

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

TENTATIVE

INVESTIGATIVE ORDER NO. R9-2014-0020

**AN ORDER DIRECTING THE CITY OF OCEANSIDE TO DESIGN AND IMPLEMENT
A MONITORING PROGRAM FOR THE PHOSPHORUS
TOTAL MAXIMUM DAILY LOAD ESTABLISHED
IN THE ORDER FOR LOMA ALTA SLOUGH
OCEANSIDE, CALIFORNIA**

WHEREAS, The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), finds that:

- 1. Regulatory Authority:** California Water Code (Water Code) section 13267 provides that the San Diego Water Board may require dischargers, past dischargers, or suspected dischargers to furnish technical or monitoring reports as the San Diego Water Board may specify, provided that the burden, including costs, of these reports shall bear a reasonable relationship to the need for the reports. The Findings herein provide the explanation and evidence supporting the requirements of this Investigative Order.
- 2. Purpose of Order:** The purpose of this Investigative Order (Order) is to evaluate the effectiveness of the City of Oceanside's (City) efforts to achieve the Total Daily Maximum Load (TMDL) and numeric targets for the Loma Alta Slough (Attachment A).
- 3. Water Quality Standards:** The water quality standards for the Loma Alta Slough are set forth in the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan) and in the *Water Quality Control Plan for Ocean Waters of California* (Ocean Plan).
- 4. Water Quality Standards – Beneficial Uses:** The Loma Alta Slough is located within the Carlsbad Hydrologic Unit, Loma Alta Hydrologic Area, Basin Number 904.10. The Basin Plan designates the following six existing beneficial uses for the Loma Alta Slough.
 - a. Contact Water Recreation
 - b. Non-Contact Water Recreation
 - c. Estuarine Habitat
 - d. Wildlife Habitat
 - e. Rare, Threatened, or Endangered Species
 - f. Marine Habitat

- 5. Water Quality Standards – Water Quality Objectives:** The Basin Plan contains Water Quality Objectives (WQOs) developed to protect the most sensitive beneficial uses designated for a water body. The WQO for biostimulatory substances includes a narrative WQO and a numeric interpretation.
- a. Narrative WQO: Inland surface waters, bays and estuaries and coastal lagoon waters shall not contain biostimulatory substances in concentrations that promote aquatic growth to the extent that such growths cause nuisance or adversely affect beneficial uses.
 - b. Numeric Interpretation: The numeric interpretation of the biostimulatory substances WQO for inland surface waters, enclosed bays and estuaries, and coastal lagoons is:
 - i. Concentrations of nitrogen and phosphorus, by themselves or in combination with other nutrients, shall be maintained at levels below those which stimulate algae and emergent plant growth.
 - ii. Threshold total phosphorus (P) concentrations shall not exceed 0.05 milligrams per liter (mg/l) in any stream at the point where it enters any standing body of water, nor 0.025 mg/l in any standing body of water. A desired goal in order to prevent plant nuisance in streams and other flowing waters appears to be 0.1 mg/l total P. These values are not to be exceeded more than 10% of the time unless studies of the specific water body in question clearly show that water quality objective changes are permissible and changes are approved by the San Diego Water Board.
 - iii. Analogous threshold values have not been set for nitrogen compounds; however, natural ratios of nitrogen to phosphorus are to be determined by surveillance and monitoring and upheld. If data are lacking, a ratio of N:P = 10:1, on a weight to weight basis shall be used.¹
- 6. Clean Water Act Section 303(d) List of Water Quality Limited Segments:** The Clean Water Act (CWA) section 303(d) requires each state to identify waters for which effluent-based discharge limitations are not stringent enough to implement any water quality standards, prioritize those waters based on the severity of the pollution and the uses of the waters, and establish TMDLs for pollutants at a level necessary to implement the applicable water quality standards. Section 303(d)(3) requires the state to establish TMDLs for all other waters. Based on an assessment of water quality conditions, the San Diego Water Board placed Loma Alta Slough on the 303(d) list in 1996 for impairments related to eutrophication and indicator bacteria.

¹ Water Quality Control Plan for the San Diego Basin (9), April 4, 2011, Chapter 3, page 8.

