

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION--DIVISION OF WATER QUALITY
NOVEMBER 16, 2005

ITEM 10

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO REGION TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR TOTAL NITROGEN AND TOTAL PHOSPHORUS IN THE RAINBOW CREEK WATERSHED

DISCUSSION

The San Diego Regional Water Quality Control Board (San Diego Water Board) adopted an updated Water Quality Control Plan for the San Diego Region (Basin Plan) on September 8, 1994. The adopted Basin Plan was approved by the State Water Resources Control Board (State Water Board) on December 13, 1994 and by the Office of Administrative Law (OAL) on April 26, 1995.

On February 9, 2005, the San Diego Water Board adopted Resolution No. R9-2005-0036 (Attachment) amending the Basin Plan to incorporate a TMDL for total nitrogen and total phosphorus (nutrients) in the Rainbow Creek watershed, San Diego County. Rainbow Creek waters currently violate the water quality objectives contained in the Basin Plan for Inorganic Chemicals - Nitrate and the Biostimulatory Substances nitrogen and phosphorus. The exceedance of these water quality objectives in Rainbow Creek waters represents an actual or threatened impairment of the municipal supply, aquatic and terrestrial habitat, and recreational beneficial uses designated for Rainbow Creek in the Basin Plan. Rainbow Creek is also listed on the 2002 303(d) list of water quality limited segments for California.

The primary point source discharge of nutrients in Rainbow Creek is from right-of-ways (State highways) in the Rainbow Creek watershed owned by the California Department of Transportation (Caltrans). The primary nonpoint source discharge of nutrients is from agricultural fields and orchards, commercial nurseries, residential and urban areas, septic tank disposal systems, and atmospheric deposition.

The targets are set as the water quality objectives for N and P that are currently in the Basin Plan. Annual waste loads and loads for nitrogen and phosphorus are calculated for point source and nonpoint source discharges described above. A nitrogen load allocation of 714 kilograms nitrogen per year (kg N/yr) is established for nonpoint sources and represents a 77 percent reduction of loading from commercial nurseries, agricultural fields, orchards, residential land uses, and septic tank disposal systems, and a 50 percent reduction from urban and park land uses. A wasteload allocation of 82 kg N/yr is established for point sources and includes a 68 percent reduction for Caltrans' discharges. A phosphorus load allocation of 33 kilograms phosphorus per year (kg P/yr) is established for nonpoint source discharges and represents a 90 percent

reduction of loading from residential, commercial nursery, agricultural and orchard land uses, and a 50 percent reduction from urban and park land uses. A wasteload allocation of 8 kg P/yr is established for point sources and represents a 64 percent reduction for Caltrans' discharges.

Caltrans is a point source discharger of nutrients and will be responsible for meeting nutrient wasteload reductions to be incorporated in its National Pollutant Discharge Elimination System municipal separate storm sewer system (MS4) permit. For nutrient discharges in the Rainbow Creek watershed subject to the County of San Diego's MS4 permit, the County will be directed to implement increasingly stringent management practices to reduce nutrient discharges in the Rainbow Creek watershed to the maximum extent practicable and restore compliance with the nutrient water quality objective. The California Department of Forestry and Fire Protection will be required to evaluate whether the Rainbow Conservation Camp discharge is contributing nutrients to Rainbow Creek.

The San Diego Water Board proposes to use a third party regulatory-based approach to achieve compliance with the nonpoint source nutrient load reductions of this TMDL. It will accomplish this by negotiating a Management Agency Agreement (MAA) between the San Diego Water Board and the County of San Diego, setting forth the commitments of both parties to undertake various implementation responsibilities for nutrient load reductions.

Under the terms of the proposed MAA, the County of San Diego will take the lead in establishing appropriate management practices and overseeing their implementation to attain TMDL nutrient load reductions in the Rainbow Creek watershed. This will be accomplished through the County of San Diego's development of a Nutrient Reduction and Management Program for the watershed that incorporates nutrient management practices and a public outreach program to achieve the reductions. Additionally, the County of San Diego may be directed to investigate groundwater quality and the nutrient contribution to Rainbow Creek. Findings from the investigations will be used in the development of further implementation measures to attain additional nutrient load reductions.

The San Diego Water Board will adopt, in conjunction with the MAA, individual or general waivers or waste discharge requirements (WDRs) for nonpoint source discharges in the Rainbow Creek watershed. The waivers or WDRs may require dischargers either to participate in the third party nonpoint source program or to submit individual pollution prevention plans that detail how they will comply with the waivers and WDRs. The San Diego Water Board may also adopt a discharge prohibition, which could include exceptions for those discharges that are adequately addressed in an acceptable third-party MAA or nonpoint source pollution control implementation program.

The County of San Diego and Caltrans are also directed to develop and implement a Rainbow Creek watershed-monitoring program to evaluate progress of the TMDL.

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan in accordance with the Staff Recommendation below?

FISCAL IMPACT

The San Diego Water Board and State Water Board staff work associated with or resulting from this action can be accomplished within budgeted resources.

REGIONAL WATER QUALITY CONTROL BOARD IMPACT

Yes, San Diego Water Board.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan to incorporate a TMDL for total nitrogen and total phosphorus in the Rainbow Creek watershed as adopted in San Diego Water Board Resolution No. R9-2005-0036.
2. Authorizes the Executive Director to transmit the amendment and administrative record for this action to OAL and the TMDL to the U.S. Environmental Protection Agency for approval.

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2005-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE SAN DIEGO REGION TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD
(TMDL) FOR TOTAL NITROGEN AND TOTAL PHOSPHORUS IN
THE RAINBOW CREEK WATERSHED

WHEREAS:

1. The San Diego Regional Water Quality Control Board (San Diego Water Board) adopted a revised Water Quality Control Plan for the San Diego Region (Basin Plan) on September 8, 1994. The adopted Basin Plan was approved by the State Water Resources Control Board (State Water Board) on December 13, 1994 and by the Office of Administrative Law (OAL) on April 26, 1995.
2. On February 9, 2005, the San Diego Water Board adopted Resolution No. R9-2005-0036 (Attachment) amending the Basin Plan to incorporate a TMDL for total nitrogen and total phosphorus in the Rainbow Creek watershed.
3. San Diego Water Board staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act and other State laws and regulations.
4. The San Diego Water Board found that the additions of this amendment would result in no adverse effect on wildlife, and the amendment would be consistent with the State Antidegradation Policy (State Water Board Resolution No. 68-16) and federal antidegradation requirements.
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that Regional Water Quality Control Boards may revise Basin Plans, and section 13242, which requires a program of implementation of water quality objectives. The State Water Board also finds that the TMDL as reflected in the Basin Plan amendment is consistent with the requirements of federal Clean Water Act section 303(d).
6. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. The TMDL must also be approved by the U.S. Environmental Protection Agency (USEPA).

Draft

~~October 24, 2005~~
Revised November 7, 2005

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan to incorporate a TMDL for total nitrogen and total phosphorus in the Rainbow Creek watershed as adopted in San Diego Water Board [Resolution No. R9-2005-0036](#).
2. Authorizes the Executive Director to transmit the amendment and administrative record for this action to OAL and the TMDL to USEPA for approval.

CERTIFICATION

The undersigned, Acting Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 16, 2005.

~~Debbie Irvin~~
~~Clerk to the Board~~

Selica Potter
Acting Clerk to the Board