CALIFORNIA WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

2375 Northside Drive, Suite 100, San Diego, CA 92108
Phone (619) 516-1990 Fax (619) 516-1994
https://www.waterboards.ca.gov/sandiego

TENTATIVE Order No. R9-2026-0025

WASTE DISCHARGE REQUIREMENTS For TRI POINTE HOMES

NAKANO 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

Discharger	Tri Pointe Homes
Name of Project	Nakano Project
Project Location	The Project site is located northwest of Dennery Road, San Diego, California 92154 in the City of Chula Vista
Discharger Mailing Address	John Fahey Tri Pointe Homes 13520 Evening Creek Drive North, Suite 300 San Diego, CA, 92128
Program	Fill/Excavation
Project Type	Residential
CIWQS Regulatory Measure ID No.	456898
CIWQS Place ID No. (PIN)	894814
CIWQS Party ID No.	645178
CIWQS Person ID No.	646287
WDID No.	9 000003985
San Diego Water Board Contact	Ariel Cutter, Environmental Scientist (619) 521-8052 Ariel.Cutter@waterboards.ca.gov

Table 2. Discharge Location and Description

Watershed	Otay River Watershed
Hydrologic Subarea Name, No.	Undefined Hydrologic Subarea within Otay Valley Hydrologic Area, HSA 910.20
Receiving Water(s)	Unnamed tributary to the Otay River
Receiving Water Type(s)	Wetland
Latitude, Longitude (approximate center point)	32.589932 -117.032446
Discharge Description	Clean fill, 24-inch High-Density Polyethylene (HDPE) pipes, concrete box culvert, concrete headwalls, rip-rap
Permanent Impact Area and Length	0.40 acres and 649 linear feet
Temporary Impact Area and Length	None

Effective Date
The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) adopted this Order on March 11, 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 the Order adopted by the San Diego Water Board on March 11, 2026.

TENTATIVE
David W. Gibson, Executive Officer

Table of Contents

I. Findings

The San Diego Water Board finds:

A. Report of Waste Discharge

Tri Pointe Homes (hereinafter Discharger) submitted a report of waste discharge application, including the application form and supporting information, for the Nakano Project (Project) on June 19, 2024. Additional supplemental information to complete the application was received by the San Diego Water Board between September 2024 and December 16, 2025. This supplemental information was reviewed, and the application was deemed complete on December 17, 2025. The Discharger proposes to discharge fill material to waters of the State of California (State) associated with residential housing development at the Project site.

B. Regulatory Authority and Reason for Action

By letter dated March 28, 2025, the U.S. Army Corps of Engineers (USACE) concurred with the mapped extent of ephemeral aquatic resources at the Project site delineated in the *Aquatic Resource Delineation Report for the Nakano Project Site San Diego, California*, prepared by RECON Environmental, Inc. dated September 28, 2023. By letter dated September 18, 2025, the USACE concurred with the mapped extent of ephemeral aquatic resources at the mitigation site delineated in the *SUPPLEMENT to the Aquatic Resources Delineation Report for the Nakano Project Wetland Area in Spring Canyon San Diego, California*, prepared by Schaefer Ecological Solutions dated July 30, 2025. Ephemeral waterways are not considered relatively permanent waters and therefore are not considered waters of the United States (WOTUS). 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 clean fill, 24-inch High-Density Polyethylene (HDPE) pipes, concrete box culvert, concrete headwalls, and rip-rap 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.F of the Order.

C. Project Location

The Project is located within the City of Chula Vista, San Diego County, California northwest of Dennery Road, San Diego, California 92154. The assessor's parcel number is APN 624-071-0200 and the Project's approximate center coordinates are latitude 32.589932, longitude -117.032446. A map showing the Project location is found in Attachment 5, Figure 1.

D. Project Description

The purpose of the Project is to construct multi-family residential units and related infrastructure to meet housing demand for either the City of Chula Vista or for the City of San Diego. The Project is currently located in the City of Chula Vista but may be annexed into the City of San Diego after completion of construction.

The Discharger proposes to develop up to 221 dwelling units consisting of detached condominiums, duplexes, and townhome dwelling units. Currently, the site plan identifies a total of 217 units (Attachment 5 Figure 4); the Project may add more units, up to a total of 221, without changing the total size of the Project area and without changing the impacts to on-site aquatic resources.

Access to and from the Project site would be provided via Dennery Road, a City of San Diego four-lane collector located southeast of the project site, and a San Diego Gas and Electric access road with an Arizona crossing and concrete apron, along the southside of the Project until the proposed residential community access roads are constructed.

The Discharger proposes to construct a series of private drives, with Private Drive A being the main access to the residential community via Dennery Road along the southeast portion of the Project area. The Project also includes the installation of an accessible 20-foot-wide emergency access concrete roadway with 15 percent maximum grade, located off-site within an existing manufactured slope, in the northeastern portion of the Project area. The emergency access road would enable emergency-only travel to the east through the adjacent residential community in the City of San Diego. Off-site road improvements would include a driveway off Dennery Road, improvements to the Palm Avenue and Dennery Road intersection, and a turn lane improvement at the intersection of Dennery Road, Red Coral Lane and Red Fin Lane.

The Project proposes to install an upgraded storm drain system throughout the Project site to convey water from south to north, to maintain its current direction of flow. The existing stream channel (and wetland feature) along the east side of the Project site would be mostly preserved and run-on originating from south of the site would continue to flow to the north. Run-on that historically flowed to the onsite wetlands will flow into a concrete headwall and a 24-inch HDPE pipe located under Private Drive A and exit onto a rip-rap pad into the southern portion of preserved wetlands. The flow is then proposed to continue north to a concrete box culvert with a rip-rap pad, located under the emergency access road, into the northern portion of preserved wetlands. The flow is then proposed to exit the Project site through three 24-inch HDPE pipes, bordered by concrete headwalls, onto a rip-rap pad with flow continuing northwest toward the Otay River. A six-foot wall would prevent human intrusion into the wetland buffer and preserved wetland area.

The Project proposes an engineered peak flow bypass design to allow all low-flow events to pass through the preserved wetlands, while redirecting a portion of the peak flows that exceed five-year storm events into a bypass pipe. When storm events greater than five-year storms occur, flows will split into two pipes, so that a portion of the higher flows are directed through the Project's proposed storm drain system and exits at an outfall on the north end of the Project site, onto a rip-rap pad with flow continuing northwest toward the Otay River. The purpose of the proposed peak flow bypass design is to reduce the possibility of scour and bank erosion while conserving flows to the preserved wetlands.

Three biofiltration basins and a modular wetland unit with a detention vault are proposed to be constructed onsite to manage stormwater water quality and provide peak flow detention. Site runoff would outlet on the north end of the Project site via two constructed outfalls with rip-rap pads, and flow northwest towards the Otay River. Site run-on from the south is proposed to be redirected around the western portion of the Project site via a constructed drainage ditch that will outfall on the north end of the Project site, onto a rip-rap pad with flow continuing toward the Otay River.

