

9.5 Regional Board Actions

This section describes the actions the Regional Board shall take to mandate compliance with the nutrient wasteload and load reductions specified in this TMDL.

1. Caltrans – Incorporate Wasteload Allocations in NPDES Storm Water Permit

The Regional Board shall, ~~within 90 days of USEPA approval of the Basin Plan Amendment~~ request that the State Water Resources Control Board ~~to~~ amend Caltrans statewide NPDES storm water permit¹ to include the following requirements:

- a. MS4 discharges to Rainbow Creek shall not exceed the following wasteloads for nitrogen and phosphorus:

Nitrogen Wasteload	Phosphorus Wasteload	Compliance Due Date
118 90 kg N/yr ¹	11 8 kg P/yr ¹	December 31, 2009 December 31, 2013
122 59 kg N/yr ¹	8 5 kg P/yr ¹	December 31, 2009 2017
49 kg N/yr ¹	5 kg P/yr ¹	December 31, 2013 2021

¹ To calculate pounds per year, multiply by 2.2

- b. A directive to submit annual progress reports to the Regional Board on the progress on attaining the nutrient wasteload reductions in Rainbow Creek. The report shall be due on April 1 of each year shall be incorporated within Section 2, Program Management of Caltrans MS4 Order No. 99-06-DWQ, NPDES No. CAS000003. Reporting shall continue on an annual basis until the nutrient water quality objective is attained in Rainbow Creek.

2. County of San Diego – Issue Water Code Section ~~13225~~ Governmental Water Quality Investigation Request Order for Nutrient Reduction and Management Plan

The Regional Board shall, ~~within 90 days of USEPA approval of the Basin Plan Amendment,~~ issue an Order under CWC §13225 ~~Order directing~~ requiring the County of San Diego to investigate excessive levels of nutrients in Rainbow Creek and feasible management strategies to reduce nutrient loading in Rainbow Creek. A ~~prepare and submit a~~ Nutrient Reduction and Management Plan (NRMP) for the Rainbow Creek watershed containing the elements described below in Section 9.7 County of San Diego Nutrient Reduction Management Plan Elements would satisfy such an Order.. The County may submit alternative or additional elements equivalent to those described in Section 9.7 that would result in equivalent protection from, or prevention of, nutrient discharges to Rainbow Creek

3. County of San Diego – Establish Management Agency Agreement (MAA)

The Regional Board shall consider, following concurrence with the County of San Diego’s

¹ The term “statewide NPDES storm water permit” refers to Order No. 99-06-DWQ, NPDES No. CAS000003, National Pollutant Discharge Elimination System Permit, Statewide Storm Water Permit, and Waste Discharge Requirements for the State of California, Department of Transportation (Caltrans) or subsequent superceding NPDES renewal Orders.

Nutrient Reduction and Management Plan (NRMP) for Rainbow Creek, entering into a Management Agency Agreement (MAA) with the County of San Diego. The MAA shall set forth the commitment of both parties to undertake various oversight responsibilities for the nonpoint source nutrient load reduction component of this TMDL, and the County's commitments to implement the NRMP.

4. **County of San Diego – Issue Water Code Section ~~13225~~ Order Governmental Water Quality Investigation Request for Groundwater Investigation and Characterization Report**

The Regional Board shall ~~could~~ could within 90 days of USEPA approval of the Basin Plan Amendment, issue an Order under CWC §13225 Order directing the County of San Diego to prepare and submit a workplan and report containing the elements described below in Section 9.6 County of San Diego Actions, Items 3; Submit Groundwater Investigation and Characterization Workplan and Item 4; Groundwater Investigation and Characterization Report.

5. **CA Dept. of Forestry and Fire Protection – Issue Water Code Section 13267 Order**

The Regional Board shall, ~~within 90 days of USEPA approval of the Basin Plan Amendment,~~ issue a CWC §13267² 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. Based on the review of this information the Regional Board may further direct the CDFFP to implement an alternate means of wastewater disposal or additional treatment necessary to attain and maintain nutrient water quality objectives in Rainbow Creek.

6. **Establish Memorandum of Understanding (MOU) with Agencies or Organizations**

The Regional Board shall 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 to support the Regional Board's goals of attaining the nutrient load reductions required under this TMDL and compliance with the nutrient water quality objective. These agencies and organizations include, but are not limited to, the United States Department of Agriculture, Natural Resources Conservation Service (NRCD), Mission Resource Conservation District (MRCD), and the University Of California Cooperative Extension (UCCE).

