

State of California
California Regional Water Quality Control Board
Santa Ana Region

Order No. R8-2019-0034
Waste Discharge Requirements

For
Trammell Crow So Cal Development, Inc.
Parcel Maps 36950 & 36962
Riverside County

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Santa Ana Water Board), finds that:

1. This Order is for Waste Discharge Requirements for the Trammell Crow So Cal Development, Inc. (discharger), Parcel Maps 36950 & 36962 (Project).

Waste Discharge Requirements (WDRs) are necessary to address impacts of dredge/fill on the beneficial uses of waters of the State. On September 29, 2016, Trammell Crow So Cal Development, Inc. submitted a Report of Waste Discharge (ROWD). The application described the proposed discharges of fill to the waters of the State. This Order regulates the discharge of fill material to waters of the State.

2. The discharger proposes the commercial construction of two separate warehouse facilities. The purpose of the Project is to promote commerce and generate employment in the Mead Valley area. The construction of the two warehouse facilities will permanently impact 0.20 acre and approximately 1,367 linear feet of waters of the State ephemeral stream drainage.

The Project consists of constructing, (1) a 717,430-square-foot warehouse (referred to as Building D) on a 34.4-acre site; and (2) a 410,982-square-foot warehouse (referred to as Building E) on a 21.5-acre site. The Project is comprised of two adjacent properties, for a total Project site of 55.9 acres and a combined, maximum floor space of 1,128,412 square feet.

3. The Project is located in the Mead Valley area, in Riverside County. The Project is located immediately southeast and southwest of the intersection of Decker Road and Old Oleander Avenue. The proposed Project area can be found within Township 4 South, Range 4 West, and Section 2 of the U.S. Geological Survey Steele Peak 7.5 quadrangle map. A map showing the Project location is found in Attachment A of this Order.
4. Under existing conditions, the Building D site is generally vacant apart from a single mobile home residence and associated outbuildings. The Building E site is vacant. Much of the site has been disturbed by previous periodic plowing and disking and the construction of an off-site water tank.

The proposed Project involves the demolition and removal of existing structures, grading and preparation of the Project site for development, and the construction and operation of the two warehouse facilities (Buildings D and E). The associated developments to the Building D and E sites will include but are not limited to, surface parking areas, office space, vehicle drive aisles, truck courts, utility infrastructure, landscaping, and water quality bioretention basins.

5. The waters of the State onsite consist of a total of 0.20 acre of an unnamed ephemeral drainage (0.09 acre on the Building D site and 0.11 acre on the Building E site). The ephemeral drainage runs from west to east across the Project site, terminating west of the Project site boundary and east of Decker Road. The ephemeral drainage is an unnamed isolated drainage feature without any major tributaries and does not have a significant nexus to traditional navigable waters.
6. The Project site's natural drainage pattern will be replaced by a constructed storm drain system. The discharger is proposing to construct a system of trench drains, drop inlets, underground storm drain pipes, basins, and bioretention basins to collect, treat and temporarily store storm water runoff. The bioretention basins will provide a maximum 48-hour detention period following the conclusion of a storm event. Storm water runoff captured will be discharged off-site and will flow into a storm water drainage system managed by the Riverside County Flood Control and Water Conservation District (District).
7. Proposed demolition, grading, and construction activities will expose underlying soils and disturb surficial soils on the Project site. The areas disturbed during construction will be landscaped or covered with impervious surfaces.

Permanent impacts to waters of the State from proposed construction activities are a result of grading and filling 0.20 acres (1,367 linear feet) of the ephemeral drainage.

Beneficial Uses and water quality objectives are established for all waters of the State, both surface and groundwater. In 1988, the State Water Resources Control Board (State Water Board) adopted, by Resolution No. 88-63, the Sources of Drinking Water Policy for statewide water quality control. The Policy established the principle that all surface and groundwaters within the State are considered suitable or potentially suitable for the Municipal and Domestic Supply (MUN) beneficial use unless they met certain exception criteria.

Additionally, all water bodies are presumed to be capable of supporting Primary Contact Recreation (REC1), Non-contact Water Recreation (REC2), Warm Freshwater Habitat (WARM), and Wildlife Habitat (WILD) beneficial uses, unless a Use Attainability Analysis (UAA) demonstrates that a use is not attainable. The unnamed isolated, ephemeral drainage is presumed to support (existing or potential) the following beneficial uses:

- i. Municipal and Domestic Supply (MUN)
 - ii. Water Contact Recreation (REC1);
 - iii. Non-Contact Water Recreation (REC2);
 - iv. Warm Freshwater Habitat (WARM); and
 - v. Wildlife Habitat (WILD)
8. The discharger will provide compensatory mitigation for permanent impacts to 0.20 acre to waters of the State by mitigation at a ratio of 2:1 (mitigation: impacts) and purchase 0.40-acre of rehabilitation credits from the Santa Ana River Watershed In-Lieu Fee (ILF) Program (formerly known as the Riverside-Corona Resource Conservation District ILF Program).
9. The Santa Ana Water Board has the authority to regulate the discharge of dredged and fill materials through the issuance of Waste Discharge Requirements (WDRs) pursuant to California Water Code section 13263. The Santa Ana Water Board has determined that WDRs are necessary to adequately address the Project's potential impacts on the beneficial uses of waters of the State.
10. California Water Code section 13263 authorizes the Santa Ana Water Board, after any necessary hearing, to prescribe requirements as to the nature of any proposed discharge with relation to the conditions existing in the disposal area or receiving waters upon, or into which, the discharge is made or proposed. The requirements must implement any relevant water quality control plans that have been adopted and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of California Water Code section 13241. In accordance with subdivision (g) of section 13263, all discharges of waste into the waters of the State are privileges, not rights, and the WDRs in this Order shall not create a vested right to continue to discharge and are subject to rescission or modification.
11. Pursuant to California Water Code section 13267, the Santa Ana Water Board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement authorized by Division 7 of the California Water Code, may investigate the quality of any waters of the state within its region. In conducting such an investigation, the Santa Ana Water Board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, shall furnish, under penalty of perjury, technical or monitoring program reports which the regional water board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. The WDRs contained in this Order incorporate requirements for water quality monitoring, and project reporting, which are necessary to ensure that the discharge of dredged and fill material complies with WDRs and is protective of the environment.

12. The WDRs in this Order are adopted pursuant to California Water Code sections 13263 and 13267. The WDRs set forth the requirements, prohibitions, and other conditions to implement the Basin Plan, and the Discharger's responsibilities for monitoring and reporting. The Discharger is responsible for ensuring compliance with the WDRs. In addition, this Order also regulates the discharge of fill material to waters of the State and waters of the United States.
13. It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring that discharges not exceed maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.
14. Pursuant to the California Environmental Quality Act (CEQA), Riverside County, as the Lead Agency, approved an Environmental Impact Report (EIR) for Parcel Maps 36950 & 36962, on June 26, 2018. Additionally, Riverside County filed a Notice of Determination (NOD) with the County of Riverside Assessor-County Clerk-Recorder on June 28, 2018. Riverside County's EIR identified potentially significant impacts to biological resources; as a result, the Project was determined to have the potential of a significant effect on the environment. Additionally, the EIR identified that the Project has the potential to have a less-than-significant impact on water quality. The EIR's proposed mitigation measures must ensure that compensation for permanent impacts on jurisdictional resources is equivalent or superior to the biological functions and values impacted by the Project.

The Project evaluated by the EIR encompasses two separate, independent projects. Because these projects are adjacent and are proposed by the same discharger, CEQA required that the Project be evaluated as a single project.

15. As a Responsible Agency under CEQA, the Santa Ana Water Board is required to consider the Lead Agency's environmental documents, adopt mitigation measures, and make findings on the significant impacts within its jurisdiction to approve. (Public Resources Code, section 21002.1, subdivision. (d); California Code of Regulations, title 14, section 15096, subdivisions. (f), (g), (h).)

To address the potential impacts identified in the EIR, the discharger must complete the following mitigation measures: (1) purchase 0.40-acre of rehabilitation credits from the Santa Ana Riverside Watershed ILF program. This Order also requires the discharger to report on the implementation of mitigation to ensure that the mitigation occurs as required by this Order. (California Code of Regulations, title 14, section 15097). (2) Before the issuance of a grading permit, the discharger must obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities. (3) Develop a site-specific Storm Water Pollution Prevention Plan (SWPPP) to address short-term construction-related water quality issues, and (4) must comply with the site-specific Water Quality Management Plans (WQMPs) and their associated Best Management Practices (BMPs).

The Santa Ana Water Board finds that the required mitigation will reduce the potentially significant effects of the discharge of fill to waters of the State to less-than-significant

levels, and compensation for permanent impacts on jurisdictional resources to an equivalent or superior biological function and value.

16. The Santa Ana Water Board has considered antidegradation pursuant to State Board Resolution No. 68-16 and 40 C.F.R. § 131.12 and finds that the discharge permitted under this Order is consistent with those provisions. State Water Board Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. Minimal water quality degradation may be allowed only if any change in water quality is consistent with the maximum benefit to the people of the State; the degradation will not unreasonably affect present and anticipated beneficial uses; and the degradation will not result in violation of any applicable Water Quality Control Plan. Discharges must meet requirements that will result in the best practicable treatment or control to avoid pollution or a condition of nuisance. Consistent with the antidegradation policy, any degradation resulting from the discharges authorized by this Order provides the maximum benefit to the people of the State. Flood protection is critical to the safety of the public. Moreover, this Order contains waste discharge requirements to ensure present and future beneficial uses are maintained or enhanced through compensatory mitigation and monitoring requirements for authorized impacts to waters of the State. The waste discharge requirements ensure that the highest level of water quality is maintained consistent with the maximum benefit to the people of the State by prohibiting certain discharges, requiring the implementation of best management practices, and requiring the discharger to submit an annual report.
17. The Santa Ana Water Board has notified the discharger and other interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity for public hearing and an opportunity to submit their written views and recommendations.