Water service to the Project site is proposed to include two separate private water systems, one to provide domestic water service to residents and the other for fire protection purposes. An extension of City of San Diego water distribution systems and facilities is proposed to serve the Project site. The existing 12-inch-diameter water line in Dennery Road would be extended and would involve construction of approximately 400 linear feet of new, 12-inch-diameter, 365 Zone water line in Dennery Road, extending from the existing water regulating station at Sand Star Way to the Project entrance driveway.

Wastewater service to the Project site is proposed to be provided via the City of San Diego's Otay Valley Trunk Sewer connection which currently crosses the Otay River and extends onto the Project site. A portion of the existing on-site public gravity sewer line would be removed and reconstructed along the northern property line. Wastewater would gravity flow to the existing (relocated) 27-inch-diameter Otay Valley Trunk Sewer to be located at the northern property line. An on-site private sewer collection system would consist of an eight-inch-diameter sewer lateral connected to the Otay Valley Trunk Sewer.

The Project proposes two trail connections to the Otay Valley Regional Park (OVRP) in the northeastern parcel of the Project area. The trail connections would be eight feet wide, constructed with decomposed granite surfacing, header boards on each side, and peeler pole fencing on one side of the trail. The proposed pocket parks and trail improvements to the OVRP will be constructed outside of jurisdictional impacts

The total size of the entire area for all Project activities is 23.8 acres. Total impervious surface created by the project is proposed to be 13.22 acres. Construction is expected to begin in early 2026 and end March 2029, with impacts to waters of the State expected to occur as soon as all permits are approved.

Project activities will result in 0.40 acres of permanent impacts to aquatic resources under the jurisdiction of the San Diego Water Board. Those impacts will be mitigated by the creation and rehabilitation of wetlands in the Spring Canyon mitigation area as described below in Finding I.J of this Order.

E. California Environmental Quality Act Compliance

The City of Chula Vista is the lead agency under California Environmental Quality Act, section 21067, and CEQA Guidelines section 15367.[1] The City of Chula Vista has certified a final environmental impact report (FEIR) and filed a Notice of Determination dated December 3, 2024 (Nakano Project, State Clearinghouse Number 2022060260). The lead agency has determined the Project will have a significant effect on the environment, adopted a statement of Overriding Considerations, and made mitigation measures 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 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 required additional mitigation measures, as specified in section II of the 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.

[1] Public Resources Code sections 21000 et seq. and California Code of Regulations, title 14, sections 15000 et seq

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. The Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for surface waters and groundwater. 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/.

   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 establishment and rehabilitation area and 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 CWA 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 permanent impacts to an unnamed tributary to Otay River within the Otay River Watershed of the Otay Hydrologic Unit (HU 910.00). Otay River

has the designated beneficial uses listed below in Table 3. Additionally, Otay River is identified as impaired under the CWA 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
Unnamed tributary to Otay River (Undefined Hydrologic Subarea within Otay Valley Hydrologic Area HSA 910.20)	Existing beneficial uses: Agricultural Supply; Non-contact Water Recreation; Warm Freshwater Habitat; Wildlife Habitat; Rare, Threatened, or Endangered Species Potential beneficial uses: Industrial Service Supply; Contact Water Recreation	Listings for Otay River: Benthic Community Effects, Bifenthrin, Copper, Cyfluthrin, Dissolved Oxygen, Indicator Bacteria, Nitrogen, Phosphorus, Pyrethroids, Total Dissolved Solids, Toxicity, Zinc

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 stabilizing all on-site drainage pathways that convey concentrated flows; diverting run-on from areas outside the project site around work areas to the extent feasible; implementing sediment control measures that include fiber rolls, gravel bags, or other equally effective BMPs around the perimeter of the project; removing sediment tracked onto off-site paved areas via sweeping at least daily; placing trash and other debris in designated areas at least daily and disposed of in accordance with applicable requirements; storing materials to avoid transport in storm water runoff; and covering stockpiles when chance of rain within next 48 hours is at least 50 percent.

Total Project direct impacts to the unnamed tributary to Otay River are summarized in Table 4 below. A map of the Project impact locations is found in Attachment 5, Figure 3.

Table 4: Project Fill/Excavation Quantity to Wetland

Impact Type	Acres	Cubic Yards	Linear Feet
Temporary Impacts	N/A	N/A	N/A
Permanent Impacts	0.40	N/A	649

N/A means not applicable.

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[2] project under the Procedures. The Discharger completed an alternatives analysis, and the Project is the least environmentally damaging practicable alternative.

The Project will add 13.22 acres of impervious surfaces. With the implementation of the *Priority Development Project Storm Water Quality Management Plan*, dated April 25, 2023,

[2] 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.

the Discharger will minimize effects of impervious surfaces on the unnamed tributary to Otay River and on the Otay River.

The proposed Project has been designed to avoid and minimize impacts to the on-site wetlands to the greatest extent feasible. The Project is sited to the farthest west possible and would avoid 0.33 acre of the on-site wetlands, including the higher quality areas of southern willow scrub and mule fat scrub. The avoided wetlands along the drainage course would be conserved on-site within a covenant of easement provided to the homeowner's association.

The primary and secondary access roads have been designed using minimum road widths and to cross the wetlands perpendicular at narrow points in areas supporting lower quality, disturbed wetlands. Additionally, the main access road design near the wetlands incorporates the steepest manufactured slopes allowable (2:1) and a six-foot retaining wall to minimize grading into the wetlands. To avoid brush management within the on-site wetlands, the Project was designed to provide alternative compliance for brush management by incorporating a six-foot fire-rated masonry block wall along the entire easternmost edge of the development footprint to ensure that no thinning or brush management activities occur within the on-site wetlands. The block wall would also restrict human intrusion into the on-site wetlands from the adjacent development.

The Project design incorporates features to maintain existing flows into the on-site wetlands, while providing pollutant control and improving drainage conditions both on and off-site. To provide pollutant control, flows from the proposed development area would be directed away from the on-site wetlands via two vegetated biofiltration basins and a modular wetlands unit. Existing flows into the on-site wetlands would be maintained via an underground culvert under the proposed entrance road. The culvert would direct off-site flows to the north to a peak flow diverter that would regulate the amount of run-on flowing into the on-site wetlands; onsite wetlands would receive similar flows as existing conditions, but peak flows would be diverted to prevent erosion and scour of the conserved wetlands.

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 Note 1	Mitigation	Mitigation Method	Mitigation Type
Wetland	0.40 acres (649 LF)	2 : 1 1 : 1	0.80 acres 0.40 acres	Establishment Rehabilitation	PRM

Note 1: 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 off-site, out-of-watershed, 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 *Nakano Project: Integrated Wetland Plan Package* (Mitigation Plan), dated December 10, 2025. The Spring Canyon mitigation site (PIN 904743) is in the Tijuana River Watershed's Water Tanks Hydrologic Subarea within the Tijuana Valley Hydrologic Area HSA 911.12 in San Diego, CA.

The off-site mitigation project will implement self-sustaining establishment and rehabilitation of jurisdictional wetland waters within the Spring Canyon tributary to the Tijuana River, along with the removal of an abandoned culvert and the realignment of the Dillon Canyon tributary to Spring Canyon, and the rehabilitation of jurisdictional wetland waters within the Wruck Canyon tributary to Spring Canyon (Attachment 5, Figure 5).

