

California Regional Water Quality Control Board San Diego Region

Rainbow Creek Nutrient TMDLs Transfer Plan

Executive Office Directive:

The Executive Officer hereby directs the TMDL Development Team to transfer the implementation activities for the Rainbow Creek Total Nitrogen and Total Phosphorus TMDLs (Rainbow Nutrient TMDLs) to the Watershed Branch. The TMDL Development Team will remain available to assist by answering questions as needed.



JOHN H. ROBERTUS
Executive Officer
San Diego Water Board


11-30-2006

Date

Agreement of Transfer:

Michael McCann
Watershed Branch Chief

Date



David Barker
Water Resource Protection Branch Chief

12/19/2006

Date

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1. Purpose:

The purpose of this work plan is to close out the Rainbow Creek Nutrient TMDLs development tasks and transfer the TMDL project to the Watershed Branch for implementation.

2. Approvals:

Agency	Resolution No.	Adoption/Approval Date
San Diego Water Board	R9-2005-0036	February 9, 2005
State Water Board	2005-0085	November 16, 2005
Office of Administrative Law		February 1, 2006
U.S. EPA		March 22, 2006

3. TMDL Development Contacts (to be completed by Development Team):

Staff 1 Lisa Honma (primary contact)

Staff 2 Alan Monji

Supervisor Craig Carlisle

4. TMDL Implementation Contacts (to be completed by Watershed Branch):

Staff 1 Tony Felix (primary contact)

Staff 2 _____

Supervisor James Smith

Stakeholder Contacts:

Name of electronic mailing list(s): reg9_rainbow_creek_tmdl (Lisa Honma, Alan Monji, and Ben Tobler are currently list administrators)

Additional contacts:

County Watershed Protection Program
Sheri McPherson, 858/495-5285, sheri.mcperson@sdcounty.ca.gov
Jo Ann Webber, 858/495-5317, joann.weber@sdcounty.ca.gov

Farm Bill Grants Program:
Cori Calvert, District Conservationist
US Department of Agriculture
Natural Resources Conservation Service
Escondido Field Office
332 S. Juniper Street, Suite 110
Escondido, CA 92025
Tel: 760-745-2061 x102

5. Location of information:

303(d) Listing Information:

1996 Water Quality Assessment File No. 77-0118

.02 file 1, 08/95-12/96 (Fact sheet in this file)

TMDL Case File No.: 79-0041

.02 file 1, 01/96 to 12/00	.02 file 10, 12/04 to 12/04, 2 nd Hearing
.02 file 2, 01/01 to 08/01	.02 file 11, 12/04 to 12/04, 2 nd Hearing
.02 file 3, 09/01 to 12/01,	.02 file 12, 12/04 to 01/05
.02 file 4, 01/02 to 05/02, 1 st Hearing	.02 file 13, 02/05 to 02/05, Final Hearing
.02 file 5, 05/02 to 05/02, 1 st Hearing	.02 file 14, 02/05 to 02/05, Final Hearing
.02 file 6, 05/02 to 05/04	.02 file 15, 02/05 to 02/05, Final Hearing
.02 file 7, 07/04 to 07/04	.02 file 16, 02/05 to 02/05, Final Hearing
.02 file 8, 08/04 to 11/04	.02 file 17, 02/05 to 05/05
.02 file 9, 11/04 to 12/04, 2 nd Hearing	.02 file 18, 05/05 to present, SB,OAL, EPA

.03 file 1, 1992 to 1995	.03 file 5, 08/00 to 10/00, Monitoring Data
.03 file 2, 1995 to 1996	.03 file 6, 02/05 to 02/05, References
.03 file 3, 1997 to 2000	.03 file 7, 02/05 to 02/05, References
.03 file 4, 01/00 to 07/00, Monitoring Data	.03 file 8, 02/05 to 02/05, References

S: Drive Project Documents Folder:

S:\WQS\TMDL Nutrients Rainbow Creek\FINAL Rainbow Creek TMDL DOCUMENT
(contains PDF and Word versions of the final Report)

S:\WQS\TMDL Nutrients Rainbow Creek\Final BP Amendment 032206
(contains the final Resolution and Basin Plan amendment language)