7. **Adopt Waste Discharge Requirements (WDRs), Waivers, and Discharge Prohibitions**

In conjunction with an MAA or MOU with another third-party representative, organization, or government agency describing an adequate NPS pollution control implementation program, the Regional Board shall adopt individual or general waivers or waste discharge requirements (WDRs) for NPS discharges in the Rainbow Creek watershed. The waivers or

² CWC §13267 provides that the Regional Board can require any person who has discharged, discharges, proposes to discharge or is suspected of discharging waste to investigate, monitor, and report information. The only restriction is that the burden of preparing the reports bear a reasonable relationship to the need for and the benefits to be obtained from the reports.

WDRs shall require NPS dischargers to either participate in the third party NPS program or, alternatively, submit individual pollution prevention plans that detail how they will comply with the waivers and WDRs. Alternatively, the Regional Board may adopt a discharge prohibition, which includes exceptions for those discharges that are adequately addressed in an acceptable third-party MAA or MOU NPS pollution control implementation program.

8. Take Enforcement Actions

The Regional Board shall consider enforcement action³, as necessary, against any discharger failing to comply with applicable waiver conditions, waste discharge requirements (WDRs), discharge prohibitions, or take enforcement action, as necessary, to control the discharge of nutrients to Rainbow Creek, attain compliance with the nutrient wasteload and load reductions specified in this TMDL, or attain compliance with the nutrient water quality objectives. The Regional Board may also terminate the applicability of waivers and issue waste discharge requirements or take other appropriate action against any discharger(s) failing to comply with the waiver conditions.

9. Review and Revise Existing Waste Discharge Requirements

The Regional Board shall, ~~within two years of USEPA approval of the Basin Plan Amendment,~~ review and, if necessary, update existing waste discharge requirements for discharges to land as well as groundwater in the Rainbow Creek watershed to incorporate effluent limitations for nutrients consistent with applicable nutrient groundwater quality objectives and surface water quality objectives⁴.

10. Recommend High Priority for Grant Funds

The Regional Board shall recommend that the State Board assign a high priority to awarding grant funding⁵ for projects to implement the Rainbow Creek nutrient TMDLs. Special emphasis will be given to projects that can achieve quantifiable nutrient load reductions

³ An enforcement action is any formal or informal action taken to address an incidence of actual or threatened noncompliance with existing regulations or provisions designed to protect water quality. Potential enforcement actions include a notice of violation (NOV), notices to comply (NTC), imposition of time schedules (TSO), issuance of cease and desist orders (CDOs) and cleanup and abatement orders (CAOs), administrative civil liability (ACL), and referral to the attorney general (AG) or district attorney (DA). The Regional Board generally implements enforcement through an escalating series of actions to: (1) assist cooperative dischargers in achieving compliance; (2) compel compliance for repeat violations and recalcitrant violators; and (3) provide a disincentive for noncompliance.

⁴ There are currently three dischargers in the Rainbow Creek watershed currently regulated under waste discharge requirements for the discharge of waste to land or groundwaters: Oak Crest Mobile Estates (Order No. 1993-69), Rainbow Conservation Camp (Order No. 1995-20), and Temecula Truck Inspection Facility (Order No. 1992-56). The Rainbow Truck Weigh and Inspection Facility, discharges under the terms of a waiver of waste discharge requirements (Order No. 2000-235)

⁵ The State Water Resources Control Board administers the awarding of grants funded from Proposition 13, Proposition 50, Clean Water Act 319(h) and other federal appropriations to projects that can result in measurable improvements in water quality, watershed condition, and/or capacity for effective watershed management. Many of these grant fund programs have specific set-asides for expenditures in the areas of watershed management and TMDL implementation for NPS pollution.

consistent with the specific nutrient TMDL load allocations.

11. Incorporate Water Code Section 13291 Regulations in Basin Plan

The Regional Board shall incorporate regulations currently under development by the State Water Resources Control Board pertaining to onsite wastewater treatment systems⁶ into the Water Quality Control Plan for the San Diego Basin (Basin Plan) as soon as practicable upon their adoption by the State Board.⁷

9.6 County Of San Diego Actions

1.1) Control MS4 Discharges to Rainbow Creek

For nutrient discharges ~~in~~ to or from Municipal Separate Storm Sewer Systems (MS4) within the Rainbow Creek watershed ~~subject to the County of San Diego's MS4 NPDES Storm Water Permit~~, the County has an existing obligation under the NPDES requirements for MS4 in San Diego County⁸ ~~shall to~~ require increasingly stringent best management practices, pursuant to the iterative process described in Receiving Water Limitation C.2.a.⁹ of the MS4 Requirements permit, to reduce nutrients discharges in the Rainbow Creek watershed to the maximum extent practicable and restore compliance with the nutrient water quality objective.