The mitigation project will establish 0.80 acres of jurisdictional wetland waters by excavating and recontouring upland areas adjacent to and west of the Spring Canyon channel. The upland areas to be excavated consist of non-native grassland with stands of invasive castor bean (*Ricinus communis*) and Peruvian pepper tree (*Schinus molle*), which will be converted into a floodplain designed to establish wetland waters. Additionally, the Spring Canyon channel, which consists of non-wetland waters, would be integrated into the widened floodplain. The proposed floodplain elevation and boundary is predicted to be inundated 50 percent of the time during a two-year storm event. Terraces and depressions will be created across the floodplain to support longer inundation time and facilitate the creation of hydric soils. A meandering side channel will be created to receive a portion of low flows to prevent cutting off the main channel through the oxbow. The transition from the lowered floodplain to the side channel will be relatively shallow and will be facilitated by a one-foot vertical drop that will occur through one of the two "riffle" locations created from natural rock and cobble salvaged from the floodplain establishment. Native riparian and wetland plant species will be planted and seeded across the entirety of the created floodplain.

An old culvert conveying flows from Dillon Canyon would be removed and filled. Its location is currently not in a natural alignment with Dillon Canyon, and flows from Dillon Canyon cause significant scour and erosion of the dirt road adjacent to Spring Canyon. Re-establishing the flowline from Dillon Canyon to Spring Canyon would integrate the confluence of Dillon Canyon into the newly established floodplain. For this confluence, larger rock/boulders will be needed to stabilize the transition from Dillon Canyon into Spring Canyon to help prevent scour and headcutting. By using larger-sized rocks to match the velocities and shear stress that will occur at this location, the use of concrete and/or grouting of the rocks/boulders is avoided, which may allow natural sedimentation of the voids and/or vegetation establishment over time.

Rehabilitation of 0.40 acres of jurisdictional wetlands will occur in the lower reach of Spring Canyon and a portion of Wruck Canyon. Invasive tamarisk (*Tamarix ramosissima*) and castor bean will be removed, and the entire rehabilitation area will be planted with the same native riparian and wetland species as the establishment area.

California Fish and Wildlife (CDFW) and the City of San Diego required additional enhancement of the Spring Canyon stream channel and the surrounding riparian and buffer areas through the removal of invasive and non-native plants. This ensures the improvement of ecological functions and services across the entire mitigation site and will help to provide functional lift of the aquatic resources being established and rehabilitated on-site.

K. Monitoring and Reporting Requirements

The 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 $223,000. The burden, including costs, of the required reports bear 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 $10,643. 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. 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. 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 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 unnamed tributary to Otay River shown in Table 4 of this Order. Impacts to waters of the State will be considered unauthorized discharges if they occur prior to the start of construction of the 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 the 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 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 Basin Plan 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 implement the compensatory mitigation described above in Finding I.J of this Order.

2. **Mitigation Plan Implementation**. The Discharger must fully implement the Mitigation Plan. Any deviations from, or revisions to, the Mitigation Plan in Finding I.J must be pre-approved by the San Diego Water Board.

3. **Timing of Mitigation Site Construction**. The construction of proposed mitigation must be concurrent with project construction and completed no later than nine 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.

4. **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 6.0 through 6.4 of Recon's *Wetland Plan for the Nakano Project San Diego, California*, dated April 4, 2025, and in section 5.3 of the *Amendment to the Wetland Plan for the Nakano Project*, dated December 10, 2025, in the Mitigation Plan to the satisfaction of the San Diego Water Board.

5. **Preservation Mechanism**. The Discharger has provided the San Diego Water Board with a draft preservation mechanism 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.

6. **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 for the Off-Site Spring Canyon Mitigation Area, Nakano Project, San Diego, CA* (Long-term Management Plan), dated October 28,

2025, and the final ecological success performance standards identified in the Mitigation Plan. 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 five percent cover of non-native plant species and no species presently rated by the California Invasive Plant Council as High or perennial in conformance with the Mitigation Plan and the Long-term Management 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 five years of maintenance, monitoring, and reporting as described in section 7.0 of Recon's *Wetland Plan for the Nakano Project San Diego, California*, in the Mitigation Plan, and submit copies of the annual mitigation monitoring reports and other information as required under Condition II.E.7 of this Order. The San Diego Water Board may extend implementation of mitigation maintenance, monitoring, and reporting upon determination that the performance standards required under Condition II.D.4, 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. **California Rapid Assessment Method (CRAM)**.[3] The Discharger must conduct CRAM monitoring to assess the current and potential ecological conditions of aquatic resources at the Project site and compensatory mitigation site(s) as described in sections 6.1 and 7.4 Recon's *Wetland Plan for the Nakano Project San Diego, California*, and in section 5.0 of the *Amendment to the Wetland Plan for the Nakano Project*, in the Mitigation Plan. Monitoring must be conducted by a trained CRAM practitioner.

    a. **Monitoring Locations and Frequency**. CRAM monitoring must be performed in accordance with the Mitigation Plan. The mitigation site(s) must meet or exceed performance standards/success criteria as determined by the San Diego Water Board. If the final CRAM performance standards/success criteria are not met by year five, CRAM monitoring shall continue annually until performance standards are met.

    b. **Monitoring Reports**. CRAM monitoring reports must tabulate and evaluate the assessment data results, discuss progress towards and/or achievement of meeting performance standards/success criteria contained in the CRAM Monitoring Plan, and report on any adaptive management actions needed and/or taken to address deficiencies, as necessary. The final CRAM monitoring report (following year five or final assessment, as appropriate) must include quantitative comparisons of current conditions at the mitigation site(s) with pre-construction Project site conditions and mitigation site(s) baseline and annual monitoring results and an evaluation of whether and how the completed compensatory mitigation provides a no net loss of overall abundance, diversity, and conditions of aquatic resources in the affected watershed(s). CRAM monitoring reports must be submitted with the respective Annual Progress Report as required in Condition II.E.7 of this Order.

