

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
March 15, 2017

- ITEM: 11
- SUBJECT: Tentative Resolution Supporting the Path Forward for Nutrient Load Reductions In Lake San Marcos and the San Marcos Creek Watershed (Tentative Resolution No. R9-2017-0038) (*Sarah Mearon*).
- PURPOSE: To consider adoption of Tentative Resolution No. R9-2017-0038 (Tentative Resolution).
- RECOMMENDATION: Adoption of the Tentative Resolution (Supporting Document No. 1) is recommended.
- KEY ISSUES:
1. The Lake San Marcos and San Marcos Creek Parties submitted a proposed list of activities for cleaning up Lake San Marcos and controlling nutrient loading to the lake from upstream areas. The Parties also submitted a proposed corrective action schedule identifying major milestones for restoring and maintaining water quality and beneficial uses in the lake and the upstream watershed.
 2. The Parties would prefer to work cooperatively and voluntarily in lieu of receiving enforcement orders from the San Diego Water Board.
 3. The Tentative Resolution affirms the Board's expectations that project activities be effective and proceed as expeditiously as possible.
 4. Should voluntary efforts fail to make meaningful progress, the Board will use its regulatory authority to ensure that remedial activities are carried out in a timely manner.
- PRACTICAL VISION: This item is consistent with the mission of the Recovery of Stream, Wetlands, and Riparian Areas Chapter of the Practical Vision, which is dedicated to providing measureable improvements in the extent and health of stream, wetlands, and riparian systems, in this

case improvements and restoration of Lake San Marcos and the Upper San Marcos Creek watershed.

DISCUSSION:

Citizens Development Corporation (CDC), along with the County of San Diego, the City of San Marcos, the City of Escondido, and Vallecitos Water District (collectively, the Parties), submitted to the San Diego Water Board a proposed list of activities for cleaning up Lake San Marcos and controlling nutrient loading to the lake from upstream areas. The Parties also submitted a proposed corrective action schedule identifying major milestones for restoring and maintaining water quality and beneficial uses in the lake and the upstream watershed.

Lake San Marcos is a seasonally stratified reservoir impaired by elevated phosphorus and nitrogen, excess algal growth, and low dissolved oxygen. The lake and San Marcos Creek, both upstream and downstream of the lake, are on the California 303(d) list of impaired water bodies for a number of different pollutants. These impairments interfere with the recreational and habitat beneficial uses of the lake.

Water released from the bottom of reservoirs is typically anoxic and may contain elevated concentrations of nutrients and suspended solids. The effects of water releases through the valve near the bottom of the dam on the water quality of downstream San Marcos Creek and Batiquitos Lagoon are not well understood. The San Diego Water Board will ensure that Corrective Action Plans put forward by the parties will address water quality impacts, if any, of water releases from the lake.

Given that the parties prefer to work cooperatively and voluntarily on the project, Tentative Resolution No. R9-2017-0038 affirms the San Diego Water Board's expectations that project activities be effective and proceed as expeditiously as possible. The Tentative Resolution resolves that the San Diego Water Board will review progress on the project not less than annually to ensure that investigation and restoration work are proceeding effectively and in a timely manner. Should voluntary efforts fail to make meaningful progress, the Board will use its regulatory authority to get the project back on track. The Board also will investigate downstream effects of lake water releases on downstream water bodies.

CDC holds the water right for the lake under Water Right License No. 7224. The Tentative Resolution resolves that the Board will request the State Water Board Division of Water Rights review the

terms and conditions of the license to ensure that they protect water quality downstream of the dam. Finally, the Board will request that the Division of Water Rights condition the license to require permanent lake management measures, if needed, to meet water quality standards in the lake.

Public comments on the Tentative Resolution were received from six individuals (Supporting Document No. 5). Most of the comments were in reference to the previously submitted Remedial Investigation/Feasibility Study Report, remedy selection, and public participation issues, and were not material to the content of the Tentative Resolution. Comments on the Resolution pertained to the findings and resolution statements related to the effects of lake water releases on downstream water bodies, as well as requests to clarify the effects on beneficial uses and the status of the lake as a sediment trap. Staff prepared responses to comments (Supporting Document No. 6); the comments received did not result in substantive changes to the content of the Resolution.

LEGAL CONCERNS:

None.

SUPPORTING DOCUMENTS:

1. Tentative Resolution No. R9-2017-0038
2. Proposed List of Activities and Corrective Action Schedule
3. Figure 1: Upper San Marcos Creek Watershed
4. Figure 2: Lake San Marcos
5. Public Comments Received on Tentative Resolution
6. Response to Comments

PUBLIC NOTICE:

The agenda notice for today's meeting was posted on the San Diego Water Board's website and sent to subscribers to the email list for Board meetings. Subscribers to the email list for "Lake San Marcos" were notified of the opportunity to comment on the Tentative Resolution in an email sent on February 14, 2017, and were notified of the Board item in an email sent on February 21, 2017.