2.2) Submit and Implement Nutrient Reduction and Management Plan (NRMP)

The County of San Diego shall, upon ~~direction~~ request by the Regional Board pursuant to a CWC §13225 ~~Order~~, prepare and submit a NRMP for the Rainbow Creek watershed, consistent with the SWRCB NPS Implementation and Enforcement Policy and containing the elements described in Section 9.7, County of San Diego Nutrient Reduction and Management Plan. The County may submit alternative or additional elements equivalent to those described in Section 9.7 that would result in equivalent protection from, or prevention of, nutrient discharges to Rainbow Creek.

3.3) Submit and Implement Groundwater Investigation and Characterization Workplan

The County of San Diego shall, upon ~~direction~~ request by the Regional Board pursuant to a CWC §13225 ~~Order~~, undertake an investigation of groundwater quality within the Rainbow

⁶ “Onsite wastewater treatment system(s)” (OWTS) is any individual or community onsite wastewater treatment, pretreatment and dispersal system including, but not limited to, a conventional, alternative, or experimental sewage dispersal system such as septic tanks having a subsurface discharge.

⁷ CWC §13291 directs the Regional Board to incorporate the regulations in the Basin Plan upon their adoption by the State Water Resources Control Board.

⁸ The term “MS4 NPDES Storm Water Permit” refers to Order No.2001-001, NPDES No. CAS0108758, *Waste Discharge Requirements For Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities Of San Diego County, and the San Diego Unified Port District* or subsequent superceding NPDES renewal Orders.

⁹ Receiving Water Limitation C.2.a provides that... “Upon a determination by either the Copermittee or the SDRWQCB that MS4 discharges are causing or contributing to an exceedance of an applicable water quality standard, the Copermittee shall promptly notify and thereafter submit a report to the SDRWQCB that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of water quality standards...”

Creek watershed, and shall prepare and submit a workplan designed to guide the collection of information to produce the technical report described in Item 4, Groundwater Investigation and Characterization ~~Report~~ below. The workplan shall include the following:

- a) A schedule for completion of all activities and submission of a final Groundwater Investigation and Characterization Report.
- b) A description of proposed actions including drilling methods, analytical methods, sampling locations, and purging and sampling methods.
- c) The location of existing monitoring wells and the proposed location of additional monitoring wells needed to characterize nutrient concentrations and their lateral and vertical extent in groundwater.
- d) Contingencies for collection of additional samples.
- e) Sufficient scope to meet the objectives of assessing nutrient loading from surface sources to groundwater and the contribution of groundwater to the nutrient loading and nutrient concentrations in Rainbow Creek
- f) Consideration of the following elements or factors:
 - i) Nutrient mass loading to groundwater in the fractured rock aquifer and the alluvial deposits aquifer¹⁰ from septic systems, deep percolation of applied irrigation water, and any other sources
 - ii) Base flow contribution to Rainbow Creek from the fractured rock aquifer and the alluvial deposits aquifer
 - iii) Mass balance of nutrients in the fractured rock aquifer and alluvial deposits aquifer (nutrient mass loading to groundwater, removals from the groundwater system including denitrification, plant uptake, and groundwater discharge, and change in the load and concentration of nutrients in groundwater;

The County of San Diego shall implement the workplan within sixty (60) days after submission of the workplan, unless otherwise directed in writing by the Regional Board. Before beginning these activities the County shall notify the Regional Board of the intent to initiate the proposed actions included in the workplan submitted; and comply with any conditions set by the Regional Board.

4.4) Submit Groundwater Investigation and Characterization Report

The County of San Diego shall, on a schedule agreed to in writing by the Regional Board, submit a Groundwater Investigation and Characterization Report containing a technical analysis and interpretation of the data to assess the contribution of groundwater to the nutrient loading and concentrations in Rainbow Creek.~~of the following elements.~~ The report shall meet the objectives and address the considerations described in the Groundwater Investigation and Characterization Workplan. The report shall also present recommendations to refine assumptions, resolve uncertainties, and improve the scientific foundation of the TMDL with regard to quantifying groundwater nutrient loading to Rainbow Creek.

