

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

EXECUTIVE OFFICER SUMMARY REPORT

September 11, 2024

ITEM NO. 3

SUBJECT

Consideration of Tentative Time Schedule Order R9-2024-0110, *Requiring Citizens Development Corporation to Comply with Requirements in Order R9-2014-0013, NPDES Permit CAG919003 for Groundwater Extraction Dischargers to Lake San Marcos* (Tentative TSO). (James Chhor)

STAFF RECOMMENDATION

California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) staff recommend adoption of the Tentative TSO.

KEY ISSUES

The Tentative TSO (**Supporting Document 1**), if adopted, provides Citizens Development Corporation (Discharger) with additional time to attain compliance with Order No. R9-2015-0013, National Pollutant Discharge Elimination System (NPDES) Permit CAG919003, *General Waste Discharge Requirements for Groundwater Extraction Discharges to Surface Waters within the San Diego Region* (General Order)¹ while the Discharger performs the remedial action which includes discharging groundwater into Lake San Marcos (Lake).

PRACTICAL VISION

The Tentative TSO is consistent with Strategize for Healthy Waters chapter of the *San Diego Water Board Practical Vision* (Practical Vision).² The San Diego Water Board's mission is to protect and restore the chemical, physical, and biological integrity of waters in the San Diego Region. The use of general permits, such as the General Order, allows the Water Boards to allocate resources in an efficient manner and provide timely permit coverage for the Discharger while a strategy to restore healthy waters in the Lake is developed and implemented.

¹ General Order:

https://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2015/R9-2015-0013.pdf

² Practical Vision

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

DISCUSSION

The purpose of this item is to provide the San Diego Regional Board members with information to assist in its consideration of the Tentative TSO. If adopted, the Tentative TSO will enroll the Discharger under the General Order and provide time for the Discharger to attain compliance with the General Order, investigate the possibility of site-specific water quality objectives (WQOs), and perform remedial actions.

The Lake is a privately owned impoundment created by a dam located within San Marcos Creek in the southwest corner of the Richland hydrologic subarea (Figure 1 in **Supporting Document 1**). The Lake is on the Clean Water Act section 303(d) list of impaired water bodies and listed as impaired for copper, ammonia (as nitrogen), nutrients, and phosphorous. The Lake is a thermally stratified, eutrophic waterbody where conditions stem from excess nutrients discharged from sources within the watershed and internal nutrient recycling because the dam makes the Lake act as a sediment trap. The water quality impairments in the Lake interfere with warm freshwater habitat, wildlife habitat, contact water recreation, and non-contact water creation beneficial uses.

Since 2011, the San Diego Water Board has made steady progress to describe the conditions of the Lake's impairment and develop cleanup activities to protect and restore the designated beneficial uses to the Lake. On September 20, 2011, the San Diego Water Board issued Investigative Order No. R9-2011-0033 (IO) requiring the Discharger to submit a nutrient impairment investigation workplan for the Lake and provide the results of the approved workplan. The Discharger submitted a final workplan on July 3, 2012, and quarterly reports were submitted from Fall of 2012 to Winter of 2015. Information from the investigation was used to develop a Remedial Investigation/Feasibility Study (RI/FS).

The approved RI/FS identified selective withdrawal as a possible remedial action in the Lake. Selective withdrawal involves the removal of water from the Lake and replacing the water removed with extracted groundwater from nearby wells. Selective withdrawal, as it appeared in the RI/FS, was approved as an appropriate action by the San Diego Water Board to improve water quality and protect the beneficial uses in the Lake.

San Diego Water Board staff reviewed the Dischargers plan for selective withdrawal and determined the Discharger is required and eligible for enrollment under the General Order. As required for enrollment in the General Order, the Discharger conducted a reasonable potential analysis (RPA) on the waters from existing wells on July 8, 2019; August 22, 2019; and August 23, 2019.

Based on the RPA, San Diego Water Board staff determined the Discharger is unable to fully and consistently comply with WQOs in the *Water Quality Control Plan for the San Diego Basin* (Basin Plan) and effluent limitations in the General Order. The Discharger needs additional time to investigate, develop, and implement control measures for groundwater discharges for total recoverable iron, total recoverable manganese, total recoverable selenium, sulfate, total dissolved solids (TDS), chloride, total nitrogen, and

total phosphorus. The Discharger also requested additional time to assess development of site-specific WQOs for the listed parameters for discharges to the Lake.

San Diego Water Board staff prepared a Notice of Applicability Working Proposal (NOA Working Proposal) (**Supporting Document 2**) in accordance with the General Order. The NOA Working Proposal includes site-specific monitoring and reporting requirements for the Discharger. The NOA Working Proposal, along with the Tentative TSO, is not as protective of water quality as the requirements specified in the General Order but will improve water quality in Lake San Marcos while the Discharger implements remedial actions identified in the RI/FS. Implementation of the NOA Working Proposal and Tentative TSO provides an appropriate and efficient approach to regulating groundwater discharges into Lake San Marcos while the Discharger investigates the development of a treatment system, site-specific WQOs, or alternative measures capable of achieving compliance with Basin Plan WQOs and the General Order.

PUBLIC NOTICE

San Diego Water Board staff notified the Discharger and known interested parties of this action on September 12, 2023 (**Supporting Documents 3 and 4**). San Diego Water Board staff posted the Tentative TSO and Notice of Public Opportunity to Comment on its website on September 13, 2023. The San Diego Water Board received several comments during the public comment period and made minor changes in response to the comments. San Diego Water Board staff response to comments can be found in **Supporting Document 5**. These actions satisfy the 30-day public notification and comment period requirements of Water Code section 13167.5.

SUPPORTING DOCUMENTS

- 1) Tentative Time Schedule Order R9-2024-0110
- 2) Notice of Applicability Working Proposal
- 3) Transmittal Letter
- 4) Notice of Public Opportunity to Comment
- 5) Response to Comments