



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

April 3, 2013

Vance Mape
Western Realco
500 Newport Beach Drive, Suite 630
Newport Beach, CA 92660

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE ALESSANDRO BUSINESS PARK PROJECT, COUNTY OF RIVERSIDE, CALIFORNIA (ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 332012-39)

Dear Mr. Mape:

On December 20, 2012, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification"), from Western Realco for a project to construct a business park within the adopted Sycamore Canyon Business Park Specific Plan Area. Specifically, the subject Project is located on the northwesterly corner of East Alessandro Blvd and San Gorgonio Drive, in the Box Springs area of Riverside. 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 grading, construction and operation of a 36.19-acre business park for light industrial and warehouse distribution uses within a 79.89-acre property. The business park will consist of three buildings totaling approximately 662,007 square feet, ranging in size from 36,243 square feet to 582,763 square feet. Stormwater generated within the project site will be directed into a proposed 1.86 acre detention basin, located at the northwest corner of the site. Parkway improvements such as sidewalks and landscaping will be implemented along the approximately 1,300-linear-foot project frontage along East Alessandro Boulevard. Additionally, three existing (blocked and nonfunctioning) storm drain pipes that extend under Alessandro Blvd. will be repaired under City Project Conditions to reconnect flows from the south of Alessandro

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Blvd. into Sycamore Canyon Creek. The work will take place within the southern portion of Sycamore Canyon, and south and east of the upper reaches of Sycamore Canyon Creek, Section 10 of Township 2 South, Range 4 West, of the U.S. Geological Survey *Riverside East* quadrangle map (33° 55' 07" N/ -117° 17' 54" W).

- Receiving water: Sycamore Canyon Creek, unnamed ephemeral drainage tributary to Sycamore Canyon Creek
- Fill area: 0.04 acre of permanent impact to streambed habitat (104 linear feet), 0.36 acre of permanent impact to wetland habitat (303 linear feet), and 0.03 acre of temporary impact to wetland habitat (23 linear feet)
- Dredge/Fill volume: 320 cubic yards
- Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 39

The wetland habitat being impacted is an artifact of changes to local hydrology caused when culverts under Alessandro Blvd. became obstructed, blocking stormwater drainage and causing runoff to pond and wetlands to form. This project is conditioned by the City of Riverside to restore local hydrology by removing the obstructions to drainage under Alessandro Blvd. The restored hydrology will no longer support this incidental wetlands, but will increase the amount of storm water runoff that reaches Sycamore Canyon Creek.

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.
- The proposed project includes the construction of a storm drain system and 1.86 acre detention/water quality basin to accommodate flows from storm events. The 1.86 basin will be maintained biannually by the business park tenants and in accordance with the project's Water Quality Management Plan.

Offsite Water Quality Standards Mitigation Proposed:

- Mitigation will be implemented through the dedication of the remaining 43.5 acres of the project's property to the City of Riverside Park, Recreation, and Community Services Department for incorporation into the boundaries of Sycamore Canyon Wilderness Park. The total acreage of waters of the U.S.

within the 79.89 acre project site property is 6.3 acres. Of this acreage , 0.4 acres are being impacted and 5.9 acres of waters of the U.S. will be preserved within the 43.5 acre property dedicated to the City.

- A one-acre area of the drainage within the 43.5-acre area dedicated to the City of Riverside Park, Recreation, and Community Services Department referenced above will be enhanced through a single nonnative, invasive species removal event between September 16, 2013, and March 31, 2014.
- The applicant will clear existing clogged corrugated metal drainage pipes (CMPs) beneath Alessandro Boulevard to improve water flows from upstream portions of Sycamore Canyon Creek. This activity will enhance hydrology, by allowing increased flows through 5.9 acres of waters of the U.S. within the project area
- The applicant shall comply with all applicable requirements of the 1996 Habitat Conservation Plan for the Stephens' Kangaroo Rat (SKR) in Western Riverside County, as the project is located within the Habitat Conservation Plan (HCP) boundary.

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 according to the requirements of State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity (Order No. 2009-0009-DWQ), commonly known as the Construction General Permit.

Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an Environmental Impact Report (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. The Regional Board has considered the City of Riverside's Final EIR for the project, approved on March 11, 2010, in the issuance of this Certification. The Regional Board independently finds that changes or alterations have been required, or incorporated into the proposed 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) As part of the mitigation proposed, all necessary steps shall be taken by the applicant within 60 days from the commencement of construction activities, to secure the dedication of 43.7 acres of property to the City of Riverside Park, Recreation, and Community Services Department for incorporation into the boundaries of Sycamore Canyon Wilderness Park.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or vernal pool 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.
- 7) 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.
- 8) 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 or WQMP.
- 9) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.

- 10) Applicant shall ensure all procedures and policies specified within the project's WQMP shall adequately address any hydraulic conditions of concern that may result from this project.
- 11) Applicant shall implement all proposed mitigation efforts in a timely manner.
- 12) 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/
- 13) 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.
- 14) Biological functional assessments shall be conducted for the 5.9 acres of Streambed/Riparian habitat within the 43.5-acre area dedicated to the City of Riverside Park, Recreation, and Community Services Department that are to be preserved. Assessments shall be conducted prior to implementation of management measures, and then annually during the period between October through December, or until success criteria are met for consecutive years, through implementation of the project's Habitat Mitigation and Monitoring Plan (HMMP) and/or Sycamore Canyon Wilderness Park's Management Plan. This information shall be reported to <http://www.californiawetlands.net/tracker/>

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 an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the 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

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

Sincerely,


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

cc (via electronic mail):

Dudek, Shelah Riggs, sriggs@dudek.com
U. S. Army Corps of Engineers, Los Angeles Office -Jason Lambert
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