



Lahontan Regional Water Quality Control Board

September 12, 2022

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File: CEQA
San Bernardino County

Governor's Office of Planning & Research

Sep 13 2022

STATE CLEARINGHOUSE

Comments on the Draft Environmental Impact Report, Dara Industrial Project, San Bernardino County, State Clearinghouse No. 2022040060

Lahontan Regional Water Quality Control Board (Water Board) staff received the Draft Environmental Impact Report (DEIR) for the above-referenced project (Project) on July 26, 2022. The DEIR, prepared by the City of Hesperia, was submitted in compliance with provisions of the California Environmental Quality Act (CEQA) in order to solicit input on the potential impacts to the environment and ways in which those significant effects are proposed to be avoided or mitigated. Water Board staff, acting as a responsible agency, is providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations, title 14, section 15096. Based on our review of the DEIR, we recommend the Project site be able to fully manage runoff and runoff waters so as to minimally impact beneficial uses, natural function and flow of waters, and nuisance erosion to the surrounding uplands. Our comments and list of potential permitting requirements are outlined below.

PROPOSED PROJECT

The Project proposes to construct a 750,000 square foot industrial building and associated municipal and stormwater facilities. A 15,000 square foot office area will be included in the building layout. Two stormwater retention basins will be on site located in the northeasterly (0.6 acre) and southwesterly (2.0 acres) corners. The approximately 43-acre Project site is located at the northwest corner of Highway 395 and Poplar Street in the City of Hesperia, San Bernardino County.

WATER BOARD'S AUTHORITY

All groundwater and surface waters are considered waters of the State. Surface waters include streams, lakes, ponds, and wetlands, and may be ephemeral, intermittent, or

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perennial. All waters of the State are protected under California law. State law assigns responsibility for protection of the quality of waters of the State in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the United States. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the United States.

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site at http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml.

COMMENTS ON THE PROPOSED PROJECT

Based on our review of the DEIR, we recommend that the following issues be considered and addressed in applicable sections of the final environmental document.

Chapter 4.3 of the Lahontan Basin plan outlines the water quality challenges the region faces associated with the management of stormwater, including runoff, erosion, and sedimentation. The Project location is proposed within a tributary wash and adjacent to the Oro Grande Wash, in the Upper Mojave Hydrologic Area. Project construction will span the entirety of the tributary wash, with the southwestern stormwater basin resting on the eastern edge of the Oro Grande Wash.

1. During high rainfall events the Project site will be subject to runoff stormwater, and run-on waters from upwash lands. The facility must be able to manage those dual waters without impacting beneficial uses, affecting function and flow of waters onsite, or causing nuisance erosion to the surrounding uplands.
2. Soils in the nearby surrounding uplands are highly susceptible to erosion. Southwest of the project site, east of Caliente Road (34.415081°, -117.409109°), is an example of concentrated waters deeply incising soils to the extent of creating a nuisance. The Project must not concentrate surface water flows in this manner.

PERMITTING REQUIREMENTS

A number of activities associated with the proposed Project may have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Board or Lahontan Water Board. The required permits may include the following.

1. Construction of the Project will result in excavation in and discharge of fill to waters within the Mojave Hydrologic Unit, Upper Mojave (HA), minor surface waters. The discharger will be required to obtain either (1) a CWA, section 401 water quality certification for impacts to federal waters and/or (2) dredge and fill waste discharge requirements for impacts non-federal waters of the State, both of which are issued by the Lahontan Water Board. As part of that permitting process, the discharger will be required to avoid and minimize, to the extent possible, direct and indirect impacts to waters of the State. Information regarding these permits including application forms can be found online at http://www.waterboards.ca.gov/lahontan/water_issues/programs/clean_water_act_401/index.shtml. Early consultation with Water Board staff is highly encouraged.
2. Land disturbance of more than 1-acre will require a CWA, section 402(p) storm water permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board. The project specific SWPPP required by the permit must fully identify and describe both construction and post-construction BMPs that will be incorporated into the Project. The final EIR should fully describe the post-construction BMPs that will be used and show the locations of these features on Project maps and site plans.
 - a. The SWPPP should be applicable to all areas of the Project, including construction areas, access roads to and through the site, equipment staging, and stockpile locations.
 - b. The Project shall not result in an exceedance of any applicable water quality objective (WQO) for the receiving water. For this Project, the receiving waters are the Oro Grande Wash and its receiving water the Upper Mojave River Valley Groundwater basin. The primary water quality parameters potentially affected by the Project include chemical constituents (as defined by California Code of Regulations, title 22), oil and grease, pH, suspended materials, temperature, and turbidity. Numeric and narrative WQOs for these parameters in surface waters and groundwater are outlined in Chapter 3 of the Basin Plan.
 - c. Temporary BMPs must be implemented for all components of the Project until such time that vegetation has been restored to pre-Project conditions or permanent post-construction BMPs are in place and functioning.
 - d. All excess soil excavated as part of the Project that is not used onsite should be stockpiled in an upland location such that it will not be transported by wind or water into a surface water. An adequate combination of sediment and erosion control BMPs must be implemented and maintained to temporarily stabilize the stockpiled soils until such time that they are reused and/or permanently stabilized.

3. Water diversion and/or dewatering activities may be subject to discharge and monitoring requirements under either NPDES General Permit, Limited Threat Discharges to Surface Waters, Board Order R6T-2014-0049, or General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality, WQO-2003-0003, both issued by the Lahontan Water Board. Information regarding these permits, including application forms, can be downloaded from our web site at <http://www.waterboards.ca.gov/lahontan/>. Early consultation with Water Board staff is highly encouraged.

Thank you for the opportunity to comment. If you have any questions regarding this letter, please contact me at (760) 243-444 (andrew.robinson@waterboards.ca.gov) or Jan Zimmerman, Senior Engineering Geologist, at (760) 241-7376 (jan.zimmerman@waterboards.ca.gov).



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Environmental Scientist

cc: California Department of Fish and Wildlife (R6LSA@wildlife.ca.gov)
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