

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

**EXECUTIVE OFFICER SUMMARY REPORT
MARCH 11, 2026**

ITEM NO. 5

SUBJECT

Consideration of Tentative Order No. R9-2026-0025, *Waste Discharge Requirements for Tri Pointe Homes, Nakano Project, San Diego County* (Tentative Order No. R9-2026-0025). (Ariel Cutter)

STAFF RECOMMENDATION

Staff recommend adoption of Tentative Order No. R9-2026-0025 (**Supporting Document 1**).

KEY ISSUES

1. Tentative Order No. R9-2026-0025 establishes waste discharge requirements (WDRs) for Tri Pointe Homes (Discharger) to construct residential housing consisting of detached condominiums, duplexes, and townhome dwelling units on a 23.8-acre site. The Nakano Project (Project) also includes construction of a primary access road, internal private streets and driveways, a secondary emergency access road, pocket parks, trail connections to Otay Valley Regional Park, two pipe culverts, a concrete box culvert, two biofiltration basins and a modular wetland with a detention vault. Additionally, water and wastewater services would be provided by extending and reconstructing existing water and sewer lines.
2. Tentative Order No. R9-2026-0025 authorizes the permanent discharge of fill material to a total of 0.40 acre of wetland waters of the State of California (State) in an unnamed tributary to Otay River of the Otay River Watershed (**Supporting Document 2**).
3. Tentative Order No. R9-2026-0025 furthers the California Wetlands Conservation Policy (Executive Order W-59-93).¹ Commonly known 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.” The compensatory mitigation required in Tentative Order No. R9-2026-0025 ensures that the 0.40 acre of permanent impacts are replaced.
4. Due to a recent United States (U.S.) Supreme Court decision in *Sackett v. U.S. EPA*, the extent of waters of the U.S. has been redefined and reduced. Therefore, the aquatic resources at this Project are waters of the State only and the proposed dredge/fill activities require WDRs adopted by the San Diego Water Board. Prior to the U.S. Supreme Court decision, this Project would have been permitted through a Clean Water Act section 401

¹ California Wetlands Conservation Policy, [Executive Order W-59-93](#).

Water Quality Certification issued by the San Diego Water Board's Executive Officer for both waters of the U.S. and/or State.

PRACTICAL VISION

Adoption of Tentative Order No. R9-2026-0025 is consistent with the goals of the *Recover Stream, Wetland, and Riparian Areas* chapter of the *San Diego Water Board Practical Vision* (Practical Vision)² to achieve a meaningful net gain of wetlands, efficiently exercise regulatory discretion over proposed projects to dredge, fill or alter wetlands, stream, and riparian areas. San Diego Water Board regulation of activities that impact these habitats is critical to the recovery of wetland, stream, and riparian systems since these activities can have severe, long-term effects if not properly regulated and mitigated. This Tentative Order establishes requirements the Discharger must meet to avoid, minimize, and mitigate the Project's impacts to wetland waters in an unnamed tributary to Otay River.

DISCUSSION

The purpose of this item is to provide the San Diego Water Board with information to assist in its consideration of Tentative Order No. R9-2026-0025. The Project consists of developing up to 221 dwelling units of detached condominiums, duplexes, and townhomes on a 23.8-acre site. The Project will add impervious areas and has the potential to discharge pollutants in storm water runoff. To address these impacts, the Project must comply with local storm water ordinances and the San Diego Water Board Regional Municipal Stormwater Permit.³ A Water Quality Management Plan has been developed for the Project to ensure that onsite runoff will be treated with a combination of modular wetland systems and biofiltration units.

Tentative Order R9-2026-0025 authorizes the permanent discharge of fill material to 0.40 acre of wetland under the jurisdiction of the State. Compensatory mitigation for the permanent impacts to 0.40 acre of waters of the State will be achieved at an overall 3 to 1 mitigation ratio⁴ through off-site mitigation and full and complete implementation of the *Nakano Project: Integrated Wetland Plan Package* dated December 10, 2025. Mitigation will consist of the establishment of 0.80 acre of wetland and the rehabilitation of 0.40 acre of wetland.

PUBLIC NOTICE

San Diego Water Board staff sent notification of this action to the Discharger and known interested parties on January 28, 2026. Additionally, Board staff posted Tentative Order No. R9-2026-0025 and Notice of Written Public Comment Period (**Supporting Document 3**) on the San Diego Water Board website on January 27, 2026. These actions satisfy the 30-day public notification and comment requirements of Water Code section 13167.5. San Diego Water Board staff did not receive any comments during the public comment period.

SUPPORTING DOCUMENTS

1. Tentative Order No. R9-2026-0025

² San Diego Water Board [Practical Vision: Healthy Waters, People, and Communities](#).

³ San Diego [Regional MS4 Permit](#) for Phase I Municipal Separate Storm Sewer Systems (MS4)

⁴ Mitigation ratio is the ratio of area mitigated to area impacted.

2. Regional Vicinity Map
3. Notice of Written Public Comment Period