~~a. Nutrient loading to groundwater from Rainbow Creek watershed land use activities;~~

¹⁰ Groundwater beneath the Rainbow Creek watershed is interpreted to occur in both the alluvial deposits where present and in the fractured rock. The groundwater investigation report shall assess the relative contribution from each aquifer.

- ~~b. Nutrient mass loading to groundwater in the fractured rock aquifer and the alluvial deposits aquifer¹¹ from septic systems, deep percolation of applied irrigation water, and any other sources;~~
- ~~c. Base flow contribution to Rainbow Creek from the fractured rock aquifer and the alluvial deposits aquifer;~~
- ~~d. Concentration of nutrients in base flow discharged to Rainbow Creek from the fractured rock aquifer and alluvial deposits aquifer;~~
- ~~e. Fate and transport characteristics of nutrients in the fractured rock aquifer and alluvial deposits aquifer;~~
- ~~f. Mass balance of nutrients in the fractured rock aquifer and alluvial deposits aquifer (nutrient mass loading to groundwater, removals from the groundwater system including denitrification, plant uptake, and groundwater discharge, and change in the load and concentration of nutrients in groundwater);~~
- ~~g. The location of existing monitoring wells and the proposed location of additional monitoring wells needed to characterize nutrient concentrations and their lateral and vertical extent in groundwater during the course of TMDL implementation. Methods for purging and sampling monitoring wells to provide representative samples for nutrients should be described; and~~
- ~~h. Field methodologies used for drilling, sampling, and other associated activities.~~

5.5) Establish Management Agency Agreement (MAA)

The County of San Diego is requested to enter into a MAA with the Regional Board setting forth the commitment of both parties to undertake various implementation oversight responsibilities for the nonpoint source nutrient load reduction component of this TMDL and the County's commitments to implement the NRMP.

9.7 County Of San Diego Nutrient Reduction And Management Plan

1. NPS Nutrient Reduction and Management Plan (NRMP)

The A NRMP for the Rainbow Creek watershed shall describe the activities the County of San Diego ~~will~~ could undertake to oversee discharger efforts to reduce nutrients in the runoff or groundwater discharges from new and existing (1) commercial nurseries; (2) agricultural fields; (3) orchards; (4) parks; (5) residential area; (6) urban areas; and; (7) septic tank disposal system land uses (hereinafter referred to as key nutrient sources). The A NRMP ~~shall~~ should include the following elements as provided in items 2 through 17 below or alternative or additional elements equivalent to those described that would result in equivalent protection from, or prevention of, nutrient discharges to Rainbow Creek.

- ~~a. Legal authority~~
- ~~b. General Plan modification~~
- ~~c. Development project approval process~~

¹¹ Groundwater beneath the Rainbow Creek watershed is interpreted to occur in both the alluvial deposits where present and in the fractured rock. The groundwater investigation report shall assess the relative contribution from each aquifer.

- d. CEQA reviews
- e. Pollution prevention
- f. Source identification
- g. Management Practice (MP) implementation
- h. Inspection of nutrient sources
- i. Enforcement of nutrient load reductions required under this TMDL
- j. Reporting of non-compliant sites
- k. Monitoring to assess compliance with nutrient load reductions
- l. Groundwater investigation and characterization
- m. Community education and outreach
- n. Seek financial assistance
- o. NRMP effectiveness
- p. a. NRMP Annual Report

2. Legal Authority

The County of San Diego ~~shall~~ should review its legal authority ~~to ensure that it is adequate~~ and evaluate its adequacy to mandate compliance with the nutrient load reductions specified in this TMDL through ordinance, statute, permit, contract or similar means. ~~This legal authority must~~ The County, at a minimum, ~~authorize the County to~~ shall-should evaluate its authority to:

- a. Control the discharge of nutrients from nonpoint sources; and
- b. Prohibit discharges of nutrients which cause or contribute to exceedances of the nutrient load reductions specified in this TMDL or nutrient water quality objectives.

Alternatively the County of San Diego ~~shall~~ may certify that its existing legal authority is adequate to mandate compliance with the nutrient load reductions specified in this TMDL and prevent increases in nutrient loading to Rainbow Creek.

