

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

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**Order No. R9-2026-0012**

**WASTE DISCHARGE REQUIREMENTS  
For  
CR Questhaven LLC**

**Questhaven Tentative Map Project  
San Diego County**

The following Discharger is subject to waste discharge requirements as set forth in this Order:

**Table 1. Discharger and Project Information**

<b>Discharger</b>	CR Questhaven LLC
<b>Name of Project</b>	Questhaven Tentative Map Project
<b>Project Location</b>	Non-addressed parcel adjacent to 1601 San Elijo Road
<b>Discharger Mailing Address</b>	CR Questhaven LLC 444 West Beech Street, Suite 300 San Diego, CA 92101
<b>Program</b>	Fill/Excavation
<b>Project Type</b>	Development - Residential
<b>CIWQS Regulatory Measure ID No.</b>	462190
<b>CIWQS Place ID No. (PIN)</b>	902514
<b>CIWQS Party ID No.</b>	631036
<b>CIWQS Person ID No.</b>	558333
<b>WDID No.</b>	9 000004102
<b>San Diego Water Board Contact</b>	Alan Monji, Environmental Scientist (619) 521-3968 Alan.Monji@waterboards.ca.gov

**Table 2. Discharge Location**

<b>Watershed</b>	Carlsbad Hydrologic Unit
<b>Hydrologic Subarea Name, No.</b>	San Elijo Subarea, HSA 904.61
<b>Receiving Water(s)</b>	Unnamed Tributary to Copper Creek
<b>Receiving Water Type(s)</b>	Stream
<b>Latitude, Longitude</b> (approximate center point)	33.089939 -117.204594
<b>Discharge Description</b>	Clean Fill
<b>Permanent Impact Area and Length</b>	0.01 acres, 472 linear feet
<b>Temporary Impact Area and Length</b>	None
<b>Volume of Dredging Discharge</b>	None

**Effective Date**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) adopted this Order on May 13, 2026. This Order became effective upon adoption.

I, David W. Gibson, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of this Order adopted by the San Diego Water Board on May 13, 2026.

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**David W. Gibson, Executive Officer**

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## I. Findings

The San Diego Water Board finds:

### A. Report of Waste Discharge

CR Questhaven LLC (hereinafter Discharger) submitted a report of waste discharge application, including the application form and supporting information, for the Questhaven Tentative Map Project (Project) on August 14, 2025. Additional information to complete the application was received on September 11, 2025. The application was deemed complete on November 4, 2025. The Discharger proposes to discharge fill material to waters of the State of California (State) associated with construction activity at the Project site.

### B. Regulatory Authority and Reason for Action

By letter dated November 5, 2024, the U.S. Army Corps of Engineers (USACE) determined that the proposed Project activities will not result in the discharge of dredged or fill material to waters of the United States. Therefore, the Project is not subject to USACE jurisdiction under section 404 of the Clean Water Act (CWA) and a CWA section 404 permit is not required for the Project.

Surface waters affected by the Project are waters of the State, as defined by section 13050(e) of the California Water Code (Water Code). Waters of the State include, but are not limited to, wetlands and ephemeral, intermittent, and perennial stream channels, in all flow conditions, and which may be effluent dominated and seasonally dry. Waste discharges to these waters are subject to State regulation under division 7 of the Water Code (commencing with section 13000). Section 13260(a) of the Water Code requires that any person discharging waste or proposing to discharge waste within any region, other than to a community sewer system, which could affect the quality of the waters of the State, file a report of waste discharge. The discharge of dredged or fill material constitutes a discharge of waste that could affect the quality of waters of the State. Water Code section 13263(a) requires that waste discharge requirements (WDRs) be prescribed as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge. Such WDRs must implement any relevant water quality control plans, taking into consideration beneficial uses to be protected, the water quality objectives reasonably required for those purposes, other waste discharges, the need to prevent nuisance, and the provisions of Water Code section 13241.

The San Diego Water Board developed this Order based on information submitted as part of the application and other available information, and in accordance with Water Code, division 7, and California Code of Regulations, title 23, division 3. This Order was issued pursuant to Water Code section 13263 and serves as WDRs for the discharge of dredge or fill material, including structural material and clean fill from Project construction activities to waters of the State. The WDRs are necessary to adequately address potential and anticipated impacts to waters of the State, and to implement and ensure compliance with applicable water quality control plans and policies described in Finding I.G of this Order.

### **C. Project Location**

The Project is located within San Diego County, California at west of 1601 San Elijo Road. The assessor's parcel number is APN 223-080-46-00 and the Project's approximate center coordinates are latitude 32.089939, longitude -117.204594. A map showing the Project location is found in Attachment 5.

### **D. Project Description**

The purpose of the Project is to establish a residential development. The Discharger proposes to develop the 89.23-acre site with 76 single family residential homes (69 market rate homes and seven low income affordable homes). The Project design includes one private park, four private roads, and seven open space lots for fire buffer areas. The Project also includes a biological open space lot (53.13 acres) that will connect to adjacent open space lands south and west of the Project site. The Project is designed to cluster development in the northern portion of the Project site to allow for the development of residential uses while providing biological open space in the southern portion of the site. The Project site has a Rural Residential zoning designation, which requires a minimum two-acre lot size.

The total size of the entire area for all Project activities is 89.23 acres. Construction is expected to begin as soon as all permits are approved and will continue for 14 months.

Project activities will result in 0.01 acres of permanent impacts to aquatic resources under the jurisdiction of the San Diego Water Board. Those impacts will be mitigated by the re-establishment of streambed habitat as described below in Finding I.I of this Order.

### **E. California Environmental Quality Act Compliance**

The County of San Diego is the lead agency under the California Environmental Quality Act (CEQA)<sup>1</sup> (section 21067, and CEQA Guidelines<sup>2</sup> section 15367). The County of San Diego has certified a final environmental impact report (FEIR) and filed a Notice of Determination dated December 6, 2024 (Questhaven PDS2020-TM5642, PDS2020-AD-20-011. PDS2022-STP-22-018: PDS2021-DB-21-001: PDS2020-ER-20-08-008, State Clearinghouse Number 2022090029). The lead agency has determined the Project will have a significant effect on the environment, but the effects will be less than significant because mitigation measures were made as a condition of the Project.

The lead agency has adopted a mitigation monitoring and reporting program (MMRP) pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15097

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<sup>1</sup> Public Resources Code sections 21000 et seq.

<sup>2</sup> California Code of Regulations, title 14, sections 15000 et seq.

to ensure that mitigation measures are implemented. The Discharger must implement the MMRP as it pertains to resources within the San Diego Water Board's purview.

The San Diego Water Board is a responsible agency under CEQA (Public Resources Code section 21069; CEQA Guidelines section 15381). The San Diego Water Board has considered the lead agency's FEIR and independently finds that the Project as proposed will have a significant effect on resources within the San Diego Water Board's purview.

The San Diego Water Board has required additional mitigation measures, as specified in section II of this Order, as conditions of this Order so the Project's environmental impacts on resources within the Board's purview are avoided or reduced to a less than significant level.