Project Website URL:

http://www.waterboards.ca.gov/sandiego/tmdls/rainbow%20creek.html#TMDL_Rainbow

6. TMDL Development Closeout Activities:

	Task	Target Completion Date
1	File Notice of Decision with State Clearinghouse.	Completed
2	Post final documents on website.	Completed
3	Ensure that all relevant material is filed in the TMDL Case File Folders.	Completed
4	Cleanup/organize the s: drive project folder	Completed
5	Notify stakeholders of project transfer to implementation team and provide them with new contact information.	12/15/06
6	Prepare "TMDL Implementation Tasks" Table (Item 10 below).	Completed
7	Schedule an internal meeting with the Implementation Team on the TMDL and Implementation Plan.	Completed
8	Schedule and conduct turnover meeting with Implementation Team and Stakeholders (optional).	--
9	Transfer Lyris administrator rights to appropriate members of Implementation Team.	1/15/07

7. Critical Issues:

1. County of San Diego, Rainbow Creek Grant PIN 446

Issue: Currently the only mechanism in place with deliverables for the TMDL implementation. The grant elements include tasks for Nutrient Reduction & Management Plan (NRMP) development, monitoring, public outreach/education, and BMP projects.

Planning and public outreach are the starting point for addressing source reduction and use of BMPs directed at reducing nutrients. The primary sources are agricultural – nurseries in the upper watershed and orchards in the lower.

The County is experiencing great difficulty in getting cooperation from the growers to voluntarily participate for the BMP tasks in the grant (i.e., installation of irrigation tail water recovery systems). Because of this, they have already submitted a deviation request to reduce the number of participants to one. Hines Nursery has since decided not to cooperate with the County.

Such little cooperation from the responsible parties in the watershed indicates that voluntary incentives may not be enough to produce meaningful nutrient reductions. Since the Implementation Plan was developed with a tiered strategy of using voluntary measures first and regulatory measures second, direct enforcement, at least of the nurseries, may be warranted. A meeting with the county is recommended to fully understand the extent of lack of cooperation in the watershed. Regulatory action by the San Diego Water Board will likely be need at some level to implement the TMDLs.

2. Onsite Sewage Treatment Systems (OSTS) regulation promulgation by State Water Board

Issue: The State Water Board is mandated to promulgate new regulations pursuant to W.C. section 13290. Specific requirements will be developed for OSTs adjacent to impaired waters. The extent to which these requirements will affect the residents of Rainbow Valley remains to be seen.

Since 1970, the County has prohibited the installation of new or replacement septic tank disposal systems in areas of Rainbow Valley due to a high groundwater table created by irrigation and use of imported water and the geology of the Valley. All of these systems are still in place and in use today. People continue to pump out the systems when they become impacted by high groundwater because the alternative is that the property becomes uninhabitable. The County only permits the installation of these systems and does not address them unless they become a health hazard when sewage surfaces above ground or they receive a complaint. The fact remains that OSTs are designed to convert ammonia to nitrate and therefore will continue to contaminate the groundwater that feeds Rainbow Creek, a gaining stream.

3. Site-specific objectives

Issue: The stakeholders adamantly objected to the application of the current Biostimulatory Substances Objective for total phosphorus and total nitrogen. While the San Diego Water Board believes that they are appropriate concentrations to support beneficial uses in Rainbow Creek and in the Region, the County or other stakeholders may pursue future studies for the purpose of developing a site-specific objective for Rainbow Creek.

Additionally, a site-specific objective could be calculated using the California Nutrient Numeric Endpoint (NNE) approach, currently under development by U.S. EPA IX and State Water Board for the purpose of calculating numeric nutrient objectives on a case-by-case basis.

The addition of a site-specific objective for Rainbow Creek or any other water body would require a separate basin plan amendment. However, if either of these scenarios occurs, the Rainbow Creek Nutrient TMDLs may be recalculated without necessarily initiating a formal Basin Plan amendment process. The formulas for TMDL calculation are presented in Appendix D of the Basin Plan.

8. Risk Evaluation (risks associated with implementing project):

	Risk Statement	Response Strategy
1	<i>MAA is not successfully negotiated or not negotiated in a timely manner.</i>	<i>This task should receive the highest priority by the Implementation Team and be negotiated as soon as possible.</i>
2	<i>Lack of Implementation Team oversight of County's voluntary efforts leads to less than adequate results by the County.</i>	<i>Appoint a contact person on the Implementation Team to provide guidance to the County as they develop voluntary measures and pursue funding.</i>
3	The dischargers do not take voluntary measures to reduce nutrient input to the watershed.	Issue new waivers, WDRs, or prohibitions to agricultural operations in the watershed.

