

Santa Ana Regional Water Quality Control Board

May 29, 2014

David Golkar
Exser LLC.
10551 Wilshire Boulevard
Los Angeles, CA

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE HIDDEN CANYON INDUSTRIAL PARK
PROJECT, CITY OF BEAUMONT, RIVERSIDE, CALIFORNIA (ACOE
REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO.
322013-18)**

Dear Mr. Golkar:

On November 4, 2013, Regional Board staff received an application from your consultant for a Clean Water Act Section 401 Water Quality Standards Certification (401 Certification) for the Hidden Canyon Industrial Park project, that is to be located in the City of Beaumont. Included with the application were the following:

- A copy of an application for a California Department of Fish and Wildlife (CDFW) Lake or Streambed Alteration Agreement for the project;
- \$944¹ intended as the base fee required for consideration of a 401 Certification, as specified by of California Code of Regulations (CCR), Title 23, Division 3, Chapter 9, Article 1, section 2200 (a)(3) and summarized on the State Water Resources Control Board's (SWRCB) Dredge and Fill Fee Calculator;
- A copy of the Hidden Canyon Industrial Park Specific Plan Addendum to the California Environmental Quality Act (CEQA) Environmental Impact Report (EIR) for the Beaumont Gateway Specific Plan. With the EIR addendum was a copy of the posted Notice of Determination;
- A copy of a letter from the City of Beaumont stating that the CEQA addendum for the project was certified by the city council in March of 2012;
- A copy of a Nationwide Permit Pre-Construction (PCN) Form completed for the project and submitted to the U.S. Army Corps of Engineers (USACE); and,

¹ The base fee for dredge and fill projects was raised to \$1,097, effective October 14, 2013.

- A copy of the Biological Report and Impact Analysis for the Hidden Canyon Industrial Park Project Site.

In December 2013, we received the draft CDFW Streambed Alteration Agreement for the project. Subsequently, CDFW staff confirmed that the Agreement had been approved. In addition, CDFW staff approved a Habitat Mitigation Monitoring Plan (HMMP) associated with the Agreement. In addition, on April 14, 2014, we received the final fee payment required for consideration of the project, \$29,577, as determined by SWRCB's Dredge and Fill Fee Calculator version 13b (12/20/2013).

This letter responds to your request for certification, pursuant to Clean Water Act Section 401, that the proposed project, described 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 amendments.

1. Project Description:

The approximately 196 acre Hidden Canyon Industrial Park Specific Plan Project site is located southeasterly of the intersection of State Route 60 and Jackrabbit Trail in the city of Beaumont. The proposed project is to construct of up to 2.89 million square feet of distribution warehouse uses configured as two buildings, one on each of two parcels (see the attached figure). Supporting infrastructure such as roadways, parking areas, landscaping, and a stormwater detention basin are also proposed for the site. The proposed extension of 4th Street will bisect the property.

Jurisdictional waters on site include a segment of Cooper's Creek, which flows perennially with treated effluent discharged from the City of Beaumont's wastewater treatment facility, and four small ephemeral drainages. These jurisdictional waters cover a total of 0.692 acres, of which project construction will permanently impact 0.195 acres and temporarily impact 0.012 acres.

2. Location: Longitude/Latitude: 117 01' 44"W/33 55' 46"N
Section/Township/Range/ Quadrangle:
NE, NW and SW quarters of section 7, T3S, R1W, *El Casco*,
California USGS Quadrangle
3. Receiving water: Cooper's Creek and Drainage D are tributary to San Timoteo Creek Reach 3 which has the following present or potential beneficial uses: GWR, REC1, REC2, WARM, and WILD.
- Drainages A, B, and C are tributary to Laborde Canyon and the San Jacinto River Reach 4 which have the following intermittent beneficial uses: Intermittent AGR, GWR, REC1, REC2, WARM, and WILD.

4. Fill Area: Project Jurisdictional Impacts

Permanent impacts 0.195 acre, 2,267 linear ft.
Temporary impacts 0.012 acre, 80 linear ft.
Total impacts 0.207 acre², 2347 linear ft.

5. Dredge volume: NA

6. Federal permit: USACE Nationwide Permit # 39

7. Mitigation:

You have proposed to mitigate project water quality impacts as described in the CDFW Streambed Alteration Agreement for the project and the Biology Report and Impact Analysis of October 2013. The proposed mitigation is summarized below:

For permanent and temporary project impacts to jurisdictional waters, mitigation areas along Cooper's Creek will be established. These consist of the removal of three existing bridges crossing Cooper's Creek and the creation of two mitigation areas (referred to as polygons). The removal of three bridges will create and restore 0.113 acre of riparian habitat in the former footprints of the bridges on Cooper's Creek. Mitigation Area 1, (2.23 acres), will be located along the southern edge of the existing riparian habitat along Cooper's Creek and mitigation Area 2, (1.26 acres), will be located along the northern edge of the existing riparian habitat along Cooper's Creek. For both areas some grading will be required to lower the elevations sufficient to support riparian habitats. The total mitigation area proposed is 3.603 acres consisting of 3.519 acres of riparian habitat creation (Mitigation Areas 1 and 2) and 0.128 acre of riparian habitat restoration.

Temporarily impacted areas will be re-contoured to support creek flows and then seeded with native vegetation. A stormwater detention basin will be placed adjacent the eastern side of Building 2, to the north of Building 1, and southwest of Cooper's Creek and Mitigation Area 1. (see the attached figure)

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 that 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

² As listed in an update to the Hidden Canyon Industrial Park Biological Report – December 2013.