As a responsible agency under CEQA, the San Diego Water Board will file a Notice of Determination in accordance with CEQA Guidelines section 15096(i).

#### **F. Water Quality Control Plans and Policies**

The requirements contained in this Order are based on the requirements and authorities described in this section.

1. **Water Quality Control Plan.** The San Diego Water Board adopted the Water Quality Control Plan for the San Diego Basin (hereinafter Basin Plan) on September 8, 1994, that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for receiving waters and groundwater protected by the Basin Plan. Subsequent revisions to the Basin Plan have also been adopted by the San Diego Water Board and approved by the State Water Resources Control Board (State Water Board). The Basin Plan is available at:  
[https://www.waterboards.ca.gov/sandiego/water\\_issues/programs/basin\\_plan/](https://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/).

This Order specifies WDRs that are necessary to adequately address effects on, and threats to, applicable water quality standards resulting from discharges attributed to the Project. Through compliance with the WDRs of this Order, the Project will not cause or contribute to an exceedance of State water quality standards.

2. **Anti-Degradation Policy.** The State Water Board established California's anti-degradation policy in State Water Board Resolution No. 68-16 (Policy) which requires that existing quality of waters be maintained unless degradation is justified based on specific findings. Minimal water quality degradation may be allowed under the Policy 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. The Policy requires that discharges meet requirements that will result in the best practicable treatment or control to avoid

pollution or a condition of nuisance.

Consistent with the Policy, this Order ensures that degradation resulting from the Project activities will be minimized to the maximum extent feasible and has been offset by the functions and services provided by the proposed compensatory mitigation, thus providing maximum benefit to the people of the State. This Order contains WDRs to ensure present and future beneficial uses are maintained for authorized impacts to waters of the State. The WDRs employ best practicable treatment and control of any 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.

3. **No Net Loss Policy.** In 1993, the Governor of California issued the California Wetlands Conservation Policy (Executive Order W-59-93). Commonly referred to as the “No Net Loss Policy” for wetlands, the Executive Order requires state agencies to “ensure no overall net loss [of wetlands] and achieve a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values in California in a manner that fosters creativity, stewardship and respect for private property.”

This Order meets the objectives of Executive Order W-59-93 by requiring that the Project first avoid, then minimize, and lastly compensate for adverse impacts on aquatic resources that cannot practicably be avoided or minimized.

The Discharger has demonstrated that the proposed compensatory mitigation will offset the unavoidable and permitted Project impacts to wetland habitat and is sufficient to replace the lost aquatic resource functions, thereby achieving the goal of no net loss, and possibly net gain, of aquatic resources. The compensatory mitigation plan is sufficient to provide the San Diego Water Board with a reasonable assurance that replacement of the full range of lost aquatic resource(s) will be provided in perpetuity.

The Discharger has demonstrated that the Project will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources. Based on these considerations, the Discharger’s compliance with the terms and conditions of this Order will ensure that the Project meets applicable water quality standards for all waters of the State

4. **California Wetland Riparian Area Protection Policy.** In 2019, the State Water Board adopted the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (Procedures). The Procedures became effective May 28, 2020. The State Water Board adopted the Procedures to (1) strengthen protection of waters of the State that were no longer protected under the Clean Water Act due to U.S. Supreme Court decisions, (2) ensure consistency across the Water Boards in requirements for discharges of dredged or fill material into waters of the state, including wetlands, and (3) prevent losses in the quantity

and quality of wetlands in California, where there have been especially profound historical losses of wetlands. The Procedures establish a definition of wetland waters of the State and wetland delineation procedures, and specify the requirements for submission, review, and approval of applications for activities that could result in the discharge of dredged or fill material to any waters of the State.

This Order is issued consistent with the Procedures.

**G. Receiving Waters Impacted by the Project**

This Order authorizes unavoidable temporary and permanent impacts to Copper Creek, a tributary to Escondido Creek within the Carlsbad watershed of the Carlsbad Hydrologic Unit (HU 904.61). Copper Creek has the designated beneficial uses listed below in Table 1. Additionally, Copper Creek is identified as impaired under the Clean Water Act Section 303(d) List of Water Quality Limited Segments, where water quality standards are not attained for pollutants listed below in Table 3.

**Table 3: Beneficial Uses and Impairments of Receiving Waters**

Receiving Waters	Beneficial Uses	303(d) Impairing Pollutants
Copper Creek San Elijo Hydrologic Subarea HSA 904.61)	<u>Existing beneficial uses:</u> Agricultural Supply, Contact Water Recreation, Non-Contact Water Recreation, Wildlife Habitat, Warm Freshwater Habitat Agricultural Supply, and Cold Freshwater Habitat *	<u>Listings for Copper Creek:</u> No Listings [ <u>Adopted TMDLs for Copper Creek:</u> Not Applicable

\*Beneficial uses for Escondido Creek

**H. Description of Impacts to Receiving Waters of the State**

Project activities will not contribute to additional loading of pollutants identified in Table 3 above. The Discharger is implementing water quality control plans that include construction and post-construction best management practices to avoid and minimize impacts to water quality such as erosion control, sediment control, source control, conducting work during dry weather, diverting dry weather flows around the work area, good site management, and post construction biofiltration water quality treatment.

Total direct impacts to Copper Creek attributable to the Project are summarized in Table 4 below. Maps of the impact location(s) are found in Attachment 5.

**Table 4: Project Fill/Excavation Quantity to Stream Channel**

Impact Type	Acres	Cubic Yards	Linear Feet
Temporary Impacts	N/A	N/A	N/A
Permanent Impacts	0.01	18	472

Table N/A means not applicable.

Project activities will result in a physical loss of waters because the Project will permanently fill an ephemeral tributary to Copper Creek. Project activities will not create any indirect impacts to waters of the United States and/or State.

**I. Avoidance and Minimization**

The Discharger has demonstrated that the Project was designed to first avoid, then minimize, to the maximum extent practicable, impacts to waters of the United States and/or State. Avoidance and minimization measures are also required by the lead agency’s FEIR and MMRP, as described in Finding I.E of this Order. The Discharger reports that the Project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impact to aquatic resources considering all potential practicable alternatives.

The Project qualifies as a Tier 3<sup>3</sup> project under the Procedures. The Discharger completed an alternatives analysis, and the Project is the least environmentally damaging practicable alternative.

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<sup>3</sup> Tier 1 projects include any discharge of dredged or fill material that directly impacts less than or equal to 0.1 acre or less than or equal to 100 linear feet of waters of the State, unless it meets the criteria for a Tier 3 project. Tier 1 projects shall provide a description of any steps that have been or will be taken to avoid and minimize loss of, or significant adverse impacts to, beneficial uses of waters of the State.

Tier 2 projects include any project that inherently cannot be located at an alternate location. Tier 2 projects shall provide an analysis of only on-site alternatives. For routine operation and maintenance of existing facilities, analysis of on-site alternatives is limited to operation and maintenance alternatives for the facility.

