of Certification No. 12C-028 remain in full force and effect. The following changes are made to Certification No. 12C-028 and are shown in underline/strikeout format to indicate added and removed language:

Page 3, PROJECT DESCRIPTION is modified as follows:

On-site mitigation for project impacts will include establishment of a minimum of 0.27 acres of wetland habitat within the ~~existing wetted area to the northeast of pond no. 4~~ 63-acre property in an unsectioned portion of Township 7 South, Range 3 West in the City of Murrieta, and is bounded by Washington Avenue to the east, Douglass Avenue to the west, and existing rural residential uses to the north and south and establishment of a minimum of 0.03 acre (769 linear feet) of non-wetland waters of the United States and/or State along the base of the

southwestern slope of proposed pond no. 5. The proposed mitigation is described in the Recycled Water Storage Pond No. 5 Onsite Mitigation Approach received June 22, 2012 (See Mitigation Site Map, Attachment 5), and the Addendum to the Habitat Mitigation and Monitoring Plan, dated October 2, 2012. This provides a mitigation ratio of 3:1 (area mitigated: area impacted) for permanent impacts and a 1:1 mitigation ratio for temporary impacts.

Page 4, The STANDARD CONDITIONS are deleted and replaced with the following:

Pursuant to section 3860 of title 23 of the California Code of Regulations, the following three standard conditions apply to all water quality certification actions:

- A. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the Water Code and chapter 28, article 6 (commencing with title 23, section 3867), of the California Code of Regulations.
- B. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to California Code of Regulations title 23, section 3855 subdivision (b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. This Certification action is conditioned upon total payment of any fee required under title 23, chapter 28 (commencing with section 3830) of California Code of Regulations and owed by the applicant.

Page 7, UNAVOIDABLE IMPACTS AND COMPENSATORY MITIGATION condition IV.B is modified as follows:

Mitigation must include on-site establishment of a minimum of 0.27 acres of wetland habitat within the ~~existing wetted area to the northeast of pond no. 4~~ 63-acre property in an unsectioned portion of Township 7 South, Range 3 West in the City of Murrieta, and is bounded by Washington Avenue to the east, Douglass Avenue to the west, and existing rural residential uses to the north and south, and establishment of a minimum of 0.03 acre (769 linear feet) of non-wetland waters of the United States and/or State along the base of the southwestern slope of proposed pond no. 5. The proposed mitigation is described in the Recycled Water Storage Pond No. 5 Onsite Mitigation Approach received June 22, 2012, and the Addendum to the Habitat Mitigation and Monitoring Plan, dated October 2, 2012. This provides a ratio of 3:1 (area mitigated:area impacted) for permanent impacts and a 1:1 ratio for temporary impacts.

Page 13, REPORTING REQUIREMENTS condition VII.D is deleted as follows:

~~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.~~

Page 14 REPORTING REQUIREMENTS condition VII.G is deleted and replaced with the following:

Electronic Document Submittal. The Applicant must submit all reports and information required under this Certification in electronic format via e-mail to SanDiego@waterboards.ca.gov. Documents over 50 megabytes will not be accepted via e-mail and must be placed on a disc and delivered to:

California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification No. 12C-028:779687:dbradford
2375 Northside Drive, Suite 100
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF), and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. 12C-028:779687:dbradford.

Page 15, SAN DIEGO WATER BOARD CONTACT PERSON CONDITION X. is modified as follows:

Darren Bradford, Environmental Scientist
California Regional Water Quality Control Board, San Diego Region
~~9174 Sky Park Court, Suite 100~~2375 Northside Drive, Suite 100
San Diego, California ~~92123~~92108-2700
Telephone: ~~858-637-7137~~619-521-3356
Email: DBradford@waterboards.ca.gov

Page 16, ATTACHMENT 1 PROJECT INFORMATION is modified as follows:

Applicant: RBF Consulting
Representatives: Attention: Lauren See
14725 Alton Parkway
Irvine, CA 92618

~~Telephone: 949-330-4297~~
~~Facsimile: 949-837-4122~~
~~Email: Lsee@rbf.com~~
LSA Associates, Inc.
Attention: Mike Trotta
703 Palomar Airport Road, Suite 260
Carlsbad, CA 92011
Telephone: 760-931-4122
Email: mike.trotta@lsa.net

Page 18, ATTACHMENT 1 PROJECT INFORMATION is modified as follows:

Compensatory Mitigation: On-site mitigation for project impacts will include establishment of a minimum of 0.27 acres of wetland habitat within the ~~existing wetted area to the northeast of pond no. 4~~ 63-acre property in an unsectioned portion of Township 7 South, Range 3 West in the City of Murrieta, and is bounded by Washington Avenue to the east, Douglass Avenue to the west, and existing rural residential uses to the north and south, and establishment of a minimum of 0.03 acre (769 linear feet) of non-wetland waters of the United States and/or State along the base of the southwestern slope of proposed pond no. 5. The proposed mitigation is described in the *Recycled Water Storage Pond No. 5 Onsite Mitigation Approach* received June 22, 2012 and the Addendum to the Habitat Mitigation and Monitoring Plan, dated October 2, 2012 (See Mitigation Site Map, Attachment 5). This provides a mitigation ratio of 3:1 (area mitigated: area impacted) for permanent impacts and a 1:1 mitigation ratio for temporary impacts.

