

## CALIFORNIA WATER QUALITY CONTROL BOARD SAN DIEGO REGION

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**ORDER NO. R9-2025-0081  
WASTE DISCHARGE REQUIREMENTS  
FOR  
SANCERRA  
WHITEWOOD RESIDENTIAL PROJECT  
RIVERSIDE COUNTY**

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

**TABLE 1. DISCHARGER INFORMATION**

<b>Discharger</b>	Sancerra
<b>Name of Project</b>	Whitewood Residential Project
<b>Project Address</b>	The Project site is located 0.26 mile west of the French Valley area of unincorporated Riverside County. Interstate 215 (I-215) is located 0.6 miles west of the Project site. Specifically, the Project site is located east of Whitewood Road, north of Clinton Keith Road. The Project site encompasses Assessor's Parcel Numbers (APNs) 392-330-003, -007, -020, and -021.
<b>Project Contact, Title and Phone</b>	Adam Smith, 949-466-9604
<b>Mailing Address</b>	2618 San Miguel Dr., Suite 1223, Newport Beach, CA 92662
<b>Type of Project</b>	Housing Development
<b>CIWQS Reg. Meas Number</b>	460621
<b>CIWQS Place Number</b>	900610
<b>CIWQS Party Number</b>	650233
<b>CIWQS Person Number</b>	650234
<b>WDID Number</b>	9 000004062



**TABLE 2. DISCHARGE LOCATION**

<b>Discharge Point</b>	<b>Discharge Description</b>	<b>Discharge Point Latitude</b>	<b>Discharge Point Longitude</b>	<b>Receiving Water</b>
Refer to Attachment A for a map of all discharge locations	Clean Fill	33.599704	-117.161511	Unnamed tributary to Warm Springs Creek in the Santa Margarita River Watershed

**TABLE 3. ADMINISTRATIVE INFORMATION**

This Order was adopted by the California Regional Water Quality Control Board, San Diego Region on:	
This Order shall become effective on:	
This order shall expire effective on:	

I, David W. Gibson, Executive Officer, do hereby certify that this order is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, San Diego Region, on September 10, 2025

David W. Gibson  
Executive Officer

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## **FINDINGS**

The California Regional Water Quality Control Board, San Diego Region (hereinafter San Diego Water Board) finds:

### **A. Report of Waste Discharge**

Sancerra (hereinafter Discharger) submitted a Report of Waste Discharge (ROWD) to construct the Whitewood Residential Project (Project), located in Riverside County in September 2024. The ROWD was deemed complete on November 15, 2024. Additional information was requested to provide more detail, which was received on April 23, 2025. The Discharger proposes to discharge fill material to waters of the State of California (State) associated with construction activity at the Project site.

The Discharger has paid all required application fees in the amount of \$16,509.68 in accordance with the fee schedule in the California Code of Regulations (CCR), title 23, section 2200(a)(3) for discharges of dredge and fill material, which were in effect at the time of the initial ROWD submittal. Pursuant to fee schedules currently set in CCR Title 23, annual fees are required<sup>1</sup>.

### **B. Project Location**

The Project site is located 0.26 mile west of the French Valley area of unincorporated Riverside County. Interstate 215 (I-215) is located 0.6 miles west of the Project site. Specifically, the Project site is located east of Whitewood Road and north of Clinton Keith Road. The Project site encompasses Assessor's Parcel Numbers (APNs) 392-330-003, -007, -020, and -021 (Figure 2).

### **C. Receiving Waters**

The Project site contains a total of approximately 0.02 acre of ephemeral non-wetland waters of the State, 0.01 acre of emergent marsh, and 0.42 acre of southern willow scrub within the San Diego Water Board's jurisdiction. The receiving waters are un-named ephemeral tributaries to Warm Springs Creek as shown on the Jurisdictional Delineation Map (Figure 3) in Attachment A of this Order. The Project area lies within the Santa Margarita Watershed, within Warm Spring Creek Hydrologic Unit (Basin Number 902.35).

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<sup>1</sup> State Boards WDR fee schedule is located at:  
<https://www.waterboards.ca.gov/resources/fees/stakeholder/docs/2024/fy2425-wq-feeschedule.pdf>

#### **D. Overall Project Purpose**

The Project consists of a Development Plan Permit and Tentative Tract Map for a 17.26-acre site. The Project would provide for development of 243 multi-family residential homes at a density of 15.1 dwelling units per acre (du/ac). The Project also includes construction of a recreational pool area with a  $\pm 900$  square foot (sf) restroom and pool equipment building, Tot lot and 65,120 sf of total common open space areas throughout the site. The proposed 243 dwelling units comprise 2- and 3-story townhomes. A total of 629 parking spaces would be provided with 10 percent of spaces designated as future electric vehicle (EV) spaces. Project grading would result in disturbance to 16.64 acres.

The Project will construct a  $\pm 12$  inch offsite Eastern Municipal Water District (EMWD) master plan sewer line within Arendt Lane, continuing easterly within Clinton Keith Road and terminating near the northwest corner of Clinton Keith Road and Meniffee Road. Access to the Project would be provided by two full-access driveways, one located on Arendt Lane, and the other located on Whitewood Road.

