

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

Order No. R8-2019-0038

Waste Discharge Requirements  
for  
Space Center Mira Loma, Inc.  
Space Center Industrial Project  
City of Jurupa Valley  
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 (WDRs) for the Space Center Mira Loma, Inc. (discharger), Space Center Industrial Project (Project).

WDRs are necessary to address impacts of dredged and fill discharges on the beneficial uses of waters of the State (WOTS). On January 22, 2019, Space Center Mira Loma, Inc submitted a Report of Waste Discharge and an application for a Clean Water Act (CWA) Section 401 Water Quality Certification. The project was assigned the Santa Ana Water Board WDID 332019-01. The application described the proposed discharges of fill to the WOTS. This Order regulates the discharge of fill material to WOTS.

2. This Order will serve as a CWA Act Section 401 Water Quality Standards Certification for federal permitting by the U.S. Army Corps of Engineers under Nationwide Permit Number 7, Outfall Structures and Associated Intake Structures, as a result of the discharge of fill to waters of the United States (WOTUS).
3. The discharger proposes to construct an industrial development consisting of a total of 1,124,015 square feet of warehouse space. The Project consists of constructing (1) a 517,903-square-foot warehouse (referred to as Building 1) and (2) a 606,112-square-foot warehouse (referred to as Building 2) on an approximately 53-acre site. Each building includes parking and utility connections. The Project will convert an existing onsite earthen drainage into an underground 72-inch reinforced concrete pipe (RCP). The Project will also replace an existing 36-inch concrete outlet into Day Canyon Creek with a 72-inch RCP. The purpose of the Project is to promote commerce and generate employment in the City of Jurupa Valley. The construction of the upsized outlet into Day Canyon Creek will permanently impact 0.001 acre and 8 linear feet of WOTUS. The filling of the earthen drainage will result in permanent impacts to 0.25 acre and 1,251 linear feet of ephemeral WOTS. Of the 0.25 acre of ephemeral WOTS, 0.03 acre is wetland habitat.

4. The Project is located in the City of Jurupa Valley, in Riverside County. The Project is located immediately south of Iberia Street, west of Etiwanda Avenue, north of State Route 60, and northeast of Mission Boulevard. The proposed Project area can be found within Township 2 South, Range 6 West, and Section 5 of the U.S. Geological Survey Guasti 7.5-minute quadrangle map. A map showing the Project location is found in Attachment A of this Order.
5. The Project site has been previously disturbed, and the remnants of former military storage buildings are present within the eastern portion of the site. The site primarily supports a mix of non-native weedy vegetation dominated by ruderal species.

Onsite WOTS include an unnamed tributary of Day Canyon Creek, Valley Reach that bisects the site from the northern property boundary along Iberia Street and terminates into a concrete lined Day Canyon Creek, Valley Reach along the southern property boundary. The unnamed tributary originates along the northern property boundary via a culvert and headwall that enters the site at Iberia Street. The unnamed tributary ranges in width from seven to twelve feet and traverses the site for approximately 1,251 linear feet before entering the concrete-lined Day Canyon Creek, Valley Reach. The unnamed tributary is an earthen, open trapezoidal channel excavated from upland material within the site to convey storm drain runoff from existing commercial developments located north of Iberia Street. Day Canyon Creek, Valley Reach is considered WOTUS. Day Canyon Creek, Valley Reach 1B has designated beneficial uses (existing or potential) that include:

- i. Municipal and Domestic Supply (MUN);
  - ii. Groundwater Recharge (GWR);
  - iii. Water Contact Recreation (REC1);
  - iv. Non-Contact Water Recreation (REC2);
  - v. Warm Freshwater Habitat (WARM); and,
  - vi. Wildlife Habitat (WILD).
6. The Project site's 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, and an infiltration basin to collect, treat and infiltrate store storm water runoff. Storm water runoff captured will be infiltrate on-site. Flows that exceed the design capacity of the infiltration basin will be discharged into Day Canyon Creek, Valley Reach, which is managed by the Riverside County Flood Control and Water Conservation District.
  7. Proposed 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 WOTS from proposed construction activities are a result of grading and filling 0.25 acre (1,251 linear feet) of the ephemeral drainage. Impacts to

WOTUS will occur from upsizing an existing 36-inch concrete outlet into Day Canyon Creek, Valley Reach to a 72-inch outlet.

8. The discharger will provide compensatory mitigation for permanent impacts to 0.25 acre to WOTS and 0.001 acre of WOTUS by mitigation through the purchase 2.62 acres of rehabilitation credits from a Santa Ana Water Board-approved mitigation bank or in-lieu fee program within the Santa Ana River Watershed.
9. The Santa Ana Water Board has the authority to regulate the discharge of dredged and fill materials through the issuance of 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 WOTS 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 WDRs, 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 WOTS 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 WOTS and WOTUS.

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), the City of Jurupa Valley, as the Lead Agency, approved an Environmental Impact Report (EIR) for Space Center Industrial Project on November 9, 2017. Additionally, the City of Jurupa Valley filed a Notice of Determination with the County of Riverside Assessor-County Clerk-Recorder on November 9, 2017. City of Jurupa Valley's EIR identified less than significant impacts with mitigation to water quality and biological resources. 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.
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 2.62 acres of rehabilitation credits from a Regional Water Board-approved mitigation bank or in-lieu fee program within the Santa Ana River Watershed. 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 to address short-term construction-related water quality issues, and (4) must comply with the site-specific Water Quality Management Plans 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 WOTS to less than significant levels, and compensation for permanent impacts on jurisdictional resources is of an equivalent or superior biological function and value.

16. The Santa Ana Water Board has considered antidegradation pursuant to State Water Resources Control Board (State Water Board) Resolution No. 68-16 and Title 40 Code of Federal Regulations section 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 WDRs to ensure present and future beneficial uses are maintained or enhanced through compensatory mitigation and monitoring requirements for authorized impacts to WOTS. The WDRs 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 (BMPs), 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 WDRs 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 groundwater in the vicinity of the Project shall not be degraded as a result of the Project activities or placement of fill for the Project.
4. The discharger shall implement appropriate BMPs to reduce construction-related impacts to WOTS 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 Water Board General NPDES Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order Number 2012-0006-DWQ.
5. 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 2.62 acres of rehabilitation credits from a Santa Ana Water Board-approved mitigation bank or in-lieu fee program in the Santa Ana River watershed and submit verification of the purchase to Santa Ana Water Board staff.
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 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 a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities.
12. 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.
13. The discharger shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and discharger-responsible mitigation. This request shall be submitted to the Santa Ana Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Santa Ana Water Board staff will issue to the discharger a *Notice of Completion of Discharges Letter*, which will end the active discharge period and, if appropriate, associated annual fees.
14. The discharger shall submit a Request for Notice of Project Complete Letter when construction and any required post-construction monitoring is complete and no further Project activities will occur. This request shall be submitted to Santa Ana Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Santa Ana Water Board staff will issue to the discharger a *Notice of*

*Project Complete Letter*, which will end the post discharge monitoring period and associated annual fees.

15. 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.
16. 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.
17. This Order becomes effective on the date of adoption by the Santa Ana Water Board.
18. 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 May 3, 2019.

  
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Hope A. Smythe  
Executive Officer