3. **Receiving Water Visual Monitoring**. The Discharger must conduct continuous visual/sensory observations monitoring during all Project activities having the potential to discharge to and/or within receiving waters and demonstrate compliance with water quality objectives as described below. The receiving water visual monitoring documentation must be compiled and included in Annual Progress Reports as required in Condition II.E.7 of this Order.

    a. **Parameters**. The following parameters[4] and construction best management practice status must be monitored:

[3] The most recent versions of the California Rapid Assessment Method (CRAM) for Wetlands and additional information regarding CRAM can be accessed at https://www.cramwetlands.org/

[4] Chapter 3 of the Basin Plan presents the narrative and/or numerical water quality objectives related to these parameters.

i. Floating particulates, suspended materials, and/or surface visible turbidity plume.

ii. Grease, oil, sheen, odor, color, or any other significant discoloration of the water column and/or water surface.

iii. Condition/effectiveness of construction best management practices.

b. **Field Documentation**. All observations must be performed and recorded throughout Project construction activities by a qualified biologist and/or environmental professional (see Attachment 3, Construction Best Management Practices, Bullet P). In addition to the records of monitoring information listed in Attachment 4, Standard Provision 4.e, field documentation of receiving waters visual monitoring must include, at a minimum, observations of the parameters listed above, presence of surface water, presence of sensitive biological resources, and weather conditions, such as wind speed/direction, cloud cover, precipitation. Photo documentation must be used in support of visual observations of water quality conditions and be conducted in accordance with guidelines posted at https://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf. In addition, photo documentation should include Global Positioning System coordinates for each of the photo points referenced.

c. **Response Actions**. If the presence of any of the parameters listed above are observed and is determined to be associated with the Project's construction activity, response action(s) must be taken immediately to correct the situation. Response actions may include, but are not limited to, work stoppage until repairs of construction best management practices are completed, implementation of operational modifications, work stoppage due to the presence of sensitive species until area is vacated, work stoppage due to the presence of a sheen/spill until it is cleaned up, and/or implementation of additional best management practices. Response actions include identifying the source of discharge causing such exceedance(s) and abating and/or cleaning up the discharge. Response actions, if needed, must be documented in the monitoring field notes/log.

4. **Receiving Water Visual Monitoring Reports**. The Discharger must submit monitoring reports with the Annual Progress Report required under Condition II.E.7 of this Order. At a minimum, monitoring reports must include the following information:

a. The names, qualifications, and affiliations of the persons contributing to the report.

b. A summary description of Project construction activities completed during the reporting period, including dates and times of active construction.

c. A summary table that provides the date, time of monitoring, exact place of activity/monitoring location (i.e. Global Position System coordinates) and the monitoring results with a comparison to applicable water quality objectives.

d. A summary and copies of the records and field notes produced by the on-site qualified biologist(s) or environmental professional(s) during the monitoring period, consistent with Attachment 3, Bullet P.

e. A tabulation, evaluation, discussion and/or interpretation of the visual observations required by Condition II.E.4 of this Order including interpretations and conclusions as to whether applicable water quality objectives were attained.

f. A description of each incident of non-compliance (e.g., water quality objectives exceedances, accidental discharges/spills, etc.) and its cause, the period of the noncompliance including exact dates and times, and response actions taken to reduce, eliminate, and prevent reoccurrence of the noncompliance consistent with Condition II.E.4.c of this Order. Verification monitoring results must be included.

g. For any time period in which no in-water construction activities were conducted during Project implementation, the reporting must include a statement certifying that no in-water construction activity occurred during that time period.

5. **Post-construction Monitoring and Reporting**. The Discharger must implement a minimum of five years of maintenance, monitoring, and reporting as described in the *Long-term Management and Monitoring Plan for the On-site Wetlands at the Nakano Project Chula Vista, California*, dated December 16, 2025, and submit copies of the annual monitoring reports and other information as required under Condition II.E.7 of this Order.

6. **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 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 required under Finding I.J 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*[5], the *Regional Supplement*

[5] 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.

to the Corps of Engineers Wetland Delineation Manual: Arid West Region[6], and the *Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States Delineation Manual.*[7] The Discharger must submit a report of the delineation survey results with the year five Mitigation Monitoring 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.

7. **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 the 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.

8. **Geographic Information System Data**. **Within 30 days of the completion 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 year five Mitigation Monitoring Report,** the Discharger must submit GIS shape files and metadata that depict the boundaries of all mitigation areas, 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.

---

[6] U.S. Army Corps of Engineers. 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0). 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.

[7] 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 of the Western United States: A Delineation Manual. ERDC/CRREL TR-08-12. Hanover, NH: U.S. Army Engineer Research and Development Center, Cold Regions Research and Engineering Laboratory.

F. Project Status Notification Requirements

1. **Discharge Commencement Notification**. The Discharger must notify the San Diego Water Board in writing **at least five 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 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. In addition, photo documentation must include Global Positioning System coordinates for each of the photo locations referenced.

   c. Status of post-construction best management practice, including photo documentation of implemented post-construction best management practices. Photo documentation must be conducted in accordance with guidelines referenced above and include Global Positioning System coordinates for each of the photo locations referenced.

   d. A copy of as-built drawings of the Project Site(s), no bigger than 11 inch by 17 inch.

   e. 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.8 of this Order.

   f. A list of all incidents of noncompliance 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.

   g. A statement, signed by the Discharger in accordance with Condition II.I.2 of the 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 are complete[8] 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 contributing to on-site or off-site erosion; creation of a condition of pollution, contamination, or nuisance; 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.

[8] Completion of post-construction and/or mitigation monitoring shall be contingent upon achievement of performance standards as determined by the San Diego Water Board.

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 the Order via e-mail to SanDiego@waterboards.ca.gov with the following information added to the end of the subject line: **"Order No. R9-2026-0025:894814:acutter**." 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. R9-2026-0025, PIN 894814:acutter
   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 the 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 the 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 the 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 the 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. 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. **Results of Construction Monitoring**. Provide the following reporting:

    a. Receiving water visual monitoring reports. In accordance with Condition II.E.4 of the Order, the Discharger must submit receiving water visual monitoring reports that include the following, at a minimum:

        i. The records of monitoring information listed as items 2.a through c of this Attachment.

        ii. A description and discussion of the receiving water monitoring performed, observations recorded, and response actions taken.

        iii. Copies of records, field notes/logs, and/or photo documentation of the visual observations.

    b. Post-construction monitoring and maintenance reports. In accordance with Condition II.E.5 of the Order, the Discharger must submit monitoring and maintenance reports that include the following, at a minimum:

        i. The records of monitoring information listed as items 2.a through c of this Attachment.

        ii. A description and discussion of the health and functions of the preserved wetlands at the Project site.

        iii. Copies of records, field notes/logs, and/or photo documentation of the visual observations.

4. **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. In addition, photo documentation must include Global Positioning System coordinates for each photo point.

      iv. CRAM monitoring reports in accordance with Condition II.E.2 of the Order and the Mitigation Plan.

   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 inch by 17 inch.

         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.6.

      iii. GIS shape files and metadata that show mitigation site(s), including extent and distribution of aquatic resources, in accordance with Condition II.E.8 of the 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 the 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 the 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 the 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 the Order, including conducting and documenting receiving water visual observations and appropriate response actions taken, if needed, as required under Condition II.E. of the Order. The on-site biologist and/or environmental professional must be given authority to stop all work on site if a violation of the 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 City of Chula Vista. 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. The 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 the 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. The Order does not convey any property rights of any sort, or any exclusive privilege.

d. Property or Private Rights. The issuance of the 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 the 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 the 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 the Order as if fully stated herein. Notwithstanding any more specific conditions in the 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 the 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 the Order.

ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the Order.

iii. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the 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. The Order shall expire five (5) years from the date of issuance of the Order if Project discharge activities authorized by this Order have not started.

b. Payment of Fees. The 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. The 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 the Order and references in the Order to the Discharger will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Discharger of the 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 the 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.**

ii. Transfer of Mitigation Responsibility. Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in the 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. The 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 the 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 the Order.

iii. Obtaining the 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 the 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 the 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 the Order, and records of all data used to complete the application for the 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 the 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 the Order, or in response to a suspected violation of any condition of the Order, is required pursuant to California Water Code section 13383. Monitoring and reporting costs are reasonable and necessary to evaluate compliance with the 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 the 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 the 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 the 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 or will be provided upon request.