#### **E. Project Impacts**

This Order authorizes the permanent discharge of fill material to a total of 0.02 acre of ephemeral non-wetland waters of the State, and 0.42 acre of riparian waters of the State in Warm Springs Creek.

#### **F. Project Mitigation**

The Project will establish approximately 0.87 acres of high-quality southern willow scrub and preserve 0.32 acre of southern willow scrub for permanent project impacts. Additionally, mitigation for riparian impacts will consist of re-establishment of approximately 1.16 acres of coast live oak woodland and preservation of 0.05 acre of existing coast live oak woodland, 0.19 acre of chamise chaparral, and 0.10 acre of coastal sage scrub within the property boundaries, to be consistent with California Department of Fish and Wildlife requirements.

#### **G. Regulatory Authority and Reason for Action**

The United States Army Corps of Engineers (USACE) determined that waters of the United States do not occur on the Project site. Therefore, the Project is not subject to USACE jurisdiction under section 404 of the Clean Water Act (CWA). A CWA section 404 permit is not required for the Project.

However, 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, 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). Water Code Section 13260(a) 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 ROWD. 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.

This Order is issued pursuant to Water Code section 13263 and establishes WDRs for the discharge of fill material, including structural material and/or earthen wastes from Project construction activities to waters of the State. The WDRs of this Order are necessary to adequately address potential and anticipated impacts to waters of the State, and to ensure compliance with applicable water quality control plans and policies.

#### **H. Statement of Basis**

The San Diego Water Board developed the requirements in this Order based on information submitted as part of the ROWD and other available information, and in accordance with Water Code, division 7 and CCR, title 23.

## I. 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. The Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for Warm Springs Creek and other receiving waters addressed through the Basin Plan.<sup>1</sup> 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).

Beneficial uses applicable to the unnamed tributaries of Warm Springs Creek specified in the Basin Plan are as follows:

**TABLE 4. BASIN PLAN BENEFICIAL USES OF WARM SPRINGS CREEK**

Discharge Points	Receiving Water Name	Beneficial Uses(s)
Refer to Attachment A for location map.	Ephemeral tributaries to Warm Springs Creek	Existing: Municipal and Domestic Supply, Agricultural Supply, Industrial Service Supply; Industrial Process Supply; Non-contact Water Recreation; Warm Freshwater Habitat; Wild Habitat. Potential: Contact Water Recreation

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.

## J. 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. Discharges must meet requirements that will result in the best practicable treatment or control to avoid pollution or a condition of nuisance. Consistent with the Policy, any degradation must provide for the maximum benefit to the people of the State.

<sup>2</sup> The Basin Plan is accessible on-line on the San Diego Water Board's [website](https://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/) ([https://www.waterboards.ca.gov/sandiego/water\\_issues/programs/basin\\_plan/](https://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/)).



Construction of the development provides employment opportunities and necessary accommodation to growth in Riverside County. This Order contains WDRs to ensure present and future beneficial uses are maintained or enhanced through compensatory mitigation and monitoring requirements for authorized impacts to 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.

**K. 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 and then minimize adverse impacts on aquatic resources to the maximum extent practical. Any remaining unavoidable adverse impacts on aquatic resources are offset by compensatory mitigation requirements which protect and restore the abundance, types, and conditions of aquatic resources and supports their beneficial uses.

**L. California Environmental Quality Act**

CCR, title 14, section 15004 provides that before granting any approval of a project subject to the California Environmental Quality Act (CEQA), every lead agency and responsible agency shall consider the final environmental documentation. On July 24, 2024, the City of Murrieta, acting as lead agency, approved the initial study submitted for the project and filed a Notice of Exemption, determining that no further environmental review was required.

The San Diego Water Board is a responsible agency under CEQA for the purpose of issuing this Order. Public Resources Code, section 21002.1(d) provides that the San Diego Water Board is “responsible for considering only the effects of those activities involved in a project which it is required by law to carry out or approve.” The San Diego Water Board has reviewed and considered impacts to water quality in the Dischargers Mitigated Negative Declaration (MND). The San Diego Water Board concludes that impacts to water quality from the Project are less than significant with the mitigation measures required by the MND. Implementation of the proposed 2022 Water Quality Management Plan will reduce non-point source pollution in surface water to a less than significant level, and the purchase of mitigation credits at the San Luis Rey Mitigation Bank, will ensure a no-net loss of aquatic resources.

Further, the Project impacts will be less than significant with the requirements of this Order and the Reporting and Monitoring requirements of this Order. Upon adoption of this Order, the San Diego Water Board will record a Notice of Determination in compliance with Section 15075 of Title 14 of the California Code of Regulations.

**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, on July 22 2025, the San Diego Water Board notified the Discharger and interested agencies and persons of its intent to issue WDRs for the discharge and has provided them with an opportunity to submit their written comments. The San Diego Water Board received no public comments on the Tentative 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 on September 10, 2025, heard and considered all comments and recommendations pertaining to the discharge and the Tentative Order.

**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 shall comply with the requirements in this Order.

**II. DISCHARGE PROHIBITIONS**

**A. Project Conformance with Application**

The discharge of waste, in a manner or location other than as described in the ROWD or findings of this Order and for which valid WDRs are not in force, is prohibited.

