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## Santa Ana Regional Water Quality Control Board

January 29, 2015

Mr. Gary M. Edwards  
Principal  
Western Realco  
500 Newport Center Drive, Suite 630  
Newport Beach, California 92660

gedwards@westernrealco.com

### **CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE MARCH BUSINESS CENTER PROJECT, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, CALIFORNIA (ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 332014-21)**

Dear Mr. Edwards:

On September 22, 2014, we received an application from Western Realco for a Clean Water Act Section 401 Water Quality Standards Certification ("Certification"), for a project in the city of Moreno Valley, in the north-central portion of Riverside County. The proposed project entails constructing a business park for light industrial and warehouse distribution uses. This includes connecting two storm drain outfalls into waters of the United States and installing two rip rap pads within waters of the United States. On September 12, 2014, the applicant submitted a check for \$1,201.00, with the application materials. On January 27, 2015 another check for an additional \$1,245.00, was received, which satisfies this project's fee requirement for consideration of obtaining 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 California Code of Regulations, Division 3, Chapter 9, Article 1, section 2200 (a) (3) in effect when the application was submitted. 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:** Western Realco proposes to install two new storm drain connections into the Perris Valley Storm Drain. This includes the construction of two rip rap outfall protection structures, 28 feet by 66.8 feet, located partially within waters of the United States. The storm drain connections are part of a larger business park development. Impacts from the

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installation of outfall structures and their associated outfall protection will result 0.05 acres and 95 linear feet of permanent impacts to the streambed of Perris Valley Storm Drain.

The work will take place within Section 30 of Township 3 South, Range 3 West, of the U.S. Geological Survey *Sunnymead, California* 7.5 minute topographic quadrangle map (33.883511° N, -117.241224° W).

Receiving water: Perris Valley Storm Drain which is a tributary of Reach 3 of the San Jacinto River which has intermittent beneficial uses, including: Agricultural Supply (AGR), groundwater Recharge (GWR), contact recreation (REC1), non-contact recreation (REC2), wildlife habitat (WILD), and warm freshwater habitat (WARM).

Fill area:

Permanent Impact to Streambed Habitat	0.05 acres	95 linear feet
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Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Permit Nationwide No. 7 (applied for).

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.
- Post-construction Implementation of water quality treatment control and source control BMPs identified in a Water Quality Management Plan (WQMP) developed for the Project. Water quality treatment BMPs for the Project include two bioretention areas and one infiltration basin to be installed during project construction.

**Offsite Water Quality Standards Mitigation Proposed:**

- The Project Applicant will mitigate 0.05 acres of permanent impacts through the purchase of 0.1 acres of mitigation credit (2:1 ratio) in the Riverside-Corona Resource Conservation District (RCRCD) In Lieu Fee Program.

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 the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity.

As required by Section 15096, the Regional Board has considered the Environmental Impact Report (EIR) prepared for the proposed project and filed with the County of Riverside on January 24, 2013, and information provided subsequently in the applicant's application, 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 independently 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) 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.
- 3) Proposed mitigation shall be timely implemented. A copy of the receipt from the purchase of the In-Lieu Fee 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.
- 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. Additionally no materials may be stored within waters of the United States or Waters of the State of California.
- 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) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.

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.

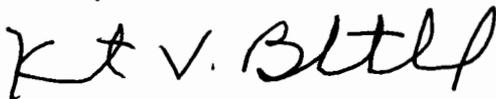
In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean 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 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)

Should there be any questions, please contact Jason Bill at (951) 782-3295 or Marc Brown at (951) 321-4584.

Sincerely,



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

cc (via electronic mail):

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U. S. Army Corps of Engineers, Los Angeles Office- Crystel Doyle  
State Water Resources Control Board, OCC- David Rice  
State Water Resources Control Board, DWQ -Water Quality Certification Unit  
California Department of Fish and Wildlife – Claire Ingel  
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