

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

EXECUTIVE OFFICER SUMMARY REPORT

June 10, 2020

ITEM 4

SUBJECT

New Waste Discharge Requirements: Waste Discharge Requirements for UDC French Valley, LLC, French Valley Marketplace Project, Riverside County (Tentative Order No. R9-2020-0089). (*Darren Bradford*)

STAFF RECOMMENDATION

Adoption of Tentative Order No. R9-2020-0089 (Tentative Order) is recommended.

KEY ISSUE

The Tentative Order (**Supporting Document No. 1**) authorizes 0.05 acre (350 linear feet) of permanent impacts to riparian surface waters of the State, and 0.06 acre (574 linear feet) of ephemeral streambed waters of the State attributed to the French Valley Marketplace Project (Project). Compensatory mitigation to offset permitted Project impacts will be achieved through the purchase of 0.33 acre of re-established river credits from the San Luis Rey Mitigation Bank (SLRMB) and 0.38 acre of vernal pool wetland preservation credits from the Barry Jones Mitigation Bank (BJMB) in advance of Project construction.

PRACTICAL VISION

The Tentative Order implements the San Diego Water Board's Practical Vision entitled *Healthy Waters, Healthy People*¹ by requiring mitigation and monitoring for impacts sufficient to offset unavoidable adverse impacts to aquatic resources from the Project. The waste discharge requirements employ the best practicable treatment and control of discharges to ensure and verify that the highest level of water quality is maintained consistent with the maximum benefit to the people of the State. The compensatory mitigation required in the Tentative Order implements the goals of the Recovery of Stream, Wetlands and Riparian Systems chapter of the Practical Vision to attain no overall net loss and a long-term net gain in the quantity, quality and sustainability of aquatic resources.

DISCUSSION

The Project is located on Winchester Road/Highway 79 (Hwy 79) between Thompson Road and Algarve Avenue, Riverside County, in the northern extent of the City of Murrieta, Riverside County, California. (**Supporting Document No. 2**). The Project will construct 16 buildings totaling approximately 133,268 square feet of retail and service commercial buildings, along with associated landscaping, infrastructure, ingress/egress, and water quality features. The Project will mass grade and develop the entire 19.71 net acre Project site. In addition, 3.08 net acres of off-site grading will occur for mandatory street improvements to both Winchester Road and Thompson Road. Total land disturbance will be 22.79 acres. Offsite road improvements will include widening both

¹ Practical Vision: https://www.waterboards.ca.gov/sandiego/water_issues/programs/practical_vision/

roads in order to allow added width for a turn lane.

The Project adds approximately 3.06 acres of impervious surfaces. Post-construction best management practices (BMPs) to manage and control the effects of resulting runoff increases will be designed, constructed, and maintained to comply with the most current Standard Storm Water Mitigation and Hydromodification Plans for the County of Riverside.

Proposed Discharge Impacts

The Discharger submitted a Report of Waste Discharge (ROWD) in application for waste discharge requirements (WDRs) to construct the Project, on September 9, 2019. The Discharger proposes to discharge permanent fill material associated with Project construction activities to 0.05 acre (350 linear feet) of riparian surface waters of the State, and 0.06 acre (574 linear feet) of ephemeral streambed waters of the State.

Compensatory Mitigation

Compensatory mitigation for permanent impacts to ephemeral streambed waters of the State will be achieved through the purchase of 0.33 acre of re-established river credits from the SLRMB and 0.38 acre of vernal pool wetland preservation credits from the BJMB, in advance of Project construction. The purchase of these credits will achieve a minimum mitigation compensation ratio of 5.45:1 (area mitigated:area impacted).

Tentative Order

Tentative Order No. R9-2020-0089 will, if adopted, serve as WDRs for the discharge of fill material attributable to the Project to waters of the State, pursuant to Water Code section 13260 et. seq. The Tentative Order allows reasonable use of private property for retail and service commercial buildings, and associated infrastructure development, and growth of the economy, while offsetting the adverse Project impacts to waters of the State. The Tentative Order serves to authorize unavoidable direct adverse impacts to ephemeral streambed and riparian waters of the State, attributed to the Project and requires the Discharger to implement compensatory mitigation sufficient to offset the permitted Project impacts.

The San Diego Water Board typically relies upon its authority under Clean Water Act (CWA) section 401 to regulate discharges of dredged or fill material to waters of the United States and/or State through the issuance of water quality certifications. The San Diego Water Board has delegated this function to the Executive Officer and the issuance of water quality certifications is not typically scheduled for consideration by the Board unless the project is very large or controversial. However, the U.S. Army Corp of Engineers has determined that no waters of United States are present within the Project's impact area. Therefore, the Project discharges are to waters of the State outside of CWA jurisdiction and the water quality certification regulatory process does not apply. The San Diego Water Board is relying upon its authority under the Porter-Cologne Water Quality Control Act to regulate the Project discharges under WDRs and Board action is required to adopt the Tentative Order.

The Tentative Order was released for public review and comment pursuant to Water Code section 13167.5 on April 14, 2020, for a period of 30 days (**Supporting Document No. 3**). The deadline for submission of written comments on the Tentative Order was May 14, 2020. The San Diego Water Board did not receive any public comments.

PUBLIC NOTICE

On April 14, 2020, the San Diego Water Board provided public notice of the release of the Tentative Order for public review and comment and today's public hearing to the Discharger and other interested parties via e-mail. The public hearing notice, written comment period and Tentative Order were also posted on the San Diego Water Board website on April 14, 2020, for a period of 30 days for public review and comment. Notice was also provided in the Meeting Notice and Agenda for the June 10, 2020 Board meeting and posted on the San Diego Water Board website.

SUPPORTING DOCUMENTS

1. Tentative Order No. R9-2020-0089
2. Project Site/Location Map
3. Public Notice issued April 14, 2020