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GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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**Santa Ana Regional Water Quality Control Board**

November 5, 2014

John E. Clarke  
Wal-Mart Real Estate Business Trust  
2001 Southeast 10<sup>th</sup> Street  
Bentonville, AR 72716

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
CERTIFICATION FOR THE WILDOMAR WALMART PROJECT, CITY OF  
WILDOMAR, RIVERSIDE COUNTY (ACOE CORPS FILE NO. N/A) (SARWQCB  
PROJECT NO. 332014-18)**

Dear Mr. Clarke,

On July 14, 2014, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification") from Wal-Mart Real Estate Business Trust, for a project in the City of Wildomar, Riverside County. The project will consist of the installation of a retail/commercial building and access road. The applicant has also submitted a filing fee of \$12,672.00, which satisfies this project's fee requirement for consideration of a 401 Certification. This fee amount was determined using the Dredge and Fill Fee Calculator on the State Water Resources Control Board (SWRCB) web site, which is based on the most current iteration of California Code of Regulations, Division 3, Chapter 9, Article 1, section 2200 (a) (3). This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) (Basin Plan) and subsequent Basin Plan amendments:

**Project Description:** The project consists of approximately 207,800 square feet of new retail/commercial uses within a 24.5-acre site, located within the City of Wildomar, in Riverside County. The Project is a comprehensively designed shopping center that includes a major retail anchor building and associated freestanding retail tenant buildings. The site is currently comprised of four (4) legal parcels. A tentative tract map is proposed to merge the parcels into two (2) legal parcels.

Two detention/Infiltration basins will be located onsite: one in the westerly portion of the site along the I-15, and the other in the southerly portion of the site, along Canyon Drive. The western infiltration basin will have a top surface area of 1.44 acres and a maximum depth of 9 feet. The southern detention basin will have a top surface area of 0.20 acre and a maximum depth of 6 feet. The basins will be used to control offsite discharges and prevent downstream capacity issues. All onsite runoff from buildings and parking areas will be conveyed through porous landscape detention areas (PLDs) before being routed to the detention/infiltration basins via a system of underground pipes and catch basins. From the basins, runoff will be routed underground to existing inlets located underneath I-15.

Project impacts include permanent impacts to a mostly un-vegetated intermittent drainage within the project area. This drainage ditch appears to be formed from sheet flow from the adjacent (graded) property to the east of the project site. Flows are directed from the adjacent property, westerly through a culvert beneath Monte Vista Drive, which runs north/south along the eastern border of the project site.

The work will take place within Section 26 of Township 6 South, Range 6 West, of the U.S. Geological Survey *Wildomar* and *Lake Elsinore* 7.5 minute topographic quadrangle maps (33° 37' 37" N/ -117° 16' 50" W).

Receiving water: Lake Elsinore and an unnamed drainage ditch, which have present or potential beneficial uses, including: municipal and domestic supply (MUN), water contact recreation (REC1), non-contact water recreation (REC2), warm freshwater habitat (WARM), and wildlife habitat (WILD).

Fill area:

Permanent Impact to Streambed Habitat	0.051 acre	933 linear feet
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Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 39

You have proposed to mitigate water quality impacts as described in your Certification application. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed:

- Standard water quality related best management practices (BMPs) will be employed during construction activities.

Offsite Water Quality Standards Mitigation Proposed:

- A proposed 2.7:1 mitigation ratio (0.14 acre) for permanent effects to jurisdictional areas totaling 0.051 acre of non-wetland waters of the U.S. will be obtained through acquisition of credits from the Riverside-Corona Resource Conservation District In Lieu Fee Program (ILFP).

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife will ensure those impacts are mitigated to an acceptable level. Appropriate BMPs will be implemented to reduce construction-related impacts to Waters of the State.

This Water Quality Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein, or any conditions contained in any other permit or approval for this project issued by the State of California, or any subdivision thereof, may result in appropriate enforcement action, including imposition of administrative civil liability.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an EIR or Negative Declaration prepared by the lead agency in determining whether to approve a project. A responsible agency has responsibility for mitigating and avoiding only the direct and indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve. Further, the responsible agency must make findings as required by Sections 15091 and, if necessary, 15093, for each and every significant impact of the project.