ATTACHMENT 5 – Project Maps

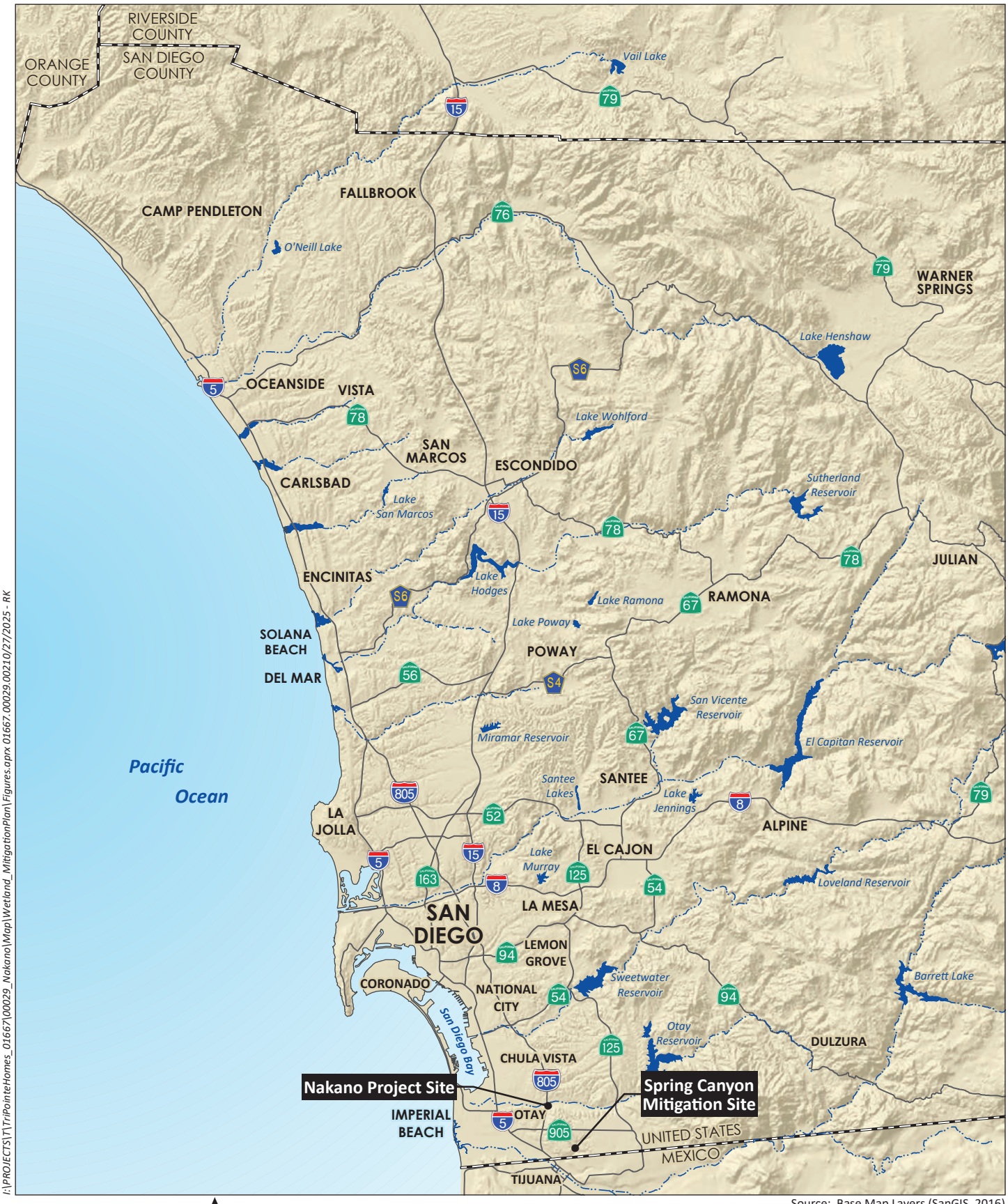
Figure 1: Regional Location

Figure 2: Project and Wetland Plan Area Location

Figure 3: RWQCB Nakano On-Site Impacts

Figure 4: Nakano Site Plan

Figure 5: Mitigation Site Plan



I:\PROJECTS\T\TriPointeHomes_01667\00029_Nakano\Map\Wetland_MitigationPlan\Figures.aprx 01667.00029.00210/27/2025 - RK

