

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

EXECUTIVE OFFICER SUMMARY REPORT

November 9, 2022

ITEM 5

SUBJECT

Waste Discharge Requirements Amendment: Non-substantive Typographical Error Correction, Amendment No. 1 to Order No. R9-2022-0030, Waste Discharge Requirements for the Preserve at Torrey Highlands LLC, Torrey Highlands Office Project, San Diego County, Order No. R9-2022-0030 (Tentative Order No. R9-2022-0164). (*Alan Monji*)

STAFF RECOMMENDATION

Adoption of Tentative Order No. R9-2022-0164 (Tentative Order) is recommended.

KEY ISSUE

1. The Tentative Order (**Supporting Document No. 1**) makes a minor modification to correct a non-substantive typographical error in Order No. R9-2022-0030 that was adopted on March 9, 2022.
2. The correction to Order No. R9-2022-0030 is being processed with the consent of the Preserve at Torrey Highlands LLC (Discharger) for the Torrey Highlands Office Project.

PRACTICAL VISION

Adoption of the Tentative Order is consistent with the values of transparency and communication outlined in the Provide Effective Community Engagement and Communication chapter of the Practical Vision ¹ as it proposes a minor change to existing waste discharge requirements through a transparent public meeting process.

DISCUSSION

The Tentative Order proposes to modify Order No. R9-2022-0030 to correct a non-substantive typographical error in section VI.C.2, Compensatory Mitigation for Permanent Impacts, in which the amount of mitigation credit to be purchased is incorrectly stated as 0.12 acres. The text of section VI.C.2 in Order No. R9-2022-0030 that will be corrected is identified in the Tentative Order and shown in underline/strikeout format (see Supporting Document No. 1). The Tentative Order revises section VI.C.2 of Order No. R9-2022-0030 to provide that the amount of mitigation credit to be purchased is 0.08 acres, consistent with Table 5 of Order No. R9-2022-0030.

Order No. R9-2022-0030 serves as waste discharge requirements for the discharge of fill material to waters of the State attributable to the Torrey Highlands Office Project. The Order authorizes unavoidable direct adverse impacts to an isolated ephemeral streambed water of the State attributed to the Project and requires the Discharger to implement compensatory mitigation sufficient to offset the permitted Project impacts. The Project has

¹ Practical Vision: https://www.waterboards.ca.gov/sandiego/water_issues/programs/practical_vision/

not changed since the adoption of the Order.

The Tentative Order was released for public review and comment pursuant to Water Code section 13167.5 on October 6, 2022, for a period of 30 days (**Supporting Document No. 1**). The deadline for submission of written comments on the Tentative Order was November 5, 2022. No comments were received.

PUBLIC NOTICE

On October 6, 2022, the San Diego Water Board provided public notice of the release of the Tentative Order for public review and comment and today's public hearing (Supporting Document No. 2). The Notice of Opportunity to Comment and Public Hearing (Notice) and the Tentative Order were posted on the San Diego Water Board website for the duration of the 30-day comment period and sent to all interested parties. The Notice announced a public hearing will be held on November 9, 2022; the availability of the Tentative Order for review; and provided instructions for submittal of written comments regarding the Tentative Order. Notice was also provided in the Meeting Notice and Agenda for the November 9, 2022 San Diego Water Board meeting which is posted on the Board's website.

SUPPORTING DOCUMENTS

1. Tentative Order No. R9-2022-0164
2. Public Notice issued October 6, 2022