**B. Waste Management**

- Unless authorized by this Order, the discharge of sand, silt, clay, or other earthen materials from any activity 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 are prohibited.

- The treatment, storage, or disposal of waste in a manner causing, or threatening to cause or create a condition of pollution, contamination, or nuisance, as defined by Water Code section 13050, is prohibited.
- The dumping, deposition, or discharge of waste directly into waters of the State, or adjacent to such waters in any manner which may permit it being transported into the waters, is prohibited unless authorized by the San Diego Water Board.

### **C. Basin Plan Prohibitions**

The Discharger must comply with all applicable Discharge Prohibitions contained in Chapter 4 of the Basin Plan. All such prohibitions are incorporated by this reference into this Order as if fully set forth herein and are summarized in this Order.

## **III. CONSTRUCTION BEST MANAGEMENT PRACTICES**

### **A. Approval to Commence Construction**

The Discharger shall 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 until construction is completed, the Discharger must educate all personnel on the requirements in this Order, including pollution prevention measures, spill response, and BMP implementation and maintenance.

### **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 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 Water Quality Order No. 2022-0057-DWQ, the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity, (General Construction Storm Water Permit) and any reissuance. If Project construction activities do not require coverage under the General Construction Storm Water Permit, the Discharger must develop and implement a runoff management plan (or equivalent construction BMP plan) to prevent the discharge of sediment and other pollutants during construction activities.

**E. Waste Management**

The Discharger must properly manage, store, treat, and dispose of waste in accordance with applicable federal, State, and local laws and regulations. Waste management shall be implemented to avoid or minimize exposure of waste to precipitation or storm water runoff.

**F. Downstream Erosion**

Discharges of concentrated flow during construction or after completion of the Project must not cause downstream erosion or damage to properties or stream habitat.

**G. 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 used in direct contact with surface water shall be steam cleaned prior to use. All equipment using gas, oil, hydraulic fluid, or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. Stationary equipment (e.g., motors, pumps, generator, etc.) shall be positioned over drip pans or other types of containment.

**H. 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 storm flows. Pollutants discharged to areas within a stream diversion area must be removed at the end of each workday or sooner if rain is predicted.

**I. Surface Water Diversion**

All surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving waters. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. 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.

**J. Cofferdams or Water Barriers**

Cofferdams and water barrier construction shall be adequate to prevent seepage into or from the work area. Cofferdams or water barriers shall 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 shall be pumped through a sediment-settling device before it is returned to the water body. The enclosure and the supportive material shall be removed when the work is completed, and removal shall proceed from downstream to upstream.

**K. Re-vegetation and Stabilization**

All areas that will be left in a rough graded state must be stabilized no later than two weeks after completion of grading. The Discharger is responsible for implementing and maintaining BMPs to prevent erosion of rough graded areas. Hydroseed areas must be revegetated with native species appropriate for the area. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at the California Invasive Plant Council's webpage titled, [The Cal-IPC Inventory](https://www.cal-ipc.org/plants/inventory/) (<https://www.cal-ipc.org/plants/inventory/>). Follow-up seed applications must be made as needed to cover bare spots and to maintain adequate soil protection.

**L. Hazardous Materials**

Except as authorized by this Order, substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the State. BMPs must be implemented to prevent such discharges during each Project activity involving hazardous materials.

**M. Vegetation Removal**

Removal of vegetation must occur by hand, mechanically, or using United States Environmental Protection Agency (USEPA) approved herbicides deployed using applicable BMPs to prevent impacts to beneficial uses of waters of the State.

**N. Limits of Disturbance**

The Discharger shall clearly define the limits of Project disturbance to waters of the State using highly visible markers such as flag markers, construction fencing, or silt barriers prior to commencement of Project construction activities within those areas.

**O. On-site Qualified Biologist**

The Discharger shall designate an on-site qualified biologist to monitor Project construction activities within or adjacent to waters of the State to ensure compliance with the requirements of this Order. The biologist shall be given the authority to stop all work on-site if a violation of this Order occurs or has the potential to occur. Records and field notes of the biologist's activities shall be summarized and submitted with the applicable Annual Project Progress Report(s).

**P. Beneficial Use Protection**

The Discharger must take all necessary measures to protect the beneficial uses of waters of the Warm Springs Creek and its unnamed tributaries. This Order requires compliance with all applicable requirements of the Basin Plan. 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 shall cease immediately, and the San Diego Water Board shall be notified in accordance with Reporting Requirement VII.K of this Order. Associated Project activities may not resume without approval from the San Diego Water Board.

**IV. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES**

**A. Post-Construction Discharges**

The Discharger shall 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. Storm Drain Inlets**

All storm drain inlet structures within the Project boundaries must be stamped and/or stenciled with appropriate language prohibiting non-storm water discharges.

**C. Post-Construction BMP Design**

The Project must be designed to comply with the most current Standard Storm Water Mitigation and Hydromodification Plans for the County of Riverside.