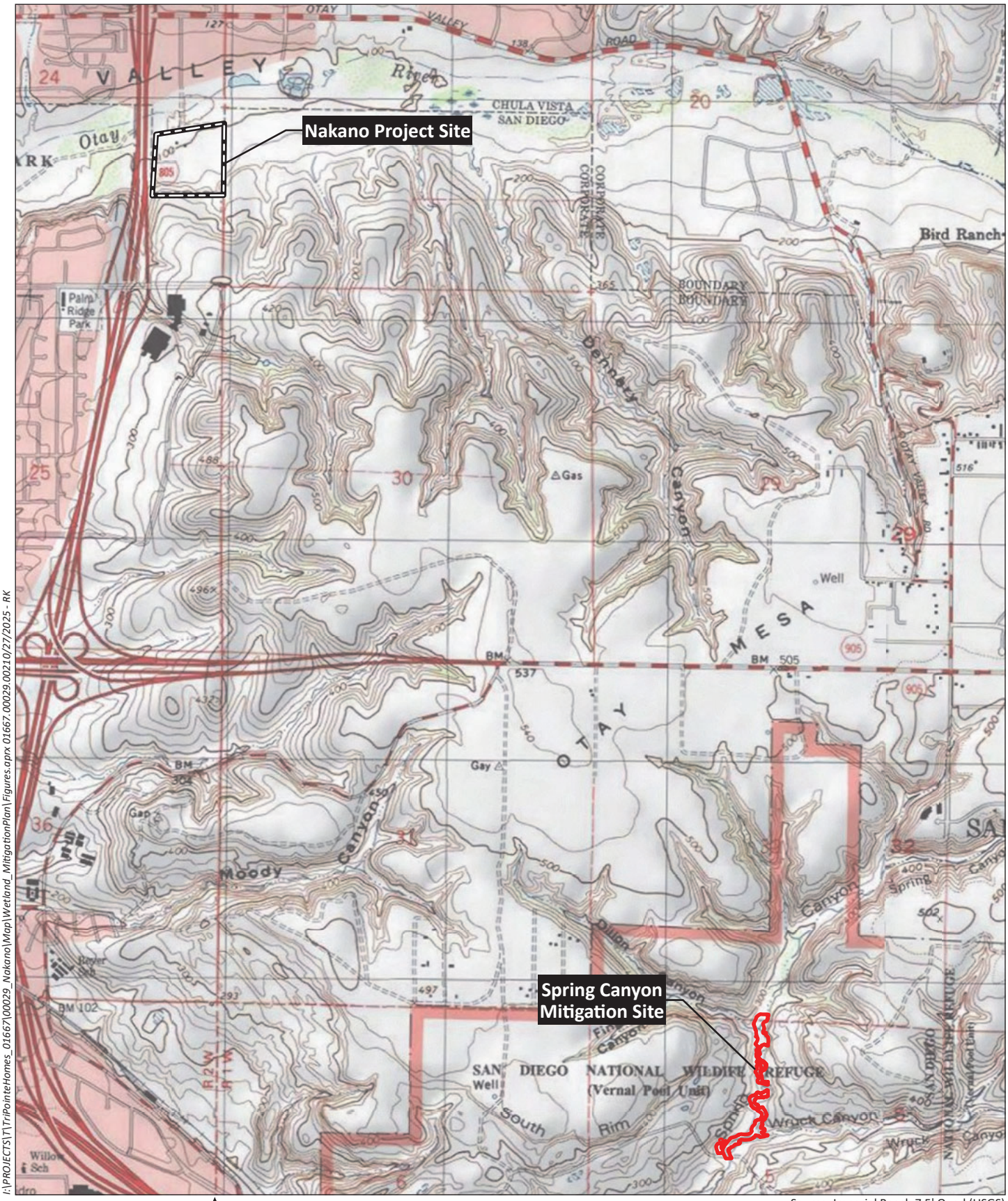
0 8 Miles

Source: Base Map Layers (SanGIS, 2016)

HELIX Environmental Planning

Regional Location

Figure 1



I:\PROJECTS\T\TriPointeHomes_01667\00029_Nakano\Map\Wetland_MitigationPlan\Figures.aprx 01667.00029.00210/27/2025 - RK

Source: Imperial Beach 7.5' Quad (USGS)

HELIX
Environmental Planning

Project and Wetland Plan Area Location

Figure 2

I:\PROJECTS\T\TriPointeHomes_01667\00029_Nakano\Map\WetlandPlan_Amendment\Figures.aprx 01667.00029.00211/10/2025 - RK

0 200 Feet

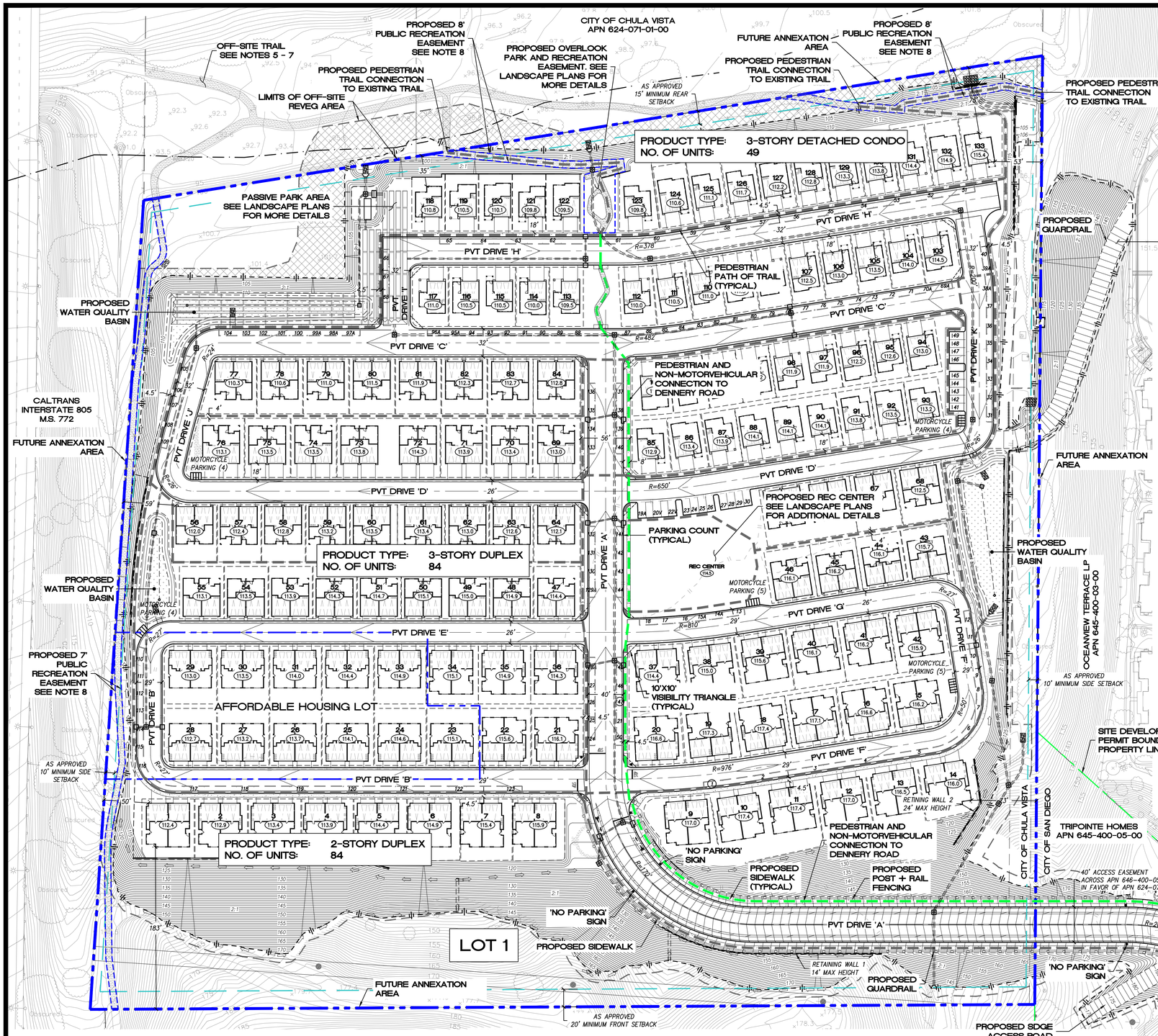
Sources: Aerial (Maxar, 2025)

HELIX Environmental Planning

schaefer ecological solutions

RWQCB Nakano On-Site Impacts

Figure 3



LEGEND

- PROPOSED RECREATION EASEMENT BOUNDARY
- 1 — BUILDING NUMBER
- 110.5 — PROPOSED PAD ELEVATION
- PROPOSED CURB / CURB AND GUTTER
- PROPOSED SIDEWALK
- 10' X 10' VISIBILITY TRIANGLE — NO OBSTRUCTION INCLUDING FENCES/SHRUBS OR SOLID WALLS IN THE VISIBILITY AREA SHALL EXCEED 24 INCHES IN HEIGHT.
- PROPOSED PEDESTRIAN PATH OF TRAVEL
- PROPOSED PEDESTRIAN AND NON-MOTORVEHICULAR CONNECTION TO DENNERY ROAD
- PROPOSED STREET PER CITY STANDARD DRAWINGS
- A = ACCESSIBLE SPACES
- V = VAN ACCESSIBLE SPACES
- MOTORCYCLE PARKING STALL (TYP)
- OFF-STREET PARKING STALL (TYP)
- PARALLEL PARKING SPACES (TYP)
- VAN ADA STALL AND LOADING AREA (TYP)

