

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

**EXECUTIVE OFFICER SUMMARY REPORT
February 12, 2020**

ITEM 6

SUBJECT

Waste Discharge Requirements: Waste Discharge Requirements for Makena Murrieta LLC, Makena Hills Project, Riverside County (Tentative Order No. R9-2020-0003).
(Darren Bradford)

STAFF RECOMMENDATION

Adoption of Tentative Order No. R9-2020-0003 (Tentative Order) is recommended.

KEY ISSUE

The Tentative Order (**Supporting Document No. 1**) authorizes 0.084 acre (732 linear feet) of permanent impacts to ephemeral streambed waters of the State attributed to the Makena Hills Project (Project). Compensatory mitigation to offset permitted Project impacts will be achieved through the purchase of 0.168 acre of re-established river credits from the San Luis Rey Mitigation Bank (SLRMB) and 0.672 acre of vernal pool wetland preservation credits from the Barry Jones Mitigation Bank (BJMB) in advance of Project construction. Makena Murrieta LLC (Discharger) has taken a sequence of appropriate steps in the Project design to first avoid, then minimize, and lastly mitigate for permanent adverse impacts to existing waters of the State.

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 goal 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 south of Loma Linda University Medical Center and southeast of the intersection of Baxter Road and Antelope Road, City of Murrieta, Riverside County, California (**Supporting Document No. 2**). The Project provides supporting land uses to the adjacent Loma Linda Medical Center. Project development includes two 3-story medical office buildings (64,800 square feet and 39,000 square feet), two 5-story hotels (48,000 square feet and 55,800 square feet), and 9,300 square feet of restaurant space. The Project also includes supporting improvements, such as parking, utilities, drainage and bioretention areas, and landscaping.

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

The Project adds approximately 2.2 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 City of Murrieta.

Proposed Discharge Impacts

The Discharger submitted a Report of Waste Discharge (ROWD), in application for waste discharge requirements (WDRs) to construct the Project, on August 8, 2018. The Discharger proposes to discharge permanent fill material associated with Project construction activities to 0.084 acre (732 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 0.168 acre of re-established river credits from the SLRMB and 0.672 acre of vernal pool wetland preservation credits from the BJMB, in advance of Project construction. The purchase of these credits will achieve a mitigation compensation ratio of 10:1 (area mitigated:area impacted).

Tentative Order

Tentative Order No. R9-2020-0003 will, if adopted, serve as WDRs² for the discharge of fill material to waters of the State attributable to the Project. The Tentative Order allows reasonable use of private property for medical center, hotel, and associated infrastructure development, and growth of the economy, while offsetting the adverse Project impacts to waters of the State. The Tentative Order authorizes unavoidable direct adverse impacts to an isolated ephemeral streambed 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 United States 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 Project discharges under WDRs and Board action is required to adopt the Tentative Order.

² Pursuant to Water Code section 13260 et. seq.

PUBLIC NOTICE

The Tentative Order was provided to the Discharger and other interested parties and released for public review³ and comment on October 24, 2019 (**Supporting Document No. 3**). The public hearing notice, written comment period and Tentative Order were posted on the San Diego Water Board website on October 24, 2019, for a period of 30 days. The deadline for submission of written comments regarding the Tentative Order was November 25, 2019. The San Diego Water Board did not receive any public comments. Notice was also provided in the Meeting Notice and Agenda for the February 12, 2020 Board meeting and posted on the San Diego Water Board website.

SUPPORTING DOCUMENTS

1. Tentative Order No. R9-2020-0003
2. Project Site/Location Map
3. Public Notice issued October 24, 2019

³ Pursuant to Water Code section 13167.5.