



Santa Ana Regional Water Quality Control Board

July 7, 2022

Ryan Gackstetter, Senior Planner
City of Chino Hills
14000 City Center Drive
Chino Hills, CA 91709

Governor's Office of Planning & Research

Jul 7 2022

STATE CLEARINGHOUSE

VIA EMAIL

rgackstetter@chinohills.org

DRAFT ENVIRONMENTAL IMPACT REPORT, SHADY VIEW RESIDENTIAL PROJECT, TENTATIVE TRACT MAP 20317, CITY OF CHINO HILLS, COUNTY OF SAN BERNARDINO, SCH NO. 2021060576

Dear Mr. Gackstetter,

Staff of the Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) has reviewed the Draft Environmental Impact Report (DEIR) for the Shady View Residential Project. The approximately 130 acres project site is located in the southeastern portion of the City of Chino Hills (APN 1057-261-06), east of Chino Hills State Park and west of State Route 71 (SR-71). The proposed subdivision would consist of 159 single-family residential homes. In addition to the residential development, the project proposes the relocation of existing aboveground oil storage tanks and existing oil transmission lines. The relocated oil storage tanks would be located in a 1.27-acre plot in the northwestern border of the project area and relocated transmission lines would connect the tanks to the oil facilities to the west of the project site.

Santa Ana Water Board staff recommends that the DEIR incorporate the following comments in order for the Project to best protect water quality standards (numerical and narrative water quality objectives, designated beneficial uses, and the antidegradation policy), as defined in the Water Quality Control Plan for the Santa Ana River Basin, as amended (i.e., Basin Plan):

1. The proposed Project area contains numerous drainages that have been identified in the Biological Technical Report (May 23, 2022) as jurisdictional waters of the United States, and therefore subject to regulation by the United States Army Corps of Engineers (USACE). If the project will cause material to be dredged from, or filled into, USACE-jurisdictional waters, then a Clean Water Act (CWA) Section 404

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permit is required, and a prerequisite CWA Section 401 Water Quality Standards Certification (401 Certification) is required from the Regional Board. Where the USACE rules that a water body does not fall under their jurisdiction, the Regional Board may still determine that waste discharge requirements (WDR) are necessary for protection of waters of the State. Information about applications for a 401 Certification and WDR Permit can be found at

https://www.waterboards.ca.gov/santaana/water_issues/programs/401_certification

Impacts to the water quality standards of stream channels and other drainages, whether or not specifically identified in the Basin Plan, should be avoided by development where possible. Where avoidance is not practicable, impacts to these waters should be minimized and mitigated.

2. The proposed project has the potential to adversely impact the beneficial uses of the waters of the state found on the project site, including ephemeral ravine flows, as well as offsite receiving waters downslope of the project. The water bodies on the project site and their associated beneficial uses are not listed in the Basin Plan; however, waters not specifically named in the Basin Plan are presumed to have the same beneficial uses as the waters to which they are tributary, by virtue of the Basin Plan's tributary rule (Basin Plan page 3-5). In this case the receiving waters have been identified in the DEIR as Chino Creek. Thus, any perennial, intermittent, or ephemeral waters on the proposed project site support the following beneficial uses according to the tributary rule:
 - a) Water Contact Recreation (REC1)
 - b) Non-contact Water Recreation (REC2)
 - c) Warm Freshwater Habitat (WARM)
 - d) Wildlife Habitat (WILD)
 - e) Rare, Threatened or Endangered Species (RARE)

Chino Creek is currently listed on the Clean Water Act Section 303(d) list as impaired for Indicator Bacteria, Nutrients, Chemical Oxygen Demand, and pH. There are TMDLs established by the Santa Ana Water Board for Bacteria Indicators and Nitrate in Chino Creek and other tributaries to the Middle Santa Ana River.

3. The DEIR should direct the project applicant to incorporate appropriate Best Management Practices (BMPs) into the project design, including water quality treatment structures (detention basins, soft bottom drainages, vegetative swales, permeable pavement, etc.). Sufficient area must be allocated for the placement of appropriate BMPs. The BMPs shall be designed to retain storm flows and treat first-flush flows, low flows, and dry-weather flows.

The Abacherli produced water impoundment, owned by oil & gas producer, Optima Conservation Resources Exploration, LLC (OCRE), lies just outside the northwest

boundary of the project site and is currently under a Santa Ana Water Board issued Notice to Comply, dated August 20, 2019. The impoundment has a compromised bentonite clay liner that was built in the 1960's with an estimated thickness of 1.5 feet. The compromised clay liner contains deep cracks along the entire surface of the clay. According to the work plan for soil assessment, dated November 4, 2019, OCRE ceased the use of the Abacherli produced water impoundment as a produced water evaporation pond, but the current use of the pond is unknown at this time.

Although the impoundment is outside the proposed project area, Santa Ana Water Board staff encourage the applicants to coordinate any grading or construction activities with OCRE as it appears in the proposal that these activities may occur within OCRE's property. More information about this open case can be obtained by contacting Miguel Oviedo via phone or email at (951) 782-3238 or miguel.oviedo@waterboards.ca.gov.

In addition to the produced water impoundment noted above, there is an ongoing Standard Voluntary Agreement with the Department of Toxic Substances Control (Docket No. HSA-FY20/21-087) and TH Shady View, LLC to address areas within the project boundaries that are contaminated with petroleum hydrocarbons and volatile organic compounds. The Santa Ana Water Board must be made aware of any potential violations of water quality standards from stormwater runoff or other incidental discharges from the project, and any potential groundwater contamination arising from petroleum hydrocarbons and volatile organic compounds. Measures to ensure preservation of water quality standards must be taken during any remediation activities occurring in the project area and should be discussed in the DEIR.

If you have any questions, please contact Jason Freshwater at (951) 321-4576 or jason.freshwater@waterboards.ca.gov, or me at (951) 782-4995 or terri.reeder@waterboards.ca.gov.

Sincerely,

Terri S. Reeder, PG, CEG, CHG
Supervisor, Coastal Waters Planning and CEQA Section

cc:

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