#### **D. Post-Construction BMP Design**

Bridges, culverts, dip crossings, or other stream crossing structures shall be designed and installed so they will not cause scouring of the stream bed and erosion of the banks. Storm drain lines/culverts and other stream crossing structures shall be designed and maintained to accommodate at least a 100-year, 24-hour storm event, including associated bedload and debris with a similar average velocity as upstream and downstream. The bottoms of temporary culverts shall be placed at stream channel grade and bottoms of permanent culverts shall be open bottom or embedded and backfilled below the grade of the stream greater than or equal to a depth of 1 foot.

#### **E. Post-Construction BMP Implementation**

The Project adds approximately 12.29 acres of impervious surface. The Discharger must install and implement the post-construction BMPs for the Project described in the *Preliminary Project Specific Water Quality Management Plan*, (WQMP) dated August 2022. Post-construction BMPs must be installed and functional within 30 days of Project completion. Any modifications to the Preliminary WQMP, must be provided to the San Diego Water Board within 30 days of modification.

#### **F. Post-Construction BMP Maintenance**

All post-construction structural treatment BMPs must be regularly inspected and maintained in perpetuity per manufacturers' specifications. Records must be kept regarding inspections and maintenance to assess the performance of the systems and determine whether adaptations are necessary to protect receiving waters.

### **V. PROJECT IMPACTS AND COMPENSATORY MITIGATION**

#### **A. Project Impact Avoidance and Minimization**

The Project must avoid and minimize adverse impacts to waters of the State to the maximum extent practicable.

#### **B. Project Impacts and Compensatory Mitigation**

Unavoidable Project impacts to the unnamed tributary to Warm Springs Creek must not exceed the type and magnitude of impacts described in the March 20, 2025 *Final Mitigation Plan, Permittee Responsible Mitigation Project, Whitewood Residential Development, Murrieta, CA* (Mitigation Plan) At a minimum, compensatory mitigation required to offset unavoidable permanent Project impacts to waters of the State must be achieved as described in Table 5.

**TABLE 5. PERMANENT PROJECT IMPACTS AND COMPENSATORY MITIGATION**

<b>Vegetation Community</b>	<b>RWQCB Jurisdiction</b>	<b>RWQCB Impacts (Acre)</b>	<b>Proposed Mitigation (Type)</b>	<b>Proposed Mitigation (Acres)</b>	<b>Mitigation Ratio</b>
<b>Southern Willow Scrub</b>	<b>Wetland Waters of the State</b>	<b>0.42</b>	<b>Establishment Preservation</b>	<b>0.87 0.32</b>	
<b>Streambed</b>	<b>Non-Wetland Waters of the State</b>	<b>0.02</b>	<b>–</b>	<b>–</b>	
<b>Emergent marsh</b>	<b>Wetland Waters of the State</b>	<b>0.01</b>	<b>–</b>	<b>–</b>	
<b>Total</b>		<b>0.45</b>		<b>1.19</b>	<b>2.6:1</b>



**C. Compensatory Mitigation for Permanent Impacts**

The Discharger shall provide compensatory mitigation for impacts to waters of the State attributable to the Project in accordance with the Mitigation Plan dated March 20, 2025, and incorporated herein by reference. Any deviations from, or revisions to the purchase agreement must be pre-approved by the San Diego Water Board. The terms and conditions of this Order shall supersede conflicting provisions within the ROWD.

**D. Performance Standards**

Compensatory mitigation required under this Order is considered achieved in accordance with Table 91 of the Mitigation Plan.

**VI. RECEIVING WATER LIMITATIONS**

**A. Receiving Water Limitations**

The receiving water limitations set forth below for Warm Springs Creek and its unnamed tributaries are based on applicable water quality standards contained in the Basin Plan and applicable federal regulations and are a required part of this Order. Project activities shall not cause or contribute to violation of these receiving water limitations.

1. **Water Quality Objectives.** Water Quality Objectives applicable to Warm Springs and its unnamed tributaries are established in Chapter 3 of the San Diego Water Board's Water Quality Control Plan for the San Diego Basin (Basin Plan) and shall not be exceeded.
2. **Priority Pollutant Criteria.** Priority pollutant criteria applicable to Murrieta Creek and its unnamed tributaries are promulgated by the USEPA through a) National Toxics Rule (NTR) (40 CFR 131.36 promulgated on December 22, 1992 and amended on May 4, 1995) and b) California Toxics Rule (CTR) (40 CFR 131.38, (65 Fed. Register 31682-31719), adding section 131.38 to Title 40 of the Code of Federal Regulations, on May 18, 2000), and shall not be exceeded.

**VII. MONITORING AND REPORTING REQUIREMENTS**

**A. Anticipated Costs of Monitoring and Reporting Requirements**

It is estimated that the costs to the Discharger to comply with the Monitoring and Reporting Requirements associated with this Order will be \$30,000 - \$45,000 throughout the course of the Project.

**B. Discharge Commencement Notification**

The Discharger must notify the San Diego Water Board in writing at least 5 days prior to the start of initial Project construction ground disturbance activities.

**C. Representative Monitoring**

Any samples and measurements taken for the purpose of monitoring under this Order shall be representative of the monitored activity.