GENERAL NOTES

1. EMRA – ENCROACHMENT MAINTENANCE REMOVAL AGREEMENT (EMRA) SHALL BE REQUIRED FOR ALL PRIVATE IMPROVEMENTS INCLUDING BUT NOT LIMITED TO UTILITIES, LANDSCAPE, IRRIGATION, AND OTHER MISCELLANEOUS STRUCTURES WITH IN THE PUBLIC RIGHT-OF-WAY IF DEEMED ALLOWABLE BY THE CITY ENGINEER.
2. VISIBILITY AREA – NO OBSTRUCTION INCLUDING SOLID WALLS IN THE VISIBILITY AREA SHALL EXCEED 3 FEET IN HEIGHT. PLANT MATERIAL, OTHER THAN TREES, WITHIN THE PUBLIC RIGHT-OF-WAY THAT IS LOCATED WITHIN THE VISIBILITY AREAS SHALL NOT EXCEED 24 INCHES IN HEIGHT, MEASURED FROM THE TOP OF THE ADJACENT CURB.
3. ASPHALT OR CONCRETE TO BE DRIVEN OVER BY TRASH AND RECYCLING TRUCKS PROVIDING SERVICE IS ENGINEERED TO WITHSTAND THE WEIGHT OF MULTIPLE WEEKLY TRIPS BY POTENTIALLY FULLY LOADED TRASH TRUCKS.
4. AT LEAST 50 PERCENT OF ALL RESIDENTIAL AND NON-RESIDENTIAL BICYCLE PARKING SPACES REQUIRED IN ACCORDANCE WITH CHAPTER 14, ARTICLE 2, DIVISION 5 SHALL BE SUPPLIED WITH INDIVIDUAL OUTLETS FOR ELECTRIC CHARGING AT EACH BICYCLE PARKING SPACE.
5. PUBLIC OVRP TRAILS BOTH ON AND OFF-SITE WILL BE CONSTRUCTED PER THE OVRP TRAIL GUIDELINES.
6. FOR OFF-SITE TRAILS AND OFF-SITE REMEDIAL GRADING, A RIGHT-OF-ENTRY PERMIT AND ALL REQUIRED APPROVALS WILL BE COORDINATED WITH THE CITY OF CHULA VISTA.
7. CITY OVRP STAFF WILL MAINTAIN ALL TRAILS ON CITY OF CHULA VISTA PROPERTY.
8. A PERMANENT EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF RECREATIONAL FACILITIES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO THE GENERAL PUBLIC OVER, UPON, AND ACROSS ALL THAT REAL PROPERTY SITUATED IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, INCLUDING, BUT NOT LIMITED TO, LANDSCAPING, IRRIGATION SYSTEMS, EROSION CONTROL FACILITIES, HIKING TRAILS, EQUESTRIAN TRAILS, BIKEWAYS, AND RELINQUISH ANY AND ALL RIGHT TO CONSTRUCT, ERECT, OR MAINTAIN ANY ABOVEGROUND ROOFED BUILDING OR COVERED STRUCTURE EXCEPT FOR RECREATIONAL BUILDING AND ASSOCIATED FACILITIES, GRANTING TO THE CITY OF CHULA VISTA THE RIGHT TO PERMIT ANY PUBLIC UTILITY COMPANY TO CONSTRUCT DISTRIBUTION FACILITIES, PROVIDED SUCH FACILITIES ARE CONSTRUCTED UNDERGROUND. RESPONSIBILITY FOR MAINTENANCE OF SAID REAL PROPERTY SHALL REMAIN WITH THE OWNER OF THE FEE TITLE UNDERLYING SAID EASEMENT(S) HEREIN GRANTED AND NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO ASSIGN ANY MAINTENANCE RESPONSIBILITY TO THE CITY OF SAN DIEGO.
9. CC&Rs WILL INCLUDE PEDESTRIAN AND NON-MOTORVEHICULAR ACCESS PERMITTED THROUGH THE PRIVATE STREETS FROM DENNERY ROAD TO THE OVERLOOK PARK.

PARKING SUMMARY

VEHICLE PARKING

REQUIRED AUTOMOBILE SPACES ADD (PER SDMC § 142.0525):

		Mix	Spaces	Required
2-STORY DUPLEXES	Plan 1	3BR	47	2.25 / du
	Plan 2	3BR	47	2.25 / du
	Plan 3	3BR	47	2.25 / du
	Plan 4	3BR	47	2.25 / du
3-STORY DUPLEXES	Plan 1	3BR	47	2.25 / du
	Plan 2	3BR	47	2.25 / du
	Plan 3	4BR	47	2.25 / du
	Plan 4	3BR	47	2.25 / du
3-STORY DETACHED CONDOS	Plan 1	3BR	45	2.25 / du
	Plan 2	3BR	38	2.25 / du
	Plan 3	4BR	27	2.25 / du
			488	
COMMON AREA PARKING			73	
		TOTAL:	**561**	**REQUIRED PARKING SPACES**

ACCESSIBLE PARKING SUMMARY

561	x 0.02	=	11 ACCESSIBLE PARKING REQUIRED
11	/ 6	=	2 VAN ACCESSIBLE SPACES REQUIRED

TOTAL ACCESSIBLE PARKING SPACES PROVIDED

11	ACCESSIBLE SPACES
2	VAN ACCESSIBLE SPACES
13	TOTAL ACCESSIBLE SPACES

PROVIDED PARKING SUMMARY

434	GARAGE SPACES
13	ACCESSIBLE SPACES
134	OFF-STREET PARKING ALONG PRIVATE DRIVES
581	TOTAL SPACES PROVIDED

MOTORCYCLE PARKING SUMMARY (PER SDMC 142-05C)

217	DU x .1	=	21.7 REQUIRED PARKING SPACES

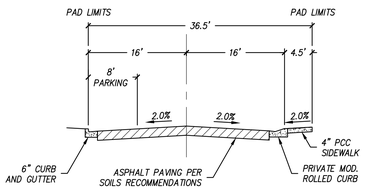
TOTAL MOTORCYCLE PARKING SPACES PROVIDED

22 SPACES

BICYCLE PARKING SUMMARY

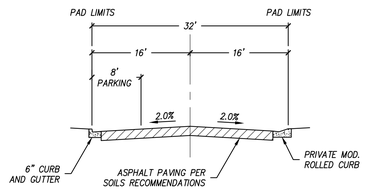
NOT REQUIRED FOR DWELLING UNITS WITH ENCLOSED GARAGES

NOTE: PER 2022 GREEN BUILDING CODE EV CHARGING FOR NEW CONSTRUCTION SECTION 4.106.4.1, EACH DWELLING UNIT WILL INSTALL A LISTED RACEWAY TO ACCOMODATE A DEDICATED 208/240-VOLT BRANCH CONDUIT.