Tier 3 projects include any discharge of dredged or fill material that directly impacts more than 0.2 of an acre or 300 linear feet of waters of the State, rare, threatened or endangered species habitat in waters of the State, wetlands or eel grass beds, or Outstanding National Resource Waters or Areas of Special Biological Significance, and is not a project that inherently cannot be located at an alternate location. Tier 3 projects shall provide an analysis of off-site and on-site alternatives.

Project avoidance and minimization measures implemented or planned by the Discharger include clustering the development in the northern portion of the site avoiding and minimizing impacts to Copper Creek.

**J. Compensatory Mitigation**

To offset adverse impacts to water quality, this Order requires, at a minimum, compensatory mitigation as described below.

**Table 5: Required Mitigation for Permanent Impacts**

Aquatic Resource Type	Impacts	Mitigation Ratio*	Mitigation	Mitigation Method	Mitigation Type
Streambed	0.01 acres (472 LF)	2 : 1	0.02 acres	Re-establishment	Onsite PRM

\*Mitigation ratio is the ratio of area mitigated to area impacted.

LF means linear feet.

PRM means permittee-responsible mitigation.

**Permittee-Responsible Compensatory Mitigation.** The Discharger proposes an onsite permittee-responsible mitigation project to offset the permanent loss of jurisdictional waters of the State at the Project site, which will be achieved through full and complete implementation of the *Habitat Mitigation and Monitoring Plan for the Questhaven Tentative Map Project* (Mitigation Plan), dated August 8, 2025. The mitigation project site is located on a segment of Copper Creek that is located San Diego County. Additional required mitigation for the restoration of southern mafic chaparral/coastal sage scrub ecotone, coastal sage scrub communities, and creation of water holding basins for the spadefoot toad breeding basins will be achieved through the implementation of the *Questhaven Tentative Map Project Habitat Restoration Plan, October 7, 2024*.

The mitigation project will implement self-sustaining re-establishment of jurisdictional non-wetland and/or wetland waters by rehabilitation of native riparian vegetation communities within the active stream channel and will improve freshwater and wildlife habitats as well as wildlife movement corridors. The mitigation project includes an additional 1.1 acre of rehabilitation area along Copper Creek that currently supports a grove of eucalyptus trees. The wetland mitigation area will benefit from the southern mafic chaparral/coastal sage scrub ecotone and coastal sage scrub restoration because the wetland mitigation footprint is within the southern mafic chaparral/coastal sage scrub ecotone and coastal sage scrub restoration area.

**K. Monitoring and Reporting Requirements**

This Order includes monitoring and reporting requirements in Condition II.E of this Order pursuant to Water Code section 13267. These requirements are necessary to determine compliance with this Order for the protection of water quality and beneficial uses. The San Diego Water Board estimates that compliance with the monitoring and reporting requirements will cost approximately \$135,000. The burden, including costs, of the required reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

**L. Fees Received**

The Discharger has paid all required application fees for this Order in the amount of \$4,212. The fee amount was determined by California Code of Regulations, title 23, sections 2200(a)(3) and 3833(b)(3) and was calculated as Category A, Fill and Excavation Discharges, using the dredge and fill fee calculator.

**M. Executive Officer Delegation of Authority**

The San Diego Water Board by prior resolution has delegated all matters that may legally be delegated to its Executive Officer to act on its behalf pursuant to Water Code section 13223. Therefore, the Executive Officer is authorized to act on the San Diego Water Board's behalf on any matter within this Order unless such delegation is unlawful under Water Code section 13223, or this Order explicitly states otherwise.

**N. Public Notice**

In accordance with the requirements of Water Code section 13167.5, the San Diego Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe WDRs for the discharge and has provided them with an opportunity to submit their written comments and recommendations. The San Diego Water Board provided written responses to all timely received public comments on this Order. The San Diego Water Board has also provided an opportunity for the Discharger and interested agencies and persons to submit oral comments and recommendations at a public hearing.

**O. Public Hearing**

The San Diego Water Board, in a public meeting, heard and considered all comments pertaining to the discharge and this Order.

**II. Conditions**

THEREFORE, IT IS HEREBY ORDERED that, in order to meet the provisions contained in division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, the Discharger must comply with the requirements in this Order.

**A. Authorization of Project Impacts to Receiving Waters**

The Discharger is authorized to implement the Project described in this Order and must not exceed the quantities of impacts to Copper Creek shown in Table 4 of this Order. Impacts to waters of the State will be considered unauthorized discharges if they occur prior to the purchase of mitigation credits and/or the start of construction of proposed mitigation.

**B. Project Conformance with Water Quality Control Plans or Policies**

The Discharger must implement the Project in compliance with the following:

1. The Discharger must take all necessary measures to protect the receiving water beneficial uses identified in Finding I.G of this Order from potential Project impacts. All measures taken must be in accordance with water quality standards in the Basin Plan.
2. Notwithstanding any specific conditions in this Order, the Project must be constructed in a manner consistent with the Basin Plan and any other applicable water quality control plans or policies adopted or approved pursuant to the Porter-Cologne Water Quality Act (commencing with California Water Code section 13000).
3. If at any time an unauthorized discharge to waters of the State occurs or monitoring indicates that the Project is violating, or threatens to violate, water quality objectives, the associated Project activities must cease immediately, and the San Diego Water Board must be notified in accordance with the standard provisions for reporting in Condition II.H of this Order. Associated Project activities may not resume without approval from the San Diego Water Board.

**C. Discharge Prohibitions**

The Discharger must comply with the following discharge prohibitions:

1. Prohibition No. 1. The discharge of waste to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination, or nuisance as defined in Water Code section 13050, is prohibited.
2. Prohibition No. 2. The discharge of waste to land, except as authorized by WDRs or the terms described in Water Code section 13264, is prohibited.
3. Prohibition No. 3. The discharge of pollutants or dredged or fill material to waters of the United States except as authorized by an NPDES permit or a dredged or fill material permit (subject to the exemption described in Water Code section 13376) is prohibited.
4. Prohibition No. 7. The dumping, deposition, or discharge of waste directly into waters of the State, or adjacent to such waters in any manner which may permit

waste being transported into the waters, is prohibited unless authorized by the San Diego Water Board.

5. Prohibition No. 14. The discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom deposits, turbidity or discoloration in waters of the State or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.

#### **D. Compensatory Mitigation Requirements**

1. **Compensatory Mitigation Implementation.** The Discharger must fully and completely implement the compensatory mitigation described above in Finding I.J. of this Order.
2. **Temporary Impacts Restoration.** All areas of temporary impacts must be restored to pre-project contours and re-vegetated with native species according to the Mitigation Plan.
3. **Mitigation Plan Implementation.** The Discharger must fully and completely implement the Mitigation Plan dated August 8, 2025. Any deviations from, or revisions to, the Mitigation Plan must be pre-approved by the San Diego Water Board.
4. **Timing of Mitigation Site Construction.** The construction of proposed mitigation must be concurrent with project construction and completed no later than 9 months following the start of Project construction. Delays in implementing mitigation must be compensated for by an increase in mitigation area of 10 percent of the cumulative compensatory mitigation area for each month of delay.
5. **Mitigation Plan Performance Standards.** Mitigation required under this Order shall be considered achieved once it has met the ecological success performance standards contained in Section 9 of the Mitigation Plan to the satisfaction of the San Diego Water Board.
6. **Preservation Mechanism.** Prior to the start of construction, the Discharger must provide the San Diego Water Board with a draft preservation mechanism (e.g., deed restriction, conservation easement) that provides protection in perpetuity for aquatic habitats, riparian areas, uplands, and buffers that comprise the overall mitigation site. **As part of the Project Completion Notification required in Condition II.F.3,** the Discharger must submit proof of a completed final preservation mechanism in conformance with the following requirements:
  - a. Long-term protection may be provided through real estate instruments such as conservation easements held by federal, state, or local resource agencies; the transfer of title to such entities; or by restrictive covenants. For government

property, long-term protection may be provided through state or federal facility management plans or integrated natural resources management plans.