7. **Purpose and Definition of Total Maximum Daily Load:** A TMDL is a calculation of the maximum loading capacity of the impaired water body for each impairing pollutant. A TMDL is a planning tool for restoring water quality conditions that support designated beneficial uses by identifying capacity, estimating uncontrollable load allocations, and assigning waste load allocations. A TMDL implementation plan identifies and guides the actions needed to meet the TMDL and obtain water quality standards. TMDLs can be revised in response to changes in conditions or additional analyses.
8. **Loma Alta Slough TMDL:** A TMDL was calculated for Loma Alta Slough. The TMDL Report² is incorporated into this Order. A copy of the TMDL Report is included in Appendix A. The calculated TMDL is 31.5 grams of total phosphorus per month during the impairment (dry season) period, which is from May through October. The TMDL Report provides the evidence, justification, and expected costs of compliance for this Order.
9. **TMDL Impaired Waters Regulatory Guidance:** This Order is consistent with State Water Board Resolution 2005-0050, "*Water Quality Control Policy for Addressing Impaired Waters: Regulatory Structure and Options*" (Policy) and its guidance document approved by the Resolution. In accordance with the Policy and guidance document, this Order is a single action to address the eutrophication impairment.
10. **Loma Alta Creek Watershed:** The Loma Alta Creek watershed encompasses approximately 6,400 acres. Approximately 70 percent of the watershed are covered by urban development. The development is predominantly residential, with smaller portions of commercial and industrial development, utilities, and public facilities. Approximately 95 percent of the watershed is within the City of Oceanside. The remaining area is within the City of Vista and the County of San Diego.
11. **Loma Alta Slough:** The Loma Alta Slough (Slough) is a coastal estuarine wetland located at the terminus of Loma Alta Creek where it meets Buccaneer Beach. The Slough occupies an area of approximately 3 acres. The physical features of the Slough have undergone significant changes due to development encroaching upon on all sides. Modifications include filling the open water portions of the Slough, straightening the creek, and converting to hardened bed and/or banks. Buccaneer Park is located on the southwestern portion of the Slough. This park affords the public opportunities for non-contact water recreations such as picnicking, sightseeing, bird watching, and aesthetic enjoyment.

² *Phosphorus Total Daily Maximum Load for Loma Alta Slough, Oceanside, California* (TMDL Report), prepared by the San Diego Water Board, March 2014. (Attachment A)

- 12. Water Quality Impairment of Loma Alta Slough:** The eutrophication impairment was confirmed using monitoring data collected between 2007 and 2009. The beneficial uses of the Slough that are most sensitive to eutrophic condition are estuarine and marine habitat. Eutrophication also adversely affects non-contact water recreation.

Loading of nutrients, specifically phosphorous, into the Slough associated with dry weather flows results in excessive algal growth. Algal blooms sometimes occur naturally, however, they are often the result of waste discharges or nonpoint source pollutants. Algal blooms directly and indirectly depress the dissolved oxygen content of water. A direct depression of dissolved oxygen occurs during the evening when algae consume oxygen for respiration. An indirect depression of dissolved oxygen occurs when the algae die and the biomass is decomposed by aerobic bacteria which consumes dissolved oxygen. Depressed dissolved oxygen content can result in fish kills and increased turbidity. This general process is known as eutrophication.

Excessive algal growth also results in floating algal scum and algal mats that are aesthetically unpleasant. Under these conditions the water quality of the Slough impairs the beneficial use of contact and non-contact water recreation.

A TMDL was developed to identify the reduction in pollutant loadings necessary to restore the beneficial uses of the Slough caused by the eutrophication impairment. Reducing the sources causing eutrophication should also help to reduce indicator bacteria levels. The reduction of organic matter and dry season flows will reduce the sources of bacteria and will result in conditions that do not support the growth and establishment of indicator bacteria.

- 13. Loma Alta Slough Seasonal Variability:** The Slough eutrophication impairment occurs during the dry season months (May through October) when the City mechanically closes the Slough mouth with a sand berm; watershed flows are insufficient to maintain an opening to the ocean, and atmospheric conditions in conjunction with nutrient loading in the Slough results in excessive algal growth.
- 14. Numeric Targets:** The TMDL for the Loma Alta Slough uses macroalgal biomass and percent cover as numeric targets. These numeric targets are valid interpretations of the narrative WQO for biostimulatory substances. The selected macroalgal biomass and percent cover targets are shown in Table 1.