**D. Monitoring Reports**

All monitoring results shall be reported to the San Diego Water Board at the intervals specified in section VII of this Order.

**E. Monitoring and Reporting Revisions**

The San Diego Water Board may revise monitoring program(s) at any time during the term of this Order and may reduce or increase the number of parameters monitored, locations monitored, the frequency of monitoring, or the number and size of samples collected.

**F. Records of Monitoring Information**

Any records of monitoring information shall include:

1. The date, latitude and longitude, and time of sampling or measurements,
2. The individual(s) who performed the sampling or measurements,
3. The date(s) analyses were performed,
4. The individual(s) who performed the analyses,
5. The analytical techniques or methods used, and
6. The results of such analyses.

### **G. Geographic Information System Data**

The Discharger must submit Geographic Information System (GIS) shape files of the Project impact areas within 30 days of the start of Project construction and GIS shape files of the Project mitigation areas within 30 days of mitigation installation. All impact and mitigation areas shape files must be polygons. Two GPS readings (points) must be taken on each line of the polygon, and the polygon must have a minimum of 10 points. GIS metadata must also be submitted.

### **H. Annual Project Progress Reports**

The Discharger must submit annual Project progress reports describing status of BMP implementation and compliance with all requirements of this Order. Annual Reports must be submitted to the San Diego Water Board prior to **March 1** of each year following the issuance of this Order, until the Project has reached completion. Annual Project Progress Reports must be submitted even if Project construction has not begun. The monitoring period for each Annual Project Progress Report shall be January 1 through December 31 of each year. Annual Project Progress Reports must include, at a minimum, the following:

1. **Project Status and Compliance Reporting.** The Annual Project Progress Report must include the following Project status and compliance information:
  - a. The names, qualifications, and affiliations of all persons contributing to the report,
  - b. The status, progress, and anticipated schedule for completion of Project construction activities, including the installation and operational status of best management practices Project features for erosion and storm water quality treatment, and mitigation Project activities,
  - c. A description of Project construction delays encountered or anticipated that may affect the schedule for Project construction completion, or mitigation project completion,
  - d. A summary and copies of the qualified biologist's records and field notes required under section III.O of this Order, and
  - e. A summary description of each incident of noncompliance during the annual monitoring period and its cause, the period of the noncompliance including exact dates and times, and 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.

**I. Final Project Construction Completion Report**

Within 30 days of Project completion, the Discharger must submit a Project Completion Report to the San Diego Water Board containing the following information:

1. The dates for initiation of Project construction and completion of Project construction,
2. An evaluation, interpretation and tabulation of Project activities detailing the completion of construction and compliance with all requirements of this Order and all applicable mitigation measures contained in the Project's certified Mitigated Negative Declaration,
3. As-built Project drawings no bigger than 11-inch x 17-inch, and
4. Photos of the completed Project including post-construction BMPs.

**J. Noncompliance Reports**

The Discharger must report to the San Diego Water Board any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Discharger becomes aware of the circumstances.

The written submission shall contain a description of the incident and its cause, the period of the 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 reoccurrence of the noncompliance. The San Diego Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours.

**K. Hazardous Substance Discharge**

Except as provided in Water Code section 13271(b), any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the County of Riverside in accordance with California Health and Safety Code section 5411.5 and the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.17), and immediately notify the State Water Board or the San Diego Water Board of the discharge. This provision does not require reporting of any

discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of section 13271 of the Water Code unless the Discharger is in violation of a Basin Plan prohibition.

**L. Oil or Petroleum Product Discharge**

Except as provided in Water Code section 13272(b), any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.1)..

**M. Signatory Requirements**

All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

1. For a corporation, by a responsible corporate officer of at least the level of vice president, or
2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively, or
3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

**N. Duly Authorized Representative**

Applications, reports, or information submitted to the San Diego Water Board may be signed by a duly authorized representative of that person described in Monitoring and Reporting Requirement VII.L, above, if:

1. The authorization is made in writing by a person described above,
2. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity; and
3. The written authorization is submitted to the San Diego Water Board.

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.

**O. Certification**

All applications, reports, or information submitted to the San Diego Water Board must be signed and 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."

**P. Electronic Document Submittal**

The Discharger must submit all reports and information required under this Order in electronic format via e-mail to [SanDiego@waterboards.ca.gov](mailto:SanDiego@waterboards.ca.gov). Documents over 50 megabytes will not be accepted via e-mail and must be placed on a disc and delivered to:

California Regional Water Quality Control Board  
San Diego Region  
Attn: R9-2025-0081:900610:Cmeans  
2375 Northside Drive, Suite 100  
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR).

All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: R9-2025-0081:900610:Cmeans.

**VIII. PROVISIONS**

**A. Duty to Comply**

The Discharger must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the Water Code and is grounds for (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) denial of a ROWD in application for new or revised WDRs.

**B. Duty to Comply**

The Discharger must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the San Diego Water Board to support this Order and all subsequent submittals required under this Order and as described herein. The conditions within this Order shall supersede conflicting provisions within such plans, specifications, technical reports, and other submittals required under this Order.

**C. Anticipated Noncompliance**

The Discharger shall give advance notice to the San Diego Water Board of any planned changes in the Project or the compensatory mitigation which may result in noncompliance with the terms and requirements of this Order.