3. General Plan Modification

The County of San Diego ~~shall~~ should evaluate the adequacy of ~~modify, its~~ General Plan ~~as necessary~~ to ensure that future land use and zoning decisions do not result in an increase in the nutrient loading to Rainbow Creek. The County shall should also describe the steps it will take to modify the General Plan as necessary. Alternatively the County of San Diego ~~shall~~ may certify that its existing General Plan is adequate to prevent an increase in nutrient loading to Rainbow Creek.

4. Modify Development Project Approval Process

The County of San Diego ~~shall~~ should evaluate the adequacy of ~~modify~~ its development project approval / permitting process as necessary to ensure that discharges from proposed developments in the Rainbow Creek watershed will comply with the nutrients load reductions specified in this TMDL and ensure that nutrient water quality objectives are not exceeded. The County's evaluation ~~shall~~ should consider the need to ensure that all development in Rainbow Creek watershed will be in compliance with County storm water ordinances, permits, and all other applicable ordinances and requirements. The County shall should also describe the steps it will take to modify the development project approval / permitting process as necessary. Alternatively the County of San

Diego ~~shall~~ may certify that its project approval / permitting process is adequate to ensure that discharges from proposed developments in the Rainbow Creek watershed will comply with the nutrients load reductions specified in this TMDL and ensure that nutrient water quality objectives are not exceeded.

5. CEQA Reviews

The County of San Diego ~~shall review and~~ should evaluate the adequacy of ~~of~~ revise as necessary its environmental review process pursuant to CEQA to ensure that new development in the Rainbow Creek watershed does not contribute to exceedances of the nutrient load allocations specified in this TMDL or violations of the nutrient water quality objective. For example, diligent performance of environmental review under CEQA and requirements for mitigation of the adverse environmental consequences to water quality of new development and detrimental agricultural practices can significantly reduce nutrient loading to Rainbow Creek. The County's evaluation shall ~~shall~~ should consider the need to aggressively review proposed projects that have the potential to contribute nitrogen and phosphorus to the Rainbow Creek watershed and require appropriate mitigation. The County shall should also describe the steps it will take to revise the development project approval / permitting process as necessary. Alternatively the County of San Diego ~~shall~~ may certify that its environmental review process pursuant to CEQA is adequate to ensure that new development in the Rainbow Creek watershed does not contribute to exceedances of the nutrient load allocations specified in this TMDL or violations of the nutrient water quality objective.

6. Pollution Prevention (Nutrients)

The County of San Diego ~~shall~~ should describe the steps it will take to implement pollution prevention¹² methods for nutrients at sites owned by the County and ~~shall~~ require its use by owners or operators of nutrient sources, where appropriate.

7. Source Identification (Nutrients)

The County of San Diego ~~shall~~ should describe the steps it will take to develop and update annually an inventory of the individual nutrient sources within the residential, urban, commercial nurseries; agricultural fields; orchards; parks; septic tank disposal system category of land uses. The use of an automated database system, such as Geographical Information System (GIS) is highly recommended.

8. Threat to Water Quality Prioritization (Nutrients)

~~To establish priorities for inspection and oversight activities, the~~ ~~The County~~ The County of San Diego ~~shall~~ should describe the steps it will take to establish priorities for inspection and oversight activities. ~~prioritize each inventory in item 7 above by threat to water quality and update it annually.~~ Each individual nutrient source in each nonpoint source category should be classified as high, medium, or low threat to water quality. The inventory should include the following minimum information for each site: name; address; SIC codes as appropriate which best reflects the type of site, a narrative description characterizing the nutrient waste generated and the potential for nutrient

¹² Pollution Prevention is defined as practices and processes that reduce or eliminate the generation of pollutants, in contrast to source control, treatment, or disposal.

discharges to Rainbow Creek.

9. MP Implementation (Nutrients)

The County of San Diego shall ~~shall~~ should describe the steps it will take to:

- a. Designate a set of minimum MMs / MPs¹³ for the high, medium, and low threat to water quality nutrient sources identified in item 7 above. The designated minimum MPs for the high threat to water quality nutrient sources should be site and source specific as appropriate.
- b. Establish a time line for installation of the designated minimum MPs at each nutrient source within its jurisdiction. If particular minimum MPs are infeasible for any specific site/source the county of San Diego shall ~~shall~~ should describe the steps it will take to require the implementation of other equivalent MPs.

10. Inspection of Sites and Sources (Nutrients)

The County of San Diego shall ~~shall~~ should describe the steps it will take to inspect high priority sites and sources. ~~The County shall conduct site inspections~~ for compliance with its ordinances