As required by Section 15096, the Regional Board has considered the August 2014 Draft EIR prepared for the proposed project in approving this Certification. More specifically, the Regional Board has considered those sections of the EIR relating to water quality. Based on the mitigation proposed in the EIR, and the conditions set forth in this Certification, impacts to water quality will be reduced to a less than significant level and beneficial uses will be protected. Thus, the Regional Board finds that changes or alterations have been required in, or incorporated into the project, which avoid or mitigate impacts to water quality to a less than significant level.

**This 401 Certification is contingent upon the execution of the following conditions:**

- 1) The applicant must comply with the requirements of the applicable Clean Water Act section 404 permit.
- 2) Proposed mitigation shall be timely implemented. Materials documenting the purchase of necessary mitigation credits shall be provided to this office prior to the discharge of fill to, or the dredging or excavation of material from, waters of the state.
- 3) Project-specific measures or practices that will be taken to protect the water quality standards of all receiving waters that could be affected by the project shall be implemented as reported, or in the event that revisions of these measures were requested, the measures shall be implemented as revised. Board staff shall be timely notified of any subsequent deviation from reported or revised water quality standards protection measures.”
- 4) All materials generated from construction activities associated with this project shall be managed appropriately. This shall include identifying all potential pollution sources within the scope of work of this project, and incorporating all necessary pollution prevention BMPs as they relate to each potential pollution source identified.
- 5) The project proponent shall utilize BMPs during project construction to minimize the controllable discharges of sediment and other wastes to drainage systems or other waters of the state and of the United States.
- 6) Substances resulting from project-related activities that could be harmful to aquatic life, including, but not limited to, petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, portland cement concrete or asphalt concrete, and washings and cuttings

thereof, shall not be discharged to soils or waters of the state. All waste concrete shall be removed.

- 7) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such a manner that petroleum products or other pollutants from the equipment may enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the state on-site, except as necessary to complete the proposed project. No equipment shall be operated in areas of flowing water.
- 8) This Water Quality Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any the conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.
- 9) A copy of this Certification and any subsequent amendments must be maintained on site for the duration of work as a denoted element of any project SWPPP, WQMP and/or HMMP
- 10) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 11) Construction de-watering discharges, including temporary stream diversions necessary for project construction may be regulated under Regional Board Order No. R8-2009-0003, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality. For more information, please review Order No. R8-2009-0003 at [www.waterboards.ca.gov/santaana/](http://www.waterboards.ca.gov/santaana/)
- 12) Applicant shall ensure that all fees associated with this project shall be paid to each respective agency prior to conducting any on-site construction activities.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every 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 Article 6 (commencing with Section 3867) of this Chapter.

(b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

(c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall 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. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue certify 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 Clean Water Act, and with other applicable requirements of State law.

This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 2003-0017-DWQ is available at:  
[www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo\\_2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo_2003-0017.pdf)

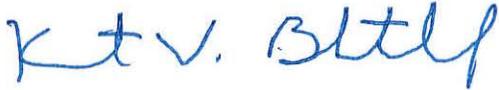
John E. Clarke  
Wal-Mart Real Estate Business Trust  
RWQB #: 332014-18 CIWQS #: 808698

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November 5, 2014

Should there be any questions, please contact Marc Brown at (951) 321-4584, or Mark Adelson at (951) 782-3234.

Sincerely,



Kurt V. Berchtold  
Executive Officer  
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

Harmsworth Associates – Paul Galvin – [pgalvin9@cox.net](mailto:pgalvin9@cox.net)  
U. S. Army Corps of Engineers, Los Angeles Office – Jim Mace  
CA Department of Fish and Wildlife – Joanna Gibson  
State Water Resources Control Board, Office of Chief Counsel-David Rice  
State Water Resources Control Board DWQ -Water Quality Certification Unit  
U.S. EPA -Supervisor of the Wetlands Regulatory Office WTR-8