- b. The real estate instrument, management plan, or other mechanism providing long-term protection of mitigation site(s) must, to the maximum extent practicable, prohibit incompatible uses that might jeopardize the objectives of the compensatory mitigation. The preservation mechanism must be adequate to demonstrate that the mitigation site will be maintained without future development or encroachment. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the sites. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.
  - c. The real estate instrument, management plan, or other long-term protection mechanism must contain a provision requiring 60-day advance notification to the San Diego Water Board before any action is taken to void or modify the instrument, management plan, or long-term protection mechanism, including transfer of title to, or establishment of any other legal claims over, the mitigation site.
7. **Mitigation Site Long-Term Management.** The compensatory mitigation site(s) must be managed, protected, and maintained, in perpetuity, in conformance with the long-term management plan and the final ecological success performance standards identified in the *Conceptual Upland Habitat Resources Management Plan for the Questhaven Tentative Map Project, October 7, 2024*. The aquatic habitats, riparian areas, buffers, and uplands that comprise the mitigation site(s) must be protected in perpetuity from land-use and maintenance activities that may threaten water quality or beneficial uses within the mitigation area(s) in a manner consistent with the following requirements:
- a. Any maintenance activities on the mitigation site(s) that do not contribute to the success of the mitigation site(s) and enhancement of beneficial uses and ecological functions and services are prohibited.
  - b. The mitigation site(s) must be maintained, in perpetuity, with no more than 20 percent cover of non-native plant species and no species presently rated by the California Invasive Plant Council as High or Moderate in conformance with the Mitigation Plan.
  - c. If at any time a catastrophic natural event (e.g., fire, flood) damages the mitigation site(s), the Discharger must take prompt and appropriate action to

assess, respond to, and ensure repair of the damage(s) including replanting, allowing natural recovery, and addressing any other deficiencies in the affected area(s). The San Diego Water Board may require additional monitoring by the Discharger to assess how the compensatory mitigation site(s) is responding to a catastrophic natural event.

- d. If changes in statute, regulation, or agency needs or mission results in an incompatible use on public lands originally set aside for the mitigation site(s), the Discharger must be responsible for providing alternative compensatory mitigation that is acceptable to the San Diego Water Board for any loss in functions resulting from the incompatible use prior to impacting the mitigation.

## E. Monitoring and Reporting Requirements

1. **Mitigation Monitoring and Reporting.** The Discharger must implement a minimum of 5 years of maintenance, monitoring, and reporting as described in Section 9 of the Mitigation Plan and submit copies of the annual mitigation monitoring reports and other information as required under Condition II.E.3 of this Order. The San Diego Water Board may extend the mitigation maintenance, monitoring, and reporting implementation upon determination that the performance standards required under Condition II.D.5, above, have not been met, the mitigation project is not on track to meet them, or the mitigation project is not achieving the purpose and goals stated in the Mitigation Plan.
2. **Aquatic Resource Delineation Reporting. By the end of the mitigation maintenance and monitoring period,** the Discharger must perform an aquatic resource delineation survey of the mitigation project site(s) described in the Mitigation Plan for the purpose of demonstrating that the Project has provided the quantity and type of compensatory mitigation in terms of the area and linear feet required under Condition II.D.1 of this Order. Wetland area delineation must be performed in accordance with the wetland delineation provisions of section III of the State Procedures. Boundaries and/or lateral extent must be identified using methodologies set forth in the *U.S. Army Corps of Engineers Wetlands Delineation Manual*<sup>4</sup>, the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region*<sup>5</sup> and the *Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States*

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<sup>4</sup> ] Environmental Laboratory. 1987. [U.S. Army Corps of Engineers Wetlands Delineation Manual](#). Technical Report Y-87-1. U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.

<sup>5</sup> U.S. Army Corps of Engineers. 2008. [Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region \(Version...](#) ed. J. S. Wakeley, R. W. Lichvar, and C. V. Noble. ERDC/EL TR-08-28. Vicksburg, MS: U.S. Army Engineer Research and Development Center

*Delineation Manual*<sup>6</sup>. The Discharger must submit a report of the delineation survey results with the final Annual Progress Report. The Discharger may be required to perform and provide supplemental survey information if the required amount of aquatic resource area(s) is not verified.

3. **Annual Progress Reports.** The Discharger must submit Annual Progress Reports to the San Diego Water Board prior to **March 1 of each year following the issuance of this Order** and continue to provide the reports for each reporting period until the San Diego Water Board accepts the Project Completion Notification submitted by the Discharger. The reporting period for each Annual Progress Report is January 1 through December 31 of each year. Annual Progress Reports must be submitted even if Project activities are not conducted during the reporting period.

Annual reports must contain the status and anticipated schedule for both the Project and compensatory mitigation site(s). Additional requirements for the contents of Annual Progress Reports are detailed in Attachment 2.

4. **Geographic Information System Data. Within 30 days of the start of project construction,** the Discharger must submit Geographic Information System (GIS) shape files and metadata that depict the boundaries of all Project areas and extent of aquatic resources impacted by the Project with the Discharge Completion Notification required in Condition II.F.2 of this Order. **As part of the final Annual Progress Report,** the Discharger must submit GIS shape files and metadata that depict the boundaries of all mitigation areas, when mitigation is required, including extent and distribution of each aquatic resource and/or buffer area. Metadata should include information such as aquatic resource type, restoration type, areas, lengths, related permit information, and the like. For instructions on submitting GIS files, please contact the San Diego Water Board.