Table 1
Numeric Targets for Loma Alta Slough Eutrophication TMDL

Metric	Target	Applicable Season
Surface Water Macroalgal Biomass	Less than 90 grams per cubic meter	Dry-weather season, May through October
Surface Water Macroalgal Cover	Less than 50 percent	Dry-weather season, May through October

- 15. Total Maximum Daily Load:** The TMDL to meet the numeric targets is 31.5 grams of phosphorous per month during the impairment (dry season) period. This represents a 96 percent reduction in the current phosphorus load into the Slough (see Attachment A for details).
- 16. Source of Impairment:** The primary source of the impairment in Loma Alta Slough is the dry-weather MS4 discharge. The predominate sources of dry-weather flow includes irrigation runoff and other currently prohibited discharges into the MS4. Smaller contributions may occur from groundwater. There is no evidence that other State or federally-permitted discharges cause eutrophic conditions in the Slough.
- 17. TMDL Implementation Plan:** The implementation plan presented in the attached TMDL Report is for the City to comply with *Order No. R9-2013-0001, National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region (Regional MS4 Permit)*.³ The Regional MS4 Permit requires the City to identify and eliminate controllable and illicit dry-weather sources of total phosphorus discharging into the City's MS4 and from the MS4 to Loma Alta Slough and its tributary waters.

Provision II.A.1.b of the Regional MS4 Permit, states that “non-storm water discharges into the MS4s are to be effectively prohibited, through the implementation of Provision II. E.2, unless such discharges are authorized by a separate NPDES permit.” Pursuant to Provision II.E.2, the City must implement a program to actively detect and eliminate illicit discharges into the MS4. Provision II.E.2.a requires the City to address all non-storm water discharges as illicit discharges unless a non-storm water discharge is either identified as a discharge authorized by a separate NPDES permit, or identified as a category of non-storm water discharges or flows that must be addressed according to specific requirements.

³ A copy is available at:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/updates052313/2013-0523_Order_No._R9-2013-0001_COMPLETE.pdf

Pursuant to Provision II.E.2.a.(3) groundwater infiltration into the MS4 must also be addressed as an illicit discharge if either the City or the San Diego Water Board identifies the discharge as a source of pollutants to receiving waters. Studies indicate that groundwater may be a source of pollutants entering the MS4.⁴ Therefore, groundwater discharges into the MS4 are identified as a source of pollutants entering the MS4 and may also need to be addressed as illicit discharges and eliminated.

- 18. Need for Loma Alta Slough Monitoring:** Surface water monitoring of the Slough is necessary to evaluate and document the attainment of the numeric targets in response to management actions. Because the City's MS4 System is the primary source of pollutants affecting the eutrophic conditions, it is appropriate for the City to conduct the assessments. Investigation requirements are intended to (1) evaluate whether the required reduction in loading has been achieved, and (2) confirm that the numeric target is achieved following management actions. The investigation and monitoring requirements are necessary to insure that the City can determine the effectiveness of the City's actions on attaining the numeric targets and the TMDL.
- 19. Single Regulatory Action to Address Impairment:** This Order is a single action to establish and implement the TMDL. Existing MS4 requirements include adequate prohibitions and limitations needed to meet the numeric target for eutrophic conditions in the Slough. The actions needed to achieve the TMDL are limited to improving the determination of controllable sources, addressing those sources to effectively prohibit non-storm water and illicit discharges, and assessing the results. The 2013 Regional MS4 Permit requires the City to identify and eliminate dry weather discharges. This Order is a single action to assess the attainment of numeric targets and the TMDL.

The solution to the eutrophication impairment, therefore, can be implemented by a single action of the San Diego Water Board through adoption of this Order. In accordance with State Board Resolution 2005-0050 a Basin Plan amendment is not required prior to implementing the necessary action. The TMDL establishment and implementation may be incorporated in the Basin Plan as an informational item when another Basin Plan amendment is presented to the San Diego Water Board. The Executive Officer can transmit this TMDL to the USEPA for approval after time to file a petition for review has elapsed.

- 20. California Environmental Quality Act (CEQA) Requirements:** This Order is an action to assure the restoration of beneficial uses in Loma Alta Slough by enforcing the laws, regulations, and standards administered by the San Diego Water Board. As such, this action is categorically exempt from the provisions of CEQA pursuant to sections 15308 and 15321 of the Public Resources Code.

⁴ *Loma Alta Creek DO Study Final Technical Memorandum*, prepared by Tetra Tech, dated May 2013.

An exemption is justified because no standards will be relaxed to allow environmental degradation and there is no reasonable possibility that the investigative projects or activities will have a significant negative effect on the environment. This action is also exempt from CEQA provisions in accordance with section 15061(b)(3) of Chapter 3, Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question may have a significant negative effect on the environment. CEQA will be complied with as necessary when and if remedial actions are proposed.