General Permit for Storm Water Discharges Associated with Construction Activity. In addition, Order No. R8-2010-0033 (NPDES Permit No. CAS618033), commonly known as the Riverside County Municipal Storm Water Permit, requires the completion of a Water Quality Management Plan for the project to be approved by the City of Beaumont.

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.

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.

As required by Section 15096, the Regional Board has considered the environmental documentation prepared for the project (the 2012Hidden Canyon Specific Plan addendum to the Beaumont Gateway Specific Plan EIR), 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 and addendum relating to water quality. Based on the mitigation proposed in the EIR and addendum, 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. 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) The applicant must comply with requirements of the applicable Streambed Alteration Agreement as issued by the California Department of Fish and Wildlife.

- 3) The maintenance and design of the proposed project stormwater detection basin must comply with Riverside County Flood Control and Water Conservation District standards and other applicable standards mandated by the City of Beaumont.
- 4) The proposed mitigation shall be timely implemented.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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.
- 9) The Permittee shall place a conservation easement on riparian habitat within Coopers Creek to protect fish and wildlife resources in perpetuity, as specified in the Streambed Alteration Agreement.

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

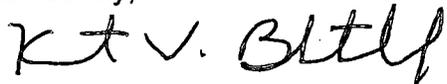
David Golkar
Hidden Canyon Industrial Park
401 Certification 332013-18

- 7 -

May 29, 2014

Should there be any questions, please contact Dave Woelfel at (951) 782-7960, or Mark Adelson at (951) 782-3234.

Sincerely,



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

Enclosure

cc: (via electronic mail):

Harmsworth Associates – Paul Galvin
U.S. Army Corps of Engineers – James Mace
State Water Resources Control Board, OCC – David Rice
California Department of Fish and Wildlife – Claire Ingel
<Claire.Ingel@wildlife.ca.gov>

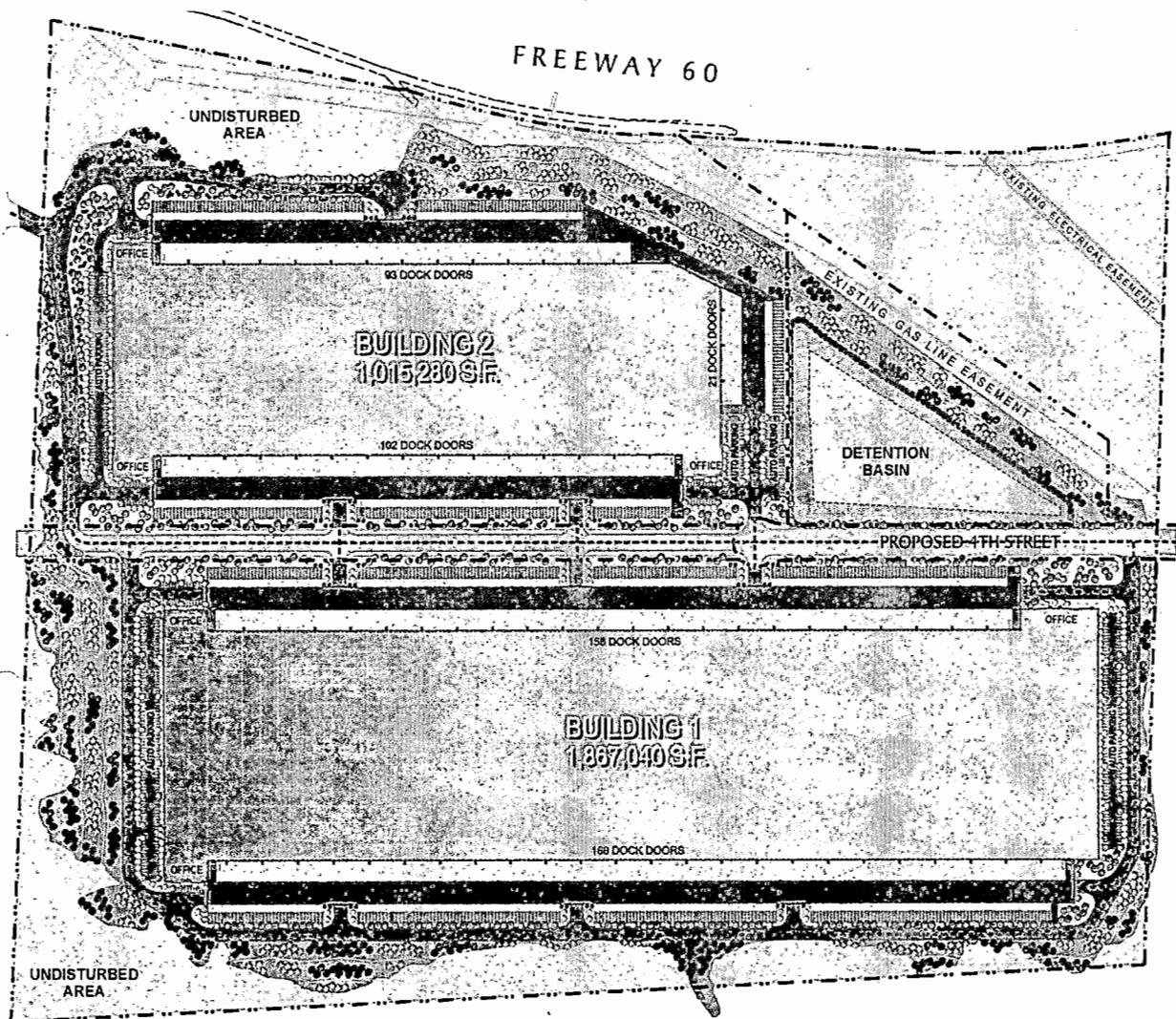


Figure 2.2-1 Project Site Development Concept from the Hidden Canyon Industrial Park Specific Plan, 2012.