## F. Project Status Notification Requirements

1. **Discharge Commencement Notification.** The Discharger must notify the San Diego Water Board in writing **at least 5 days prior to the start of Project construction.**
2. **Discharge Completion Notification.** The Discharger must notify the San Diego Water Board in writing **within 30 days of completion of active Project construction activities,** including construction of any required restoration or compensatory mitigation. Submittal of the Notification does not obviate the Discharger's duty to comply with the requirements of this Order, pay any outstanding

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<sup>6</sup> Lichvar, R.W. and S.M. McColley. 2008. [A Field Guide to the Identification of the Ordinary High Water Mark \(OHWM\) in the Arid West Region ...](#). ERDC/CRREL TR-08-12. Hanover, NH: U.S. Army Engineer Research and Development Center, Cold Regions Research and Engineering Laboratory.

invoices of permit fees, or submit any outstanding required reports. The Notification must include:

- a. Dates of construction initiation and completion.
  - b. Photo documentation of all areas of permanent and temporary impact showing before and after Project construction activities. Photo documentation must be conducted in accordance with guidelines posted at [https://www.waterboards.ca.gov/sandiego/water\\_issues/programs/401\\_certification/docs/401c/401PhotoDocRB9V713.pdf](https://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf). In addition, photo documentation must include Global Positioning System coordinates for each of the photo locations referenced.
  - c. A copy of as-built drawings of the Project Site(s), no bigger than 11"X17".
  - d. GIS shape files and metadata that depict the Project impact site(s), including extent and distribution of aquatic resources, in accordance with Condition II.E.4 of this Order.
  - e. A list of all incidents of noncompliance (i.e., water quality standards exceedances, accidental discharge/spills, etc.) occurring during Project implementation, including the dates and times of each period of noncompliance and a summary of the steps taken to correct and resolve the noncompliance.
  - f. A statement, signed by the Discharger in accordance with Condition II.1.2 of this Order, that certifies the authorized activity and implementation of any required compensatory mitigation were conducted and completed in accordance with this Order, including any activity-specific or compensatory mitigation conditions.
3. **Project Completion Notification.** The Discharger must submit a Project Completion Letter when construction activities, post-construction monitoring, and mitigation monitoring (if required) are complete<sup>7</sup> and no further Project activities will occur. This written notification must be submitted to the San Diego Water Board **within 30 days following completion of all Project activities**. Upon approval of the request, the San Diego Water Board will issue an Acceptance of Project Completion to the Discharger which will formally end the monitoring period and associated annual fees.

### **G. Construction and Post-Construction Best Management Practices**

The Discharger must implement best management practices, as described in Attachment 3, before, during, and after construction to prevent discharges from the Project causing or

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<sup>7</sup> Completion of post-construction and/or mitigation monitoring shall be contingent upon achievement of performance standards as determined by the San Diego Water Board.

contributing to on-site or off-site erosion; creation of a condition of pollution, contamination, or nuisance; re-suspension of sediments; discharge of toxic pollutants; and/or damage to properties or waters of the United States and/or State.

## H. Standard Provisions

The Discharger must comply with all standard provisions included in Attachment 4.

## I. Document Submittal Requirements

1. **Document Certification Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be certified as follows:

*“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”*

2. **Document Signatory Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be signed by a legally responsible person (LRP) representing the Discharger (or duly authorized representative, as described below). The LRP eligibility is as follows:
  - a. For a corporation, by a responsible corporate officer of at least the level of vice president.
  - b. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  - c. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official. This includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of the U.S. EPA).
  - d. A duly authorized representative may sign applications, reports, or information if the requirements for authorization listed below are met. If such authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the Project, a new authorization satisfying the above requirements must be submitted to the San Diego Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative.
    - i. The authorization is made in writing by the Discharger’s LRP.

- ii. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
  - iii. The written authorization is submitted to the San Diego Water Board Executive Officer.
3. **Electronic Document Submittal.** The Discharger must submit all reports and information required under this Order via e-mail to [SanDiego@waterboards.ca.gov](mailto:SanDiego@waterboards.ca.gov) with the following information added to the end of the subject line: “**Order No. R9-2026-0012:902514:amonji.**” Digital documents must not be password protected, and file share site links will not be accepted for purposes of document submittal to the Project’s administrative record. Documents over 50 megabytes cannot be accepted via e-mail and must be placed on a flash drive and delivered to:

San Diego Regional Water Quality Control Board  
Attn: Order No. R9-2026-0012, PIN 902514:amonji  
2375 Northside Drive, Suite 100  
San Diego, California 92108

## **ATTACHMENT 1 – Definitions**

**Activity** – when used in reference to a permit means any action, undertaking, or project including, but not limited to, construction, operation, maintenance, repair, modification, and restoration which may result in any discharge to waters of the State.

**Application** – means a written request, including a report of waste discharge, for authorization of any activity that may result in the discharge of dredged or fill material and is subject to this Order.

**Buffer** – means an upland, wetland, and/or riparian area that protects and/or enhances aquatic resource functions associated with wetlands, rivers, streams, lakes, marine, and estuarine systems from disturbances associated with adjacent land uses.

**California Rapid Assessment Method (CRAM)** – is a wetland assessment method intended to provide a rapid, scientifically defensible, and repeatable assessment methodology to monitor status and trends in the conditions of wetlands for applications throughout the state. It can also be used to assess the performance of compensatory mitigation projects and restoration projects. CRAM provides an assessment of overall ecological condition in terms of four attributes: landscape context and buffer, hydrology, physical structure, and biotic structure. CRAM also includes an assessment of key stressors that may be affecting wetland condition and a “field to PC” data management tool (eCRAM) to ensure consistency and quality of data produced with the method.

**Compensatory mitigation** – means the restoration (re-establishment or rehabilitation), establishment, enhancement, and/or preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

**Compensatory mitigation project** – means compensatory mitigation implemented by the Discharger as a requirement of this Order (i.e., permittee-responsible mitigation), or by a mitigation bank or an in-lieu fee program.

**Condition** – means the relative ability of an aquatic resource to support and maintain a community of organisms having a species composition, diversity, and functional organization comparable to reference aquatic resources in the region.

**Credit** – means a unit of measure (e.g., s functional or areal measure or other suitable metric) representing the accrual or attainment of aquatic functions at a compensatory mitigation site. The measure of aquatic functions is based on the resources restored, established, enhanced, or preserved.

**Direct impact** – is an impact that occurs within an aquatic resource or its riparian area, and that occurs at the same time as the project. Direct impacts can be either temporary or permanent.

**Discharge of dredged or fill material** – has the same meanings as they are used in the federal Clean Water Act and Code of Federal Regulations (CFR), title 40, section 232.2, but (1) shall include discharges to waters of the State that are not waters of the U.S. and (2) any demonstrations described in CFR, title 40, section 232.2(3)(i) shall be made to the permitting authority instead of the USACE or U.S. EPA. Placement of dredged or fill material in a manner that could not affect the quality of waters of the State is not considered a discharge of dredged or fill material.

**Dredged material** – means material that is excavated or dredged from waters of the United States and/or State.

**Dredging** – means the removal of sediment in deeper water to increase depth, typically to facilitate navigation.

**Ecological degradation** – is when an impact degrades the condition and function of an aquatic resource. Ecological degradation can occur without physical loss of aquatic resources and have a short- or long-term effect.

**Ecological success performance standards** – means observable or measurable physical (including hydrological), chemical, and/or biological attributes that are used to determine if a compensatory mitigation project meets its objectives.

**Enhancement** – means the manipulation of the physical, chemical, or biological characteristics of an aquatic resource to improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s) but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

**Establishment** – means the manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist. Creation results in a gain in aquatic resource area.

**Excavation** – means the removal of sediment or soils in shallow waters or under no-flow conditions where impacts to beneficial uses are best described by the area of the discharge. It is done for purposes other than navigation.