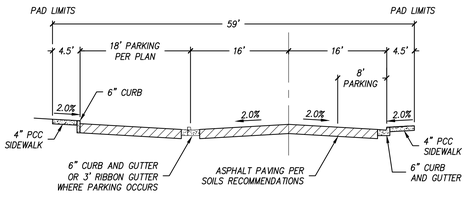
TYPICAL SECTION PRIVATE DRIVE 'C'

EAST OF PVT DRIVE 'A' NOT TO SCALE



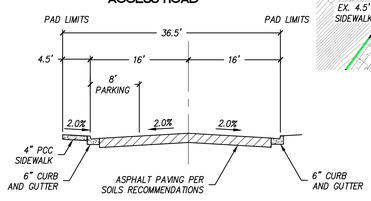
PRIVATE DRIVE 'C'

WEST OF PVT DRIVE 'A' NOT TO SCALE



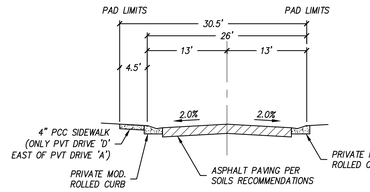
TYPICAL SECTION PRIVATE DRIVE 'K'

PARKING ON ONE SIDE ONLY NOT TO SCALE



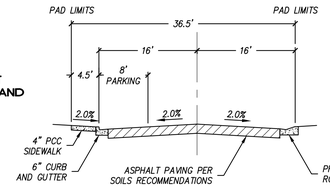
PRIVATE DRIVE 'I' AND 'J'

NOT TO SCALE



TYPICAL SECTION PRIVATE DRIVE 'D', 'E' AND 'G'

NOT TO SCALE



TYPICAL SECTION PRIVATE DRIVE 'H'

PARKING ON ONE SIDE ONLY NOT TO SCALE

NAME: LEPPERT ENGINEERING CORPORATION
ADDRESS: 1590 GOVERNOR DRIVE, SUITE 205
SAN DIEGO, CA 92122
PHONE: 858-597-2001

Leppert Engineering CORPORATION
5190 Governor Drive, Suite 205, San Diego, Ca. 92122-2848
Phone: (858) 597-2001 Fax: (858) 597-2009

JOHN D. LEPPERT
R.C.E. 26283
DATE

PROJECT ADDRESS:
NORTHSIDE OF DENNERY RD BETWEEN REGATTA LANE AND SAND STAR WAY

PROJECT NAME:
NAKANO

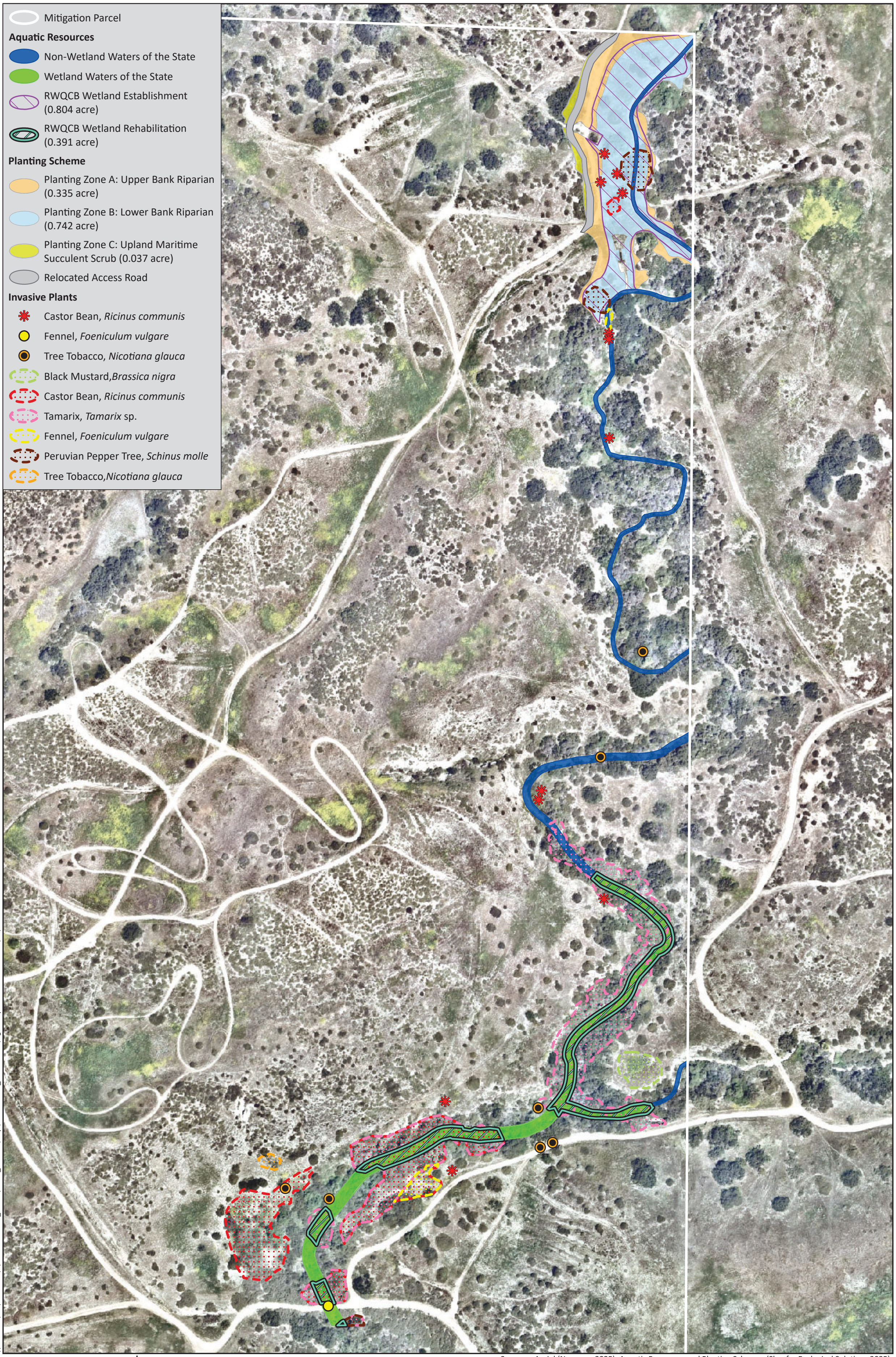
SHEET TITLE:
SUBSTANTIAL CONFORMANCE REVIEW
SITE PLAN

REVISION 12:	
REVISION 11:	
REVISION 10:	
REVISION 9:	
REVISION 8:	
REVISION 7:	
REVISION 6:	
REVISION 5:	
REVISION 4:	
REVISION 3:	11/21/2025
REVISION 2:	10/15/2025
REVISION 1:	8/8/2025
ORIGINAL DATE:	4/11/2025

SHEET 5 OF 22

PROJECT NO.

Nakano Site Plan - Figure 4



0 150 Feet

Sources: Aerial (Nearmap 2025); Aquatic Resources and Planting Schemes (Shaefer Ecological Solutions 2025); RWQCB Wetland Establishment (Rick Engineering 2025): RWQCB Wetland Rehabilitation and Invasive Species (RECON 2025)

HELIX Environmental Planning

Mitigation Site Plan

Figure 5