**D. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order.

**E. Duty to Mitigate**

The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

**F. Property Rights**

This Order does not convey any property rights of any sort or any exclusive privileges. 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.

**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 by law, to:

1. Enter upon the Discharger's premises, where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order,
2. Access and copy, at reasonable times, any records that must be kept under the conditions of this Order,

3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this Order, and
4. Sample or monitor, at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the Water Code, any substances or parameters at any location.

#### **H. Retention of Records**

The Discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. Records may be maintained electronically. This period may be extended during the course of any unresolved enforcement action or litigation regarding this discharge or when requested by the San Diego Water Board.

#### **I. Duty to Provide Information and Updates**

The Discharger shall 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. The Discharger shall also furnish to the San Diego Water Board, upon request, copies of records required to be kept by this Order.

#### **J. Reopener Provision**

This Order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following.

1. Violation of any terms or conditions of this Order.
2. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts.
3. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

#### **K. Reopener Provision**

The filing of a request by the Discharger for the modification, revocation, reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

#### **L. Reopener Provision**

The San Diego Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Discharger, if the San Diego Water Board determines that the Project fails to comply with any of the terms or



requirements of this Order or if the results of the Project have unintended impacts to water quality.

#### **M. Transfer of Responsibility**

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 in accordance with the following terms:

1. **Transfer of Property Ownership.** The Discharger must notify the San Diego Water Board of any change in ownership of the Project area. Notification of change in ownership must include, at a minimum, a statement that the Discharger has provided the purchaser with a copy of this Order and that the purchaser understands and accepts the 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.
2. **Transfer of Post Construction BMP Maintenance Responsibility.** The Discharger assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs 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 BMP 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 BMP maintenance responsibility.

#### **N. Hydroelectric Facility**

This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent ROWD application was filed pursuant to CCR., title 23, section 3855, subdivision (b), and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

#### **O. Payment of Fees**

This Order is conditioned upon total payment of any fee required under CCR, title 23 section 2200, and owed by the Discharger.

#### **P. Order Availability**

A copy of this Order, the application, and supporting documentation must be available at the Project site during construction for review by Project personnel and agencies. A copy of this Order must also be provided to the contractor and all subcontractors working at the Project site.

**Q. Enforcement Authority**

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 provided under State law.

**R. Investigation of Violations**

In response to a suspected violation of any condition of this Order, the San Diego Water Board may, pursuant to Water Code section 13267, require the Discharger to investigate, monitor, and report information on the violation. The only restriction is that the burden, including the costs of preparing the reports, must bear a reasonable relationship to the need for and the benefits to be obtained from the reports.

**IX. NOTIFICATIONS**

- A.** These WDRs are not issued pursuant to CWA section 402 and have not been officially reviewed by the United States Environmental Protection Agency.
- B.** The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.
- C.** This Order becomes effective on the date of adoption by the San Diego Water Board.
- D.** 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 Water Code section 13320 and the CCR, title 23, sections 2050-2056 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after adoption of this Order. Copies of the law and regulations applicable to filing petitions may be found on the State Water Board's webpage titled [Water Quality Petitions](https://www.waterboards.ca.gov/public_notices/petitions/water_quality/) ([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 A PROJECT SITE MAPS**