**Fill material** – means any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a water body.

**Functions** – means the physical, chemical, and biological processes that occur in ecosystems.

**Isolated wetland** – means a wetland with no surface water connection to other aquatic resources.

**Impact** – means an adverse effect on an aquatic resource caused by the discharge of dredged or fill material. Adverse effects may be the physical loss of area, ecological degradation of the aquatic resource, or both.

**Indirect impact** – is a reasonably foreseeable impact outside of the direct impact area that will have an adverse effect on an aquatic resource. Indirect impacts can be either temporary or permanent.

**LEDPA** – means the least environmentally damaging practicable alternative. The determination of practicable alternatives shall be consistent with the State Supplemental Dredge or Fill Guidelines, section 230.10(a).

**Mitigation bank** – means a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing mitigation for impacts authorized by this Order.

**Order** – means waste discharge requirements or waivers of waste discharge requirements.

**Performance standards** – are observable or measurable physical (including hydrological), chemical and/or biological attributes that are used to determine if a compensatory mitigation project meets its objectives.

**Permanent impact** – means a permanent change to an aquatic resource, including changing it to a non-aquatic resource, changing the bottom elevation of an aquatic resource, or by constructing or placing structures within it. Permanent impacts can cause physical loss of area and/or ecological degradation.

**Permittee-responsible mitigation** – means an aquatic resource restoration, establishment, enhancement, and/or preservation activity undertaken by the permittee (or an authorized agent or contractor to provide compensatory mitigation for which the permittee retains full responsibility.

**Physical loss** – means the permanent change of an aquatic resource to a non-aquatic habitat type or permanent change of the bottom elevation of the aquatic resource. Physical loss always includes ecological degradation.

**Project** – means the whole of an action that includes a discharge of dredged or fill material to waters of the U.S. and/or State.

**Preservation** – means the removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

**Re-establishment** – means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/ historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

**Rehabilitation** – means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/ historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function but does not result in a gain in aquatic resource area.

**Restoration** – means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

**Services** – means the benefits that human populations receive from functions that occur in ecosystems.

**Start of project construction** – For the purpose of this Order, “start of Project construction” means to engage in a program of on-site construction, including site clearing, grading, dredging, landfilling, changing equipment, substituting equipment, or even moving the location of equipment specifically designed for a stationary source in preparation for the fabrication, erection, or installation of the building components of the stationary source within waters of the United States and/or State.

**Temporal loss** – means the time lag between the loss of aquatic resource functions caused by the permitted impacts and the replacement of aquatic resource functions at the compensatory mitigation site. Higher compensation ratios may be required to compensate for temporal loss.

**Temporary impact** – means an impact that is restored to pre-project conditions through natural ecological processes or active restoration. Temporary impacts are therefore not considered a physical loss of area or degradation of ecological condition requiring compensatory mitigation.

**Uplands** – means non-wetland areas that lack any field-based indicators of wetlands or other aquatic conditions. Uplands are generally well-drained and occur above (i.e., up-slope) from aquatic areas. In a watershed, uplands comprise the landscape in which aquatic areas form. They are the primary sources of sediment, surface runoff, and associated chemicals that are deposited in aquatic areas or transported through them.

**Water quality objectives and other appropriate requirements of state law** – means the water quality objectives and beneficial uses as specified in the appropriate water quality control plan(s); the applicable provisions of sections 301, 302, 303, 306, and 307 of the Clean Water Act; and any other appropriate requirement of state law.

**Waters of the State** – means any surface water or groundwater, including saline waters, within the boundaries of the state.

**Watershed** – means a land area that drains to a common waterway, such as a stream, lake, estuary, wetland, or ultimately the ocean.

## **ATTACHMENT 2 – Annual Progress Report Requirements**

The reporting period for each Annual Progress Report is January 1 through December 31 of each year. Annual Progress Reports must be submitted even if Project discharge activities have not started or did not occur during the reporting period, in which case only the reason for the delay, if applicable, and the anticipated schedule for Project commencement must be reported. Annual Progress Reports must be submitted even if Project construction is complete and compensatory mitigation site construction or monitoring is ongoing. Annual Progress Reports must include, at a minimum, the following:

### **1. Project Status and Compliance.**

- a. A summary description of Project construction activities completed during the reporting period, including the dates of active Project construction.
- b. The status and anticipated schedule for completion of Project construction activities, including the installation and operational status of construction best management practices for water quality protection.
- c. A description of any Project construction delays encountered or anticipated that will affect the schedule for Project completion.
- d. Photo documentation of the Project's construction activities that occurred during the reporting period, including all areas of temporary and permanent impact before, during, and/or after construction, and construction and/or post-construction best management practices implemented at the Project site. Photo documentation must be conducted in accordance with guidelines posted at [https://www.waterboards.ca.gov/sandiego/water\\_issues/programs/401\\_certification/docs/401c/401PhotoDocRB9V713.pdf](https://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf). In addition, photo documentation must include Global Positioning System coordinates for each photo location.
- e. A description of each of the following: each incident of noncompliance (i.e., water quality standards exceedances, accidental discharge/spills, etc.) occurring during the annual reporting period and its cause; the period of the noncompliance including exact dates and times; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

2. **Records of Monitoring.** Provide the following information in monitoring reports, as relevant:
  - a. The names, qualifications, and affiliations of individuals who performed the monitoring, sampling, analyses, and otherwise contributed to the report.
  - b. The date, exact place, and time of monitoring.
  - c. The analytical techniques and/or methods used.
  
3. **Compensatory Mitigation Status and Compliance.** Compensatory mitigation project(s) status and monitoring information must be reported for the duration of Project implementation, including for a maintenance and monitoring period of **at least five years**. The San Diego Water Board may reduce or waive compensatory mitigation monitoring requirements upon a determination that performance standards have been achieved. Conversely, the San Diego Water Board may extend the monitoring period beyond five years upon a determination that the performance standards have not been met, or the compensatory mitigation project is not on track to meet the performance standards or goals and objectives described in the Mitigation Plan. The Compensatory Mitigation reporting must include the following information:
  - a. The status and anticipated schedule for completion of mitigation installation, maintenance, and monitoring activities, including any implementation of adaptive management actions, if required.
  - b. A tabulation and interpretation of all data specified in the Mitigation Plan, including:
    - i. Qualitative and quantitative comparisons of current conditions with pre-construction conditions and previous mitigation monitoring results.
    - ii. Conclusions as to how the mitigation site(s) is/are progressing towards meeting performance standards contained in the Mitigation Plan.
    - iii. Photo documentation of mitigation site progress. Photo documentation must be conducted in accordance with guidelines posted at [https://www.waterboards.ca.gov/sandiego/water\\_issues/programs/401\\_certification/docs/401c/401PhotoDocRB9V713.pdf](https://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf). In addition, photo documentation must include Global Positioning System coordinates for each photo point.
  - c. The final Annual Progress Report must include the following additional information:
    - i. A description of the following mitigation site(s) characteristics:
      1. As-built drawings of the mitigation site(s), no bigger than 11”X17”.
      2. A survey report documenting boundaries of the mitigation site(s).