IT IS HEREBY ORDERED that the discharger, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. DISCHARGE SPECIFICATIONS:

1. No activities associated with the Project shall cause or threaten to cause a nuisance or pollution as defined in Section 13050 of the California Water Code.
2. The discharge of any substance in concentrations toxic to animal or plant life is prohibited.
3. The discharger shall implement appropriate BMPs to reduce construction-related impacts to waters of the State per the requirements of Santa Ana Water Board Order No. R8-2010-0033 (NPDES Permit No. CAS618033), commonly known as the Riverside County Municipal Storm Water Permit, and subsequent iterations thereof. Order No. R8-2010-0033 requires that the discharger substantially comply with the requirements of State Board General NPDES Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order Number 2012-0006-DWQ.

4. The discharge of fill materials shall be limited to the placement of native fill and inert materials, as defined in Section 20230, Division 2, Title 27 of the California Code of Regulations. The discharge of fill material other than native soil is prohibited, unless authorized by the Santa Ana Water Board.

B. DISCHARGE PROHIBITIONS:

1. The direct discharge of wastes, including rubbish, refuse, bark, sawdust, or other solid or liquid wastes into channels, surface waters, or any place where they would contact or be eventually transported to surface waters, including flood plains, is prohibited.
2. The discharge of oil or other floating materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity, or discoloration in surface waters is prohibited.
3. The discharge of silt, sand, clay, or other earthen materials from any activity in quantities sufficient to cause deleterious bottom deposits, turbidity, or discoloration in surface waters is prohibited.
4. Discharges to surface waters of wastes or pollutants that are not otherwise regulated by a separate NPDES permit, is prohibited.
5. During the grading and filling operation, there shall be no onsite fueling, lubrication, changing of oil or other equipment fluids and their filters, or any other maintenance or storage of construction equipment within, or next to, drainage areas or other surface runoff conveyances.

C. PROVISIONS:

1. Prior to the start of Project activities, the discharger shall purchase 0.40 acre of rehabilitation credits from the Santa Ana River Watershed ILF Program.
2. The discharger shall maintain a copy of this Order at the Project site so that it is always available to site operating personnel. Key operating personnel shall be familiar with the Order's content.
3. The discharger shall comply with all of the requirements of this Order. Any violation of this Order constitutes a violation of the California Water Code (CWC) and may constitute a violation of the CWA and its regulations, and is grounds for enforcement action, termination of this Order, revocation and re-issuance of this Order, denial of an application for re-issuance of this Order, or a combination thereof.
4. The discharger shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment.
5. The provisions of this Order are severable, and if any provision of this Order, or the application of any provisions of this Order to any circumstance, is held invalid, the

application of such provision to other circumstances, and the remainder of this Order shall not be affected thereby.

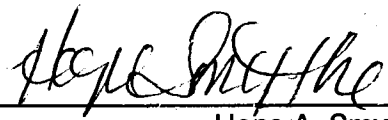
6. The filing of a request by the discharger for modification, revocation and re-issuance, or termination of this Order or a notification of planned changes or anticipated noncompliance does not stay any requirements of this Order.
7. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the discharger from liabilities under federal, State, or local laws, nor guarantee the discharger a capacity right in the receiving waters.
8. This Order does not convey any property rights of any sort, or any exclusive privilege.
9. This Order is not transferable to any person except after notice to, and approval by, the Executive Officer. The Santa Ana Water Board may require modification or revocation and re-issuance of this Order to change the name of the discharger.
10. In the event of any change in control or ownership of land or waste discharge facility presently owned or controlled by the discharger, the discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be forwarded to the Santa Ana Water Board.
11. The discharger shall submit an Annual Report each year on the anniversary of this Order. Annual reporting shall continue until a *Notice of Project Complete Letter* is issued to the discharger. The contents of the Annual Report shall include:
 - a. Construction Summary: Project process and schedule, including ground disturbance, site clearing and grubbing, site construction, and implementation status of BMPs during the Active Discharge Period. If the Project has not started, provide estimated start date and reasons for delay.
12. The discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. Records may be maintained electronically. This period may be extended during the course of any unresolved enforcement action or litigation regarding this discharge or when requested by the Santa Ana Water Board
13. The Santa Ana Water Board and other authorized representatives shall be allowed:
 - a. Entry upon premises where a regulated facility or activity is located or conducted, or where records are kept under the requirements of this Order;
 - b. Access to copy any records that are kept under the requirements of this Order;
 - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and

d. To photograph, sample and monitor for the purpose of assuring compliance with this Order.

14. This Order becomes effective on the date of adoption by the Santa Ana Water Board.

15. This Order will remain valid for five years from the date of this order.

I, Hope A. Smythe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on March 22, 2019.



Hope A. Smythe
Executive Officer