Page 19, ATTACHMENT 2 DISTRIBUTION LIST is modified as follows:

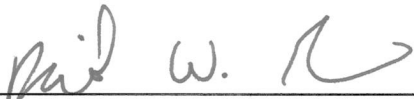
~~Crystel Doyle~~
~~U.S. Army Corps of Engineers, Regulatory Branch~~
~~Prado Field Office~~
~~Crystel.L.Doyle@usace.army.mil~~
Peggy Bartels
U.S. Army Corps of Engineers, Regulatory Branch
Peggy.J.Bartels@usace.army.mil

~~Jeff Brandt~~
~~California Department of Fish and Game~~
~~jbrandt@dfg.ca.gov~~
Kim freeburn
California Department of Fish and Wildlife
Kim.Freeburn@wildlife.ca.gov

~~Lauren See~~
~~RBF Consulting~~
~~Lsee@RBF.com~~
Mike Trotta
LSA Associates, Inc.
mike.trotta@lsa.net

Notification: Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with the California Code of Regulations, title 23, sections 3867 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Certification Amendment. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Amendment No. 1 to Certification No. 12C-028 issued on October 17, 2016.



DAVID W. GIBSON
Executive Officer
San Diego Water Board

17 October 2016
Date

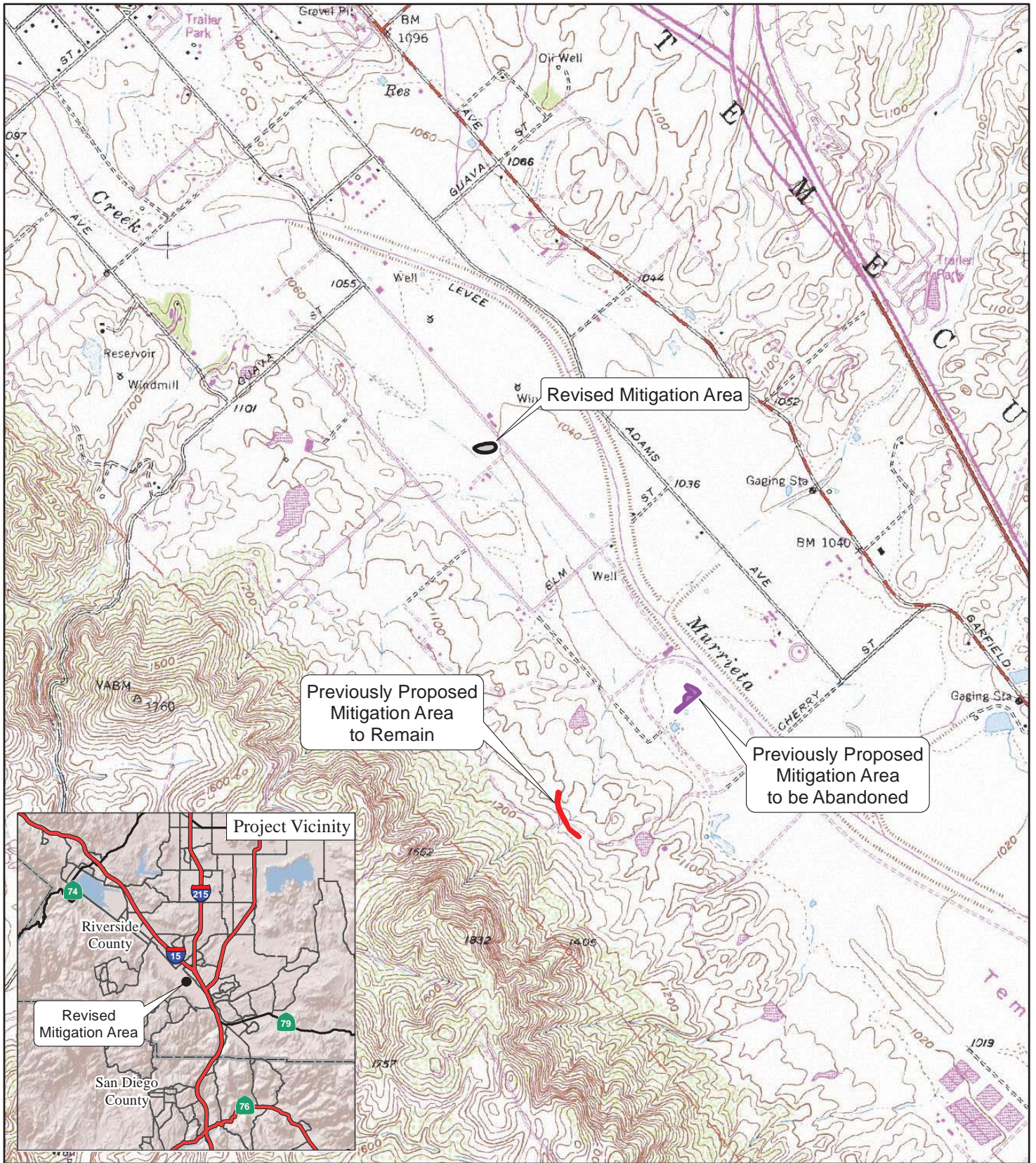
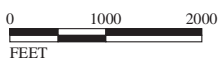


FIGURE 1

LSA

LEGEND

- Revised Mitigation Area
- Previously Proposed Mitigation Area to be Abandoned
- Previously Proposed Mitigation Area to Remain



SOURCE: USGS 7.5' Quad - Murieta (1979), CA
 R:\RCW1201\GIS\Proj_Loc.mxd (10/4/2012)

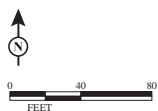
*Recycled Pond No. 5 Habitat Mitigation
 and Monitoring Plan Addendum*
 Project Location



LSA

LEGEND

- Wetland Creation Area - 0.27 acre
- Riparian Enhancement Area - 0.48 acre
- Flowline
- Rancho Water 2ft Contours



SOURCE: Bing Maps (c.2010), Rancho Water District (9/2012)
 R:\RCW1201\GIS\habitat_restoration.mxd (10/3/2012)

FIGURE 2