- ii. Aquatic resource delineation report verifying the extent of waters of the State established and/or re-established at the mitigation site, in accordance with Condition II.E.2 of this Order.
- iii. GIS shape files and metadata that show mitigation site(s), including extent and distribution of aquatic resources, in accordance with Condition II.E.4 of this Order.

### **ATTACHMENT 3 – Construction and Post-Construction Best Management Practices**

The Discharger must implement the following best management practices:

#### **Construction Best Management Practices**

- A. **Approval to Commence Construction.** The Discharger must not commence Project construction until all necessary federal, State, and local approvals are obtained.
- B. **Personnel Education.** Prior to the start of the Project, and annually thereafter, the Discharger must educate all personnel on the requirements in this Order, pollution prevention measures, spill response measures, and best management practice implementation and maintenance measures.
- C. **Spill Containment Materials.** The Discharger must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.
- D. **General Construction Storm Water Permit.** Prior to start of Project construction, the Discharger must, as applicable, obtain coverage under and comply with the requirements of State Water Board's Water Quality Order No. 2022-0057-DWQ, the *General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activity*, (General Construction Stormwater Permit) and any reissuance. If Project construction activities do not require coverage under the General Construction Stormwater Permit, the Discharger must develop and implement a runoff management plan (or equivalent construction best management practice plan) to prevent the discharge of sediment and other pollutants during construction activities.
- E. **Groundwater Dewatering.** If groundwater dewatering is required for the Project, the Discharger must enroll in and comply with the requirements of San Diego Water Board Order No. R9-2015-0013 NPDES No. CAG919003, *General Waste Discharge Requirements for Groundwater Extraction Discharges to Surface Waters within the San Diego Region* or its successor permit.
- F. **Waste Management.** Except for discharges permitted under this Order, the Discharger must properly manage, store, treat, and dispose of waste, trash, organic or earthen material, and other construction debris from Project activities in accordance with applicable federal, State, and local laws and regulations. The storage, handling, treatment, or disposal of waste must not create conditions of pollution, contamination, or nuisance as defined in California Water Code section 13050. Waste management must be implemented to avoid or minimize exposure of waste to precipitation or stormwater runoff. Direct discharge of waste into waters of the United States and/or State, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited. Upon Project completion, all Project-generated waste and debris

must be removed from the Project site(s) for disposal at an authorized disposal site in compliance with federal, State, and local laws and regulations.

- G. **Upstream and Downstream Erosion.** Discharges of concentrated flow during construction or after Project completion must not cause or contribute to upstream or downstream erosion or damage to properties or stream habitat.
- H. **Construction Equipment.** All equipment must be washed prior to transport to the Project site and must be free of sediment, debris, and foreign matter. All equipment components used in direct contact with surface water must be steam cleaned prior to use. All equipment using gas, oil, hydraulic fluid, or other petroleum products must be inspected for leaks prior to use and must be monitored for leakage. Stationary equipment (e.g., motors, pumps, generator, etc.) must be positioned over drip pans or other types of containment.
- I. **Process Water.** Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or State or placed in locations that may be subjected to stormwater runoff flows. Pollutants discharged to areas within a stream diversion must be removed at the end of each workday or sooner if rain is predicted.
- J. **Surface Water Diversion.** All surface waters, including ponded waters, must be diverted away from areas of active grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of the receiving water quality objectives. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
- K. **Cofferdams or Water Barriers.** Cofferdam and water barrier construction must be adequate to prevent seepage into or from the work area. Cofferdams or water barriers must not be made of earth or other substances subject to erosion or that contain pollutants. When dewatering is necessary to create a temporary dry construction area, the water must be pumped through a sediment-settling device before it is returned to the water body. The enclosure and the supportive material must be removed when the work is completed, and removal must proceed from downstream to upstream.
- L. **Re-vegetation and Stabilization.** All areas that have 14 or more days of inactivity must be stabilized within 14 days of the last activity. The Discharger must implement and maintain best management practices to prevent erosion of the rough graded areas. After completion of grading, all areas must be re-vegetated with native species appropriate for the area. The re-vegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be accessed at <https://www.cal-ipc.org/plants/inventory/>.

- M. **Hazardous Materials.** Except as authorized by this Order, substances hazardous to aquatic life including, but not limited to, petroleum products, unused cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. Best management practices must be implemented to prevent such discharges during each Project activity involving hazardous materials.
- N. **Vegetation Removal.** Removal of vegetation must occur by hand, mechanically, or through application of United States Environmental Protection Agency (USEPA) approved herbicides deployed using applicable best management practices to minimize adverse effects to beneficial uses of waters of the United States and/or State. Discharges related to the application of aquatic pesticides within waters of the United States must be done in compliance with the State Water Board's Water Quality Order No. 2013-0002--DWQ, the *Statewide General National Pollution Discharge Elimination System (NPDES Permit for Residual Aquatic Discharges to Waters of the United States from Algae and Aquatic Weed Control Applicators as amended*, and any subsequent reissuance as applicable.
- O. **Limits of Disturbance.** The Discharger must clearly define the limits of Project disturbance to waters of the United States and/or State using highly visible markers such as flag markers, construction fencing, or silt barriers prior to commencement of Project construction activities within those areas.
- P. **On-site Qualified Biologist and/or Environmental Professional.** The Discharger must designate an on-site qualified biologist and/or other qualified environmental professional to monitor Project construction activities within and/or adjacent to waters of the United States and/or State to ensure compliance with the requirements of this Order. The on-site biologist and/or environmental professional must be given authority to stop all work on site if a violation of this Order occurs or has the potential to occur. All records, field logs, and/or field notes created by the on-site biologist and/or environmental professional for the purpose of documenting observations, water quality measurements, and/or response actions during Project activities must be submitted with the Annual Progress Reports.

### **Post-Construction Best Management Practices**

- A. **Post-Construction Discharges.** The Discharger must not allow post-construction discharges from the Project site to cause or contribute to on-site or off-site erosion or damage to properties or stream habitats.

**B. Post-Construction Best Management Practices Design.** The Project must be designed to comply with the requirements for priority development projects in section E.3. of the Regional MS4 Permit Order No. R9-2013-0001, *National Pollutant Discharge Elimination Systems Permit and Waste Discharge Requirements for Discharges of Urban Runoff from the MS4s Draining the Watersheds within the San Diego Region* (Regional MS4 Permit), as amended by Order Nos. R9-2015-0001 and R9-2015-0100, as well as the most current Best Management Practice Design Manual for the County of San Diego. Where conflict exists between the referenced documents the most stringent requirements must apply.