- 21. Stakeholder and Public Participation:** Interested persons and the public have had reasonable opportunity to participate in development and review of the proposed TMDL and to review this Order. Efforts to solicit public review and comment included:
- a. A multi-year process where meetings with stakeholders and the public were held to develop the TMDL.
 - b. Distribution of the Tentative Order and Draft TMDL Report to stakeholders and the public on **March 14, 2014**.
 - c. A 45-day public comment period during which stakeholders and the public were provided the opportunity to submit written comments to the San Diego Water Board.
 - d. A public workshop to discuss and receive comments from stakeholders and the public on **April 24, 2014**.
 - e. A public hearing on **June 11, 2014** where stakeholders and the public were provided the opportunity to provide oral testimony.

Notices for all meetings were sent to known interested persons and the municipalities with jurisdiction in the Loma Alta watershed. All of the written comments submitted to the San Diego Water Board during the review and comment periods have been considered.

- 22. Public Notice:** The San Diego Water Board has notified all known interested persons and the public of its intent to consider adoption of this Order in accordance with Title 40 Code of Federal Regulations part 25 and in accordance with the Bagley-Keene Open Meeting Act requirements.

- 23. Cost Recovery:** Pursuant to Water Code section 13304, and consistent with statutory and regulatory requirements, including but not limited to Water Code section 13365, the San Diego Water Board is entitled to, and will seek reimbursement for, all reasonable costs actually incurred by the San Diego Water Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order.
- 24. Compliance with Existing Permits:** Issuance of this Order does not relieve any party from complying with any existing permit nor lessen any permit requirements, including but not limited to requirements to find and eliminate prohibited discharges.
- 25. Qualified Professionals:** Qualified professionals are necessary for preparing the technical report(s) required by this Order to ensure that information presented to the San Diego Water Board is reliable and accurate. Professionals must be qualified, licensed where applicable, and competent and proficient in fields pertaining to the required activities.
- 26. Need For and Benefit of Technical and Monitoring Reports:** Technical and monitoring reports are needed to provide information to the San Diego Water Board and the City regarding the effectiveness of the City's actions to reduce phosphorus loading to the Slough, achieve the numeric targets and TMDL, and restore the beneficial uses. Cost estimates for monitoring and reporting requirements are provided in the TMDL Report (Attachment A). Based on the nature and possible consequences of not achieving the goals presented above, the burden of providing the required reports bears a reasonable relationship to the need for the reports, the costs, and the benefits to be obtained from the reports.
- 27. Petitions:** Any person who is aggrieved by this action may file a petition for review with the State Water Board pursuant to Water Code section 13320 and Title 23, California Code of Regulations (CCR) sections 2050-2068. Petitions must be received by the State Water Board within 30 days of this action. Instructions are available online at http://www.waterboards.ca.gov/public_notices/petitions/.

IT IS HEREBY ORDERED, pursuant to Water Code sections 13267, that the City of Oceanside (City) must comply with the following directives:

1. LOMA ALTA SLOUGH MONITORING PLAN

The City must prepare and submit an adequate Loma Alta Slough Monitoring Plan (Slough Monitoring Plan) to the San Diego Water Board no later than **December 30, 2015**. The Slough Monitoring Plan must be sufficient to determine if watershed loading to the Slough is reduced to meet the TMDL goals and to assess if the numeric targets and TMDL for the Slough are being met.

- a. Slough Monitoring Plan Goals: The Slough Monitoring Plan must describe a scope of work adequate to answer the following questions:
 - i. *Slough Monitoring Question 1:* Are watershed flows and the loading of phosphorous to the Slough reduced to levels required to meet the TMDL?
 - ii. *Slough Monitoring Question 2:* Are the numeric targets for macroalgal cover and biomass in the Slough achieved?
- b. Minimum Elements: The Slough Monitoring Plan must, at a minimum, include:
 - i. Monitoring of in stream flow and nutrient loading during the impairment period. Monitoring must be temporally representative of flows to demonstrate if phosphorus loads are being sufficiently reduced to meet the TMDL and the numeric targets.
 - ii. The quantification of macroalgal percent cover and biomass in the Slough in accordance with the following:
 - 1) Monitoring must occur once in July and once in August.
 - 2) Monitoring must use a minimum of two 75 meter transects, with individual transects within the Slough on each side of the railroad bridge crossing.
 - 3) Monitoring must be sufficient to calculate average transect level macroalgal biomass and cover for each portion of the Slough, with a minimum of 5 samples per transect.
 - 4) Monitoring must occur for a minimum of seven years.
 - iii. Monitoring of Slough dissolved oxygen during the impairment period in accordance with the following:

- 1) Monitoring must occur over 24 hour duration periods.
 - 2) Monitoring must include subsurface and bottom locations, as well as the water column.
 - 3) Monitoring must be co-located at macroalgal transect locations.
- c. Minimum Slough Monitoring Plan Submissions: At a minimum the Slough Monitoring Plan must include the following:
- i. Maps showing locations of all monitoring points.
 - ii. List of monitoring parameters.
 - iii. Frequency of monitoring events.
 - iv. Methods to be used to collect and analyze monitoring data.
 - v. A QAPP following SWAMP protocol for the monitoring activity.
 - vi. A schedule for reaching the numeric targets and TMDL with milestones and other metrics to demonstrate the City's efforts to eliminate all non-storm water flows and illicit discharges to the MS4.

2. IMPLEMENTATION OF THE LOMA ALTA SLOUGH MONITORING PLAN

The City must begin implementation of the Slough Monitoring Plan no later than 30 days after receiving written notification from the Executive Officer that the Slough Monitoring Plan meets the requirements of this Order. **Slough Monitoring shall begin in 2016 and through 2022.**

3. LOMA ALTA SLOUGH MONITORING REPORTS

The City must submit annual Slough Monitoring Reports (Monitoring Reports) to the San Diego Water Board. Monitoring Reports must be submitted by **January 30 each year from 2017 through 2023** in accordance with the reporting schedule presented on Table 2.

Table 2
Reporting Schedule

Reporting Period	Report Due Date
July through August 2016	January 30, 2017
July through August 2017	January 30, 2018
July through August 2018	January 30, 2019
July through August 2019	January 30, 2020
July through August 2020	January 30, 2021
July through August 2021	January 30, 2022
July through August 2022	January 30, 2023

Each report must include:

- a. Answers to the two Slough Monitoring Questions in 1.a with evidence to support the conclusions.
- b. Descriptions and analyses of loading reductions and reductions of algae within the Slough.
- c. Actions taken during the reporting period to eliminate all non-storm water and illicit discharges into the MS4.
- d. Actions to be taken during the next reporting period to achieve the numeric targets. This Order does not relieve the City from complying with all permit requirements, and the San Diego Water Board may take enforcement actions on any and all permit violations.

4. COMPLIANCE DATES

The following is a list of the compliance dates for activities presented in the preceding Directives:

Table 3
Investigative Order Compliance Dates

Activity	Due Date
Submit Loma Alta Slough Monitoring Workplan	December 30, 2015
Begin Loma Alta Slough Monitoring	Within 30 days of receiving Executive Officer's approval
Conduct Loma Alta Slough Monitoring	Twice yearly (once in July, once in August) for seven years beginning in 2016 and ending in 2022
Submit Annual Loma Alta Slough Monitoring Reports	Each January 30 from 2017 through 2023

- 5. PENALTY OF PERJURY STATEMENT:** All documents submitted to the San Diego Water Board under this Order must be signed by the City's responsible corporate officer or its duly authorized representative, and must include the following statement by the official, under penalty of perjury, that the report is true and correct to the best of the official's knowledge.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- 6. DOCUMENT SUBMISSIONS:** Submit one electronic, searchable PDF copy of all documents required under this Order to bpulver@waterboards.ca.gov, and ebecker@waterboards.ca.gov with the subject line "Loma Alta Slough Eutrophication TMDL Submission-ECM PIN 650652."

Hardcopies for informational purposes only can be sent to:

Executive Officer
California Regional Water Quality Control Board, San Diego Region
2375 Northside Drive, Suite 100
San Diego, California 92108
Attn: Municipal Storm Water Program and Impaired Waters Restoration Team
ECM Place ID: CW-650652

7. COST RECOVERY: Upon receipt of invoices, and in accordance with instructions therein, the City must reimburse the San Diego Water Board for all reasonable costs incurred by the San Diego Water Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order and consistent with annual estimations of work provided to the City.