9. TMDL Implementation Activities & Schedule

Tasks presented below are from the Basin Plan Amendment (BPA) and Final Technical Report. See BPA and Final Technical Report¹ for additional information (particularly Table 9-4 in the Final Technical Report contains a summary of the County's and the Discharger's implementation actions. Resolution and BPA attached for reference. Schedule Dates to be completed by the Implementation Team.

	Implementation Task	Resource Estimate	Schedule Dates (As Applicable)
1	Request the State Water Board to amend Caltrans statewide NPDES storm water permit to incorporate waste load allocations for N and P (Sections 9.5 and 9.8 of Final Technical Report)	4-12 hours	
2	Issue an Order under CWC §13225 requiring the County to investigate excessive levels of nutrients in Rainbow Creek and feasible management strategies to reduce nutrient loading (Sections 9.5, 9.6, and 9.7 of Final Technical Report). BPA section C of TMDL Implementation Action plan contains elements that would satisfy such an order (i.e., develop an NRMP)(Section 9.7 of Final Technical Report).	.1 PYs	
3	Consider entering into a Management Agency Agreement (MAA) with the County of San Diego to set forth the commitment of both parties to undertake various oversight responsibilities for the NPS nutrient load reduction component of this TMDL, and the County's commitments to implement the NRMP. (Section 9.5 of Final Technical Report)	.02 to .2 PYs	
4	Assign a person to coordinate with the County in developing an NRMP and assure submittal of the NRMP and Annual Reports (due January 31, 2007, and annually thereafter) required by the BPA (Section 9.7 of Final Technical Report).	20 hours	

¹ http://www.waterboards.ca.gov/sandiego/tmdls/tmdl_files/rainbow%20creek/Rainbow%20Creek%20TMDL%20Technical%20Report%20May%2024%202005.pdf

	Implementation Task	Resource Estimate	Schedule Dates (As Applicable)
5	Consider issuing an Order under CWC §13225 directing the County of San Diego to prepare and submit a Groundwater Investigation and Characterization work plan and report (Sections 9.5 and 9.6 of Final Technical Report)	.01 to .1 PYs	
6	Issue a CWC §13267 order directing the California Department of Forestry and Fire Protection, Rainbow Conservation Camp (CDFFP) to submit any additional technical information needed to 1) evaluate whether CDFFP's discharge is surfacing and/or contributing to the impairment of Rainbow Creek; and 2) estimate the actual nutrient load originating from the septic tank and percolation ponds to Rainbow Creek via groundwater flow (Sections 9.5 and 9.8 of Final Technical Report). May require additional action and resources depending on outcome of investigation.	.1 PYs	
7	Consider entering into a memorandum of understanding (MOU) to document cooperative agreements with other agencies or organizations that are able to provide information, technical assistance, or financial assistance to dischargers (Section 9.5 of Final Technical Report).	.01 to .2 PYs	
8	Consider adopting individual or general waivers or waste discharge requirements (WDRs) for NPS discharges, or a discharge prohibition in the Rainbow Creek watershed (Section 9.5 of Final Technical Report).	.01 to .4 PYs/action	
9	Consider taking enforcement actions, as necessary, against any discharger failing to comply with applicable waiver conditions, waste discharge requirements (WDRs), or discharge prohibitions (Section 9.5 of Final Technical Report).	.01 to .2 PYs/action	

	Implementation Task	Resource Estimate	Schedule Dates (As Applicable)
10	Review and, if necessary, update existing WDRs for discharges to land (including groundwater) to incorporate effluent limitations for nutrients consistent with applicable nutrient groundwater quality objectives and surface water quality objectives (Section 9.5 of Final Technical Report).	.02 to .1 PYs/action	
11	Recommend that the State Board assign a high priority to awarding grant funding for projects to implement the Rainbow Creek nutrient TMDLs (Section 9.5 of Final Technical Report).	4-12 hours	
12	Amend the Basin Plan to incorporate regulations currently under development by the State Water Board pertaining to OSTs upon their adoption by the State Board (Section 9.5 of Final Technical Report).	.75 PYs	
13	Issue an Order to Caltrans under CWC §13383 and a Governmental Water Quality Investigation Request Order to the County of San Diego under CWC §13225, to prepare and submit an Implementation Monitoring Plan (Sections 10.3 and 10.4 of Final Technical Report).	.1 PYs	
14	Issue an Order to Caltrans under CWC § 13383 and a Governmental Water Quality Investigation Request Order to the County of San Diego under CWC § 13225, to implement monitoring (Sections 10.3 and 10.4 of Final Technical Report).	.1 PYs	