## ATTACHMENT 4 – Standard Provisions

The Discharger must comply with the following standard provisions:

### 1. Compliance

- a. **Duty to Comply.** This Order is subject to remand, amendment, or vacatur by judicial or administrative adjunction, including review pursuant to California Water Code section 13330 and California Code of Regulations, title 23, section 3867 et seq.
- b. **Duty to Comply.** The Discharger must comply with all conditions and requirements of this Order. Any Order noncompliance constitutes a violation of the California Water Code and is grounds for enforcement action or Order termination, revocation and reissuance, or modification.
- c. **Property Rights.** This Order does not convey any property rights of any sort, or any exclusive privilege.
- d. **Property or Private Rights.** The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations.
- e. **Project Modification.** The Discharger must submit any significant change to the Project to the San Diego Water Board for prior review and written approval. Significant changes would include any change that would have any material effect on the findings, conclusions, or conditions of this Order. Without the San Diego Water Board’s review and prior approval of the significant change to the Project, the change will be considered a violation of this Order.
- f. **Project Conformance with Application.** All water quality protection measures and best management practices described in the report of waste discharge are incorporated by reference into this Order as if fully stated herein. Notwithstanding any more specific conditions in this Order, the Discharger must construct, implement, and comply with all water quality protection measures and best management practices described in the application and supplemental information. The conditions within this Order shall supersede conflicting provisions within the application form and supplemental information submitted as part of this action.
- g. **Inspection and Entry.** The Discharger must allow the San Diego Water Board or the State Water Board, and/or their authorized representative(s) (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents as may be required under law, to:
  - i. Enter upon the Project or Compensatory Mitigation premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order.

- ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order.
- iii. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
- iv. Sample, monitor, and photograph, at reasonable times, for the purpose of assuring Order compliance, or as otherwise authorized by California Water Code, any substances, or parameters at any location.

## 2. Permit Administration

- a. **Term of Order.** This Order shall expire five (5) years from the date of issuance of this Order if Project discharge activities authorized by this Order have not started.
- b. **Payment of Fees.** This Order is conditioned upon total payment of any fee required under California Code of Regulations, title 23, sections 3830 et seq. and owed by the Discharger.

## 3. Permit Actions

- a. **Transfers.** This Order is not transferable in its entirety or in part to any person or organization except after notice to the San Diego Water Board is provided in accordance with the terms listed below. Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Order and references in this Order to the Discharger will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Discharger of this Order in the event that a transferee fails to comply.
  - i. **Transfer of Property Ownership.** The Discharger must notify the San Diego Water Board of any change in Project area ownership. Notification of change in ownership must include, but not be limited to, a statement that the Discharger has provided the purchaser with a copy of this Order and that the purchaser understands and accepts this Order requirements and the obligation to implement them or be subject to liability for failure to do so. The seller and purchaser must sign and date the notification and provide such notification to the San Diego Water Board **within 10 days of the transfer of ownership.**
  - ii. **Transfer of Mitigation Responsibility.** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Order must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions, and an agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under California Water Code section 13385(a). Notification of transfer of responsibilities meeting the

above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**

- iii. Transfer of Post-Construction Best Management Practice Maintenance Responsibility. The Discharger assumes responsibility for the inspection and maintenance of all post-construction structural best management practices until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction best management practices is legally transferred, the Discharger must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term best management practice maintenance plan that complies with manufacturer specifications. The Discharger must provide such notification to the San Diego Water Board **within 10 days of the transfer of best management practice maintenance responsibility.**

**b. Permit Changes.** This Order may be modified, revoked and reissued, or terminated for cause including but not limited to situations that follow, below. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition.

- i. Violation of any term or condition of this Order.
- ii. Monitoring results indicating that continued Project activities could violate water quality objectives or impair the beneficial uses of receiving waters identified in Finding I.G of this Order.
- iii. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts.
- iv. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- v. Incorporation of any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

#### **4. Monitoring**

- a. **Representative Monitoring.** Samples and measurements taken for the purpose of monitoring under this Order must be representative of the monitored activity.
- b. **Monitoring Instruments.** All monitoring instruments and devices, which are used by the Discharger to fulfill the prescribed monitoring program, must be properly maintained and calibrated as necessary to ensure their continued precision and accuracy.

- c. **Certified Laboratory.** All laboratory analyses must be performed in a laboratory certified to perform such analyses under the State Water Board's Environmental Laboratory Accreditation Program or a laboratory approved by the San Diego Water Board.
- d. **USEPA Test Procedures.** Monitoring must be conducted according to USEPA test procedures approved under Title 40, Code of Federal Regulations (CFR), Part 136, Guidelines Establishing Test Procedures for Analysis of Pollutants Under the Clean Water Act as amended, unless other test procedures have been specified in this Order.
- e. **Records of Monitoring Information.** Records of monitoring information must include the following when appropriate:
  - i. The date, exact place, and time of sampling or measurements.
  - ii. The individual(s) who performed the sampling, measurements, and analyses.
  - iii. The analytical techniques or methods used.
  - iv. The results of such analyses.
- f. **Records Retention.** The Discharger must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records must be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this Project or when requested by the San Diego Water Board.
- g. **Modifications to Monitoring and Reporting.** The San Diego Water Board may modify the monitoring program at any time during the term of this Order and may reduce or increase the number of parameters to be monitored, the locations monitored, the frequency of monitoring, or the number and size of samples collected.

## 5. Reporting

- a. **Duty to Report.** The submittal of information required under this Order, or in response to a suspected violation of any condition of this Order, is required pursuant to California Water Code section 13383. Monitoring and reporting costs are reasonable and necessary to evaluate compliance with this Order and water quality and other impacts. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit information pursuant to California Water Code section 13385.

- b. Duty to Provide Information.** The Discharger must furnish to the San Diego Water Board, within a reasonable time, any information which the San Diego Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance.
- c. Anticipated Noncompliance.** The Discharger must give advance notice to the San Diego Water Board of any planned changes in the Project or the compensatory mitigation project which may result in noncompliance with this Order.
- d. Twenty-Four Hour Non-Compliance Reporting.** The Discharger must report any noncompliance which may endanger human health or the environment. Any such information must be provided orally to the San Diego Water Board **within 24 hours** of the time the Discharger becomes aware of the circumstances. A written submission must also be provided within five days of the time the Discharger becomes aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The San Diego Water Board, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

## 6. Notifications to Discharger

- a. Enforcement Notification.** In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law.
- b. Petitions.** Any person aggrieved by this action of the San Diego Water Board may petition the State Water Board to review the action in accordance with the California Code of Regulations, title 23, sections 3867 et seq. The State Water Board must receive the petition no later than 5:00 p.m. 30 days after the effective date of this Order. Copies of the law and regulations applicable to filing petitions may be found at [https://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](https://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

**ATTACHMENT 5 – Project Maps**

1. Alden Environmental Inc., Questhaven Tentative Map Project, Jurisdictional Delineation Report, Regional Location, Figure 1, December 18, 2023.
2. Alden Environmental Inc., Questhaven Tentative Map Project, Jurisdictional Delineation Report, Project Vicinity, Figure 2, December 18, 2023.
3. Alden Environmental Inc., Questhaven Tentative Map Project, Jurisdictional Delineation Report, Corps Jurisdictional Features, Figure 6, December 18, 2023.
4. Alden Environmental Inc., Questhaven Tentative Map Project, Wetland Habitat HMMP, RWQCB Mitigation, Figure 4, August 8, 2025.
5. Excel Engineering, TM 5643 76 Lot Residential Subdivision, Preliminary Grading Plans. Sheets 1-6, November 6, 2024.