8. PROVISIONS

- a. **No Pollution, Contamination or Nuisance:** The storage, handling, treatment, or disposal of soil containing waste or polluted groundwater must not create conditions of nuisance as defined in Water Code section 13050(m). The City must properly manage, treat and dispose of wastes and polluted water in accordance with applicable federal, State and local regulations.
- b. **Good Operation and Maintenance:** The City must maintain in good working order and operate as efficiently as possible any monitoring system, site or control system installed to achieve compliance with this Order's requirements.
- c. **Contractor/Consultant Qualifications:** All reports, plans and documents required under this Order must be prepared under the direction of appropriately qualified professionals. A statement of qualifications and license numbers, if applicable, of the responsible lead professional and all professionals making significant and/or substantive contributions must be included in the report submitted by the City. The lead professional performing engineering and geologic evaluations and judgments must sign and affix their professional geologist or civil engineering registration stamp to all technical reports, plans or documents submitted to the San Diego Water Board.
- d. **Additional Receiving Water Monitoring and Reporting Requirements:** All contractors and subcontractors performing sample collection and /or analyses shall comply with the following:
 - i. **Quality Assurance Project Plan:** Prior to commencing monitoring activity the City shall prepare and submit a QAPP to the San Diego Water Board for review and approval. The QAPP must be prepared by a qualified individual and follow the requirements of the *2008 Surface Water Ambient Monitoring Program Quality Assurance Program Plan*⁵ as well as current standard of care. The SWAMP Advisor QAPP-creation tool, as well as a QAPP template and review checklist,⁶ should be used to assist in the development of the QAPP.

⁵ http://www.waterboards.ca.gov/water_issues/programs/swamp/tools.shtml#qa

⁶ <http://swamp.mpsl.mlml.calstate.edu/resources-and-downloads/quality-assurance/quality-assurance-project-plan-guidance>.

- ii. Approved QAPP: All monitoring activities shall comply with the requirements of the QAPP. All reports containing monitoring data collected under the QAPP must include a QAPP Compliance Report that describes and documents how the QAPP requirements were met.
- iii. California Environmental Data Exchange Network Reporting: All surface water data, including laboratory and field QC results, collected under the QAPP must be submitted to the California Environmental Data Exchange Network (CEDEN). CEDEN data templates and documentation are available at: <http://ceden.org>. Prior to data collection, the CEDEN help desk must be contacted to register the project, obtain training on relevant data templates, and identify the Regional Data Center contractors used for data delivery.
- iv. Surface Water Monitoring Kick-Off Meeting: Prior to conducting monitoring activities, a kick-off meeting should be held with representatives of the City, the San Diego Water Board, the monitoring personnel, and the analytical laboratory to discuss topics including, but not limited to:
 - 1. Project scope.
 - 2. Surface Water Ambient Monitoring Program Quality Assurance Program Plan requirements.
 - 3. QAPP requirements.
 - 4. Monitoring and sampling requirements including, but not limited to, calibration, sampling protocols, holding times, QA/QC samples, and laboratory QA/QC requirements.
 - 5. Deadlines for delivery of data.
 - 6. Data delivery requirements.
- e. Laboratory Qualifications: All samples must be analyzed by laboratories accredited by the California Department of Public Health Environmental Laboratory Accreditation Program⁷ using methods approved by the USEPA for the type of analysis to be performed. All laboratories must maintain QA/QC records for San Diego Water Board review.
- f. Laboratory Analytical Reports: Any report presenting new analytical data is required to include the complete Laboratory Analytical Report(s). The Laboratory Analytical Report(s) must be signed by the laboratory director and contain:

⁷ The Environmental Laboratory Accreditation Program will be transferred to the California State Water Resources Control Board.

- i. Complete sample analytical reports.
- ii. Complete laboratory QA/QC reports.
- iii. A discussion of the sample and QA/QC data.
- iv. A transmittal letter indicating whether or not the analytical work was supervised by the director of the laboratory, and contain the following statement, if true, "All analyses were conducted at a laboratory certified for such analyses by the California Department of Public Health in accordance with current USEPA procedures."

9. NOTIFICATIONS

- a. All Applicable Permits: This Order does not relieve the City from the responsibility of obtaining permits or other entitlements to perform necessary monitoring activities. This includes, but is not limited to, actions that are subject to local, state, and/or federal discretionary review and permitting.
- b. Enforcement Notification: Failure to comply with requirements of this Order may subject the City to enforcement action, including but not limited to administrative enforcement orders requiring the City to cease and desist from violations, imposition of administrative civil liability, pursuant to Water Code sections 13268 in an amount not to exceed \$1,000 for each day in which the violation occurs, referral to the State Attorney General for injunctive relief, and referral to the District Attorney for criminal prosecution.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Investigative Order No. R9-2014-0020, issued on DATE.

TENTATIVE
DAVID W. GIBSON
Executive Officer

Attachment A: *Phosphorus Total Daily Maximum Load for Loma Alta Slough, Oceanside, California*, prepared by the California Regional Water Quality Control Board – San Diego Region, March 2014.