**Figure 1. Regional Vicinity**

**Figure 2. Project Site**

**Figure 3. Jurisdictional Waters of the State**

**Figure 4. Off-site Mitigation Project**

Figure 1. Regional Vicinity

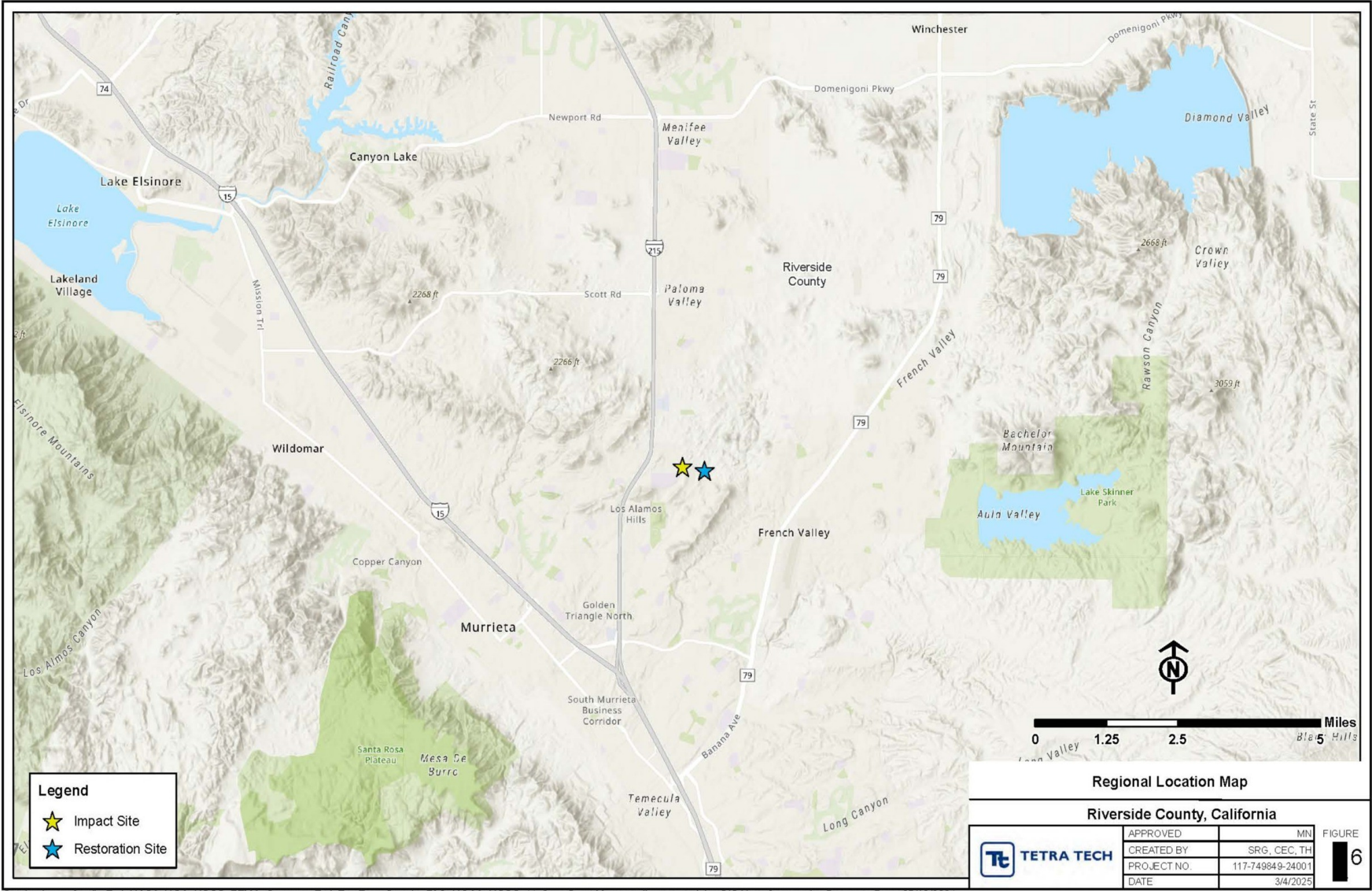




Figure 2. Project Site

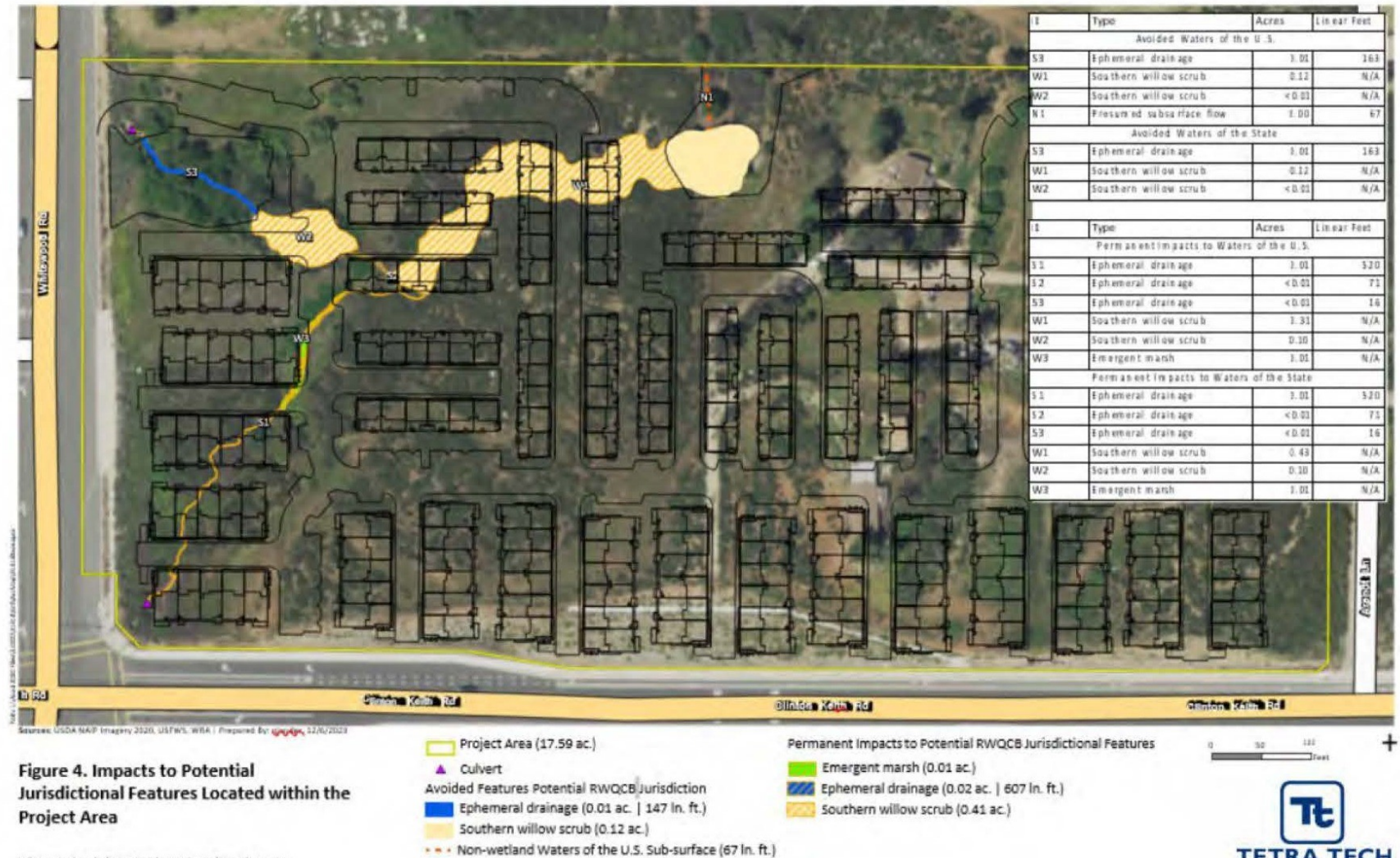




Figure 3. Jurisdictional Waters of the State

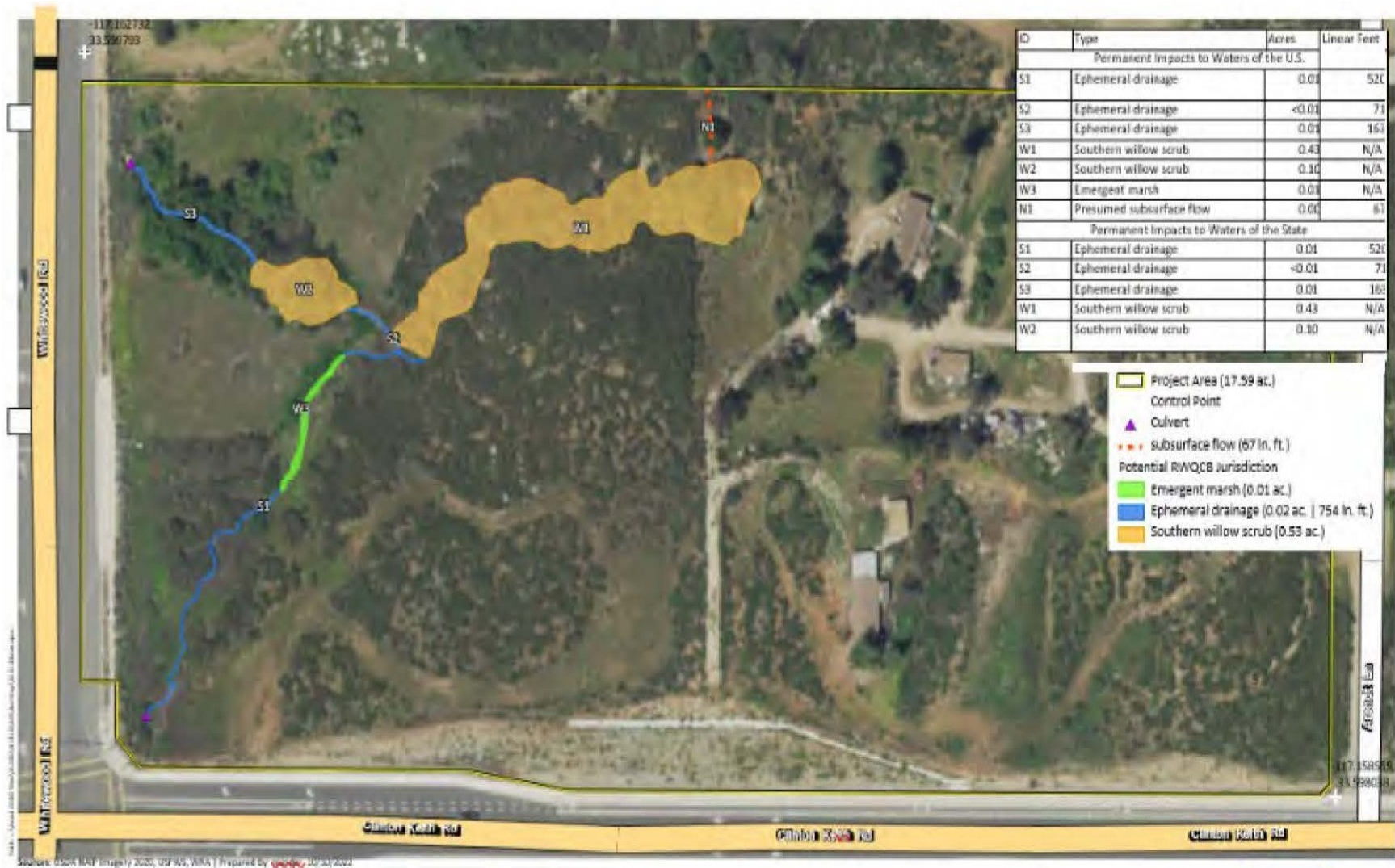


Figure 3. Potential Jurisdictional Features Located within the Survey Area





Figure 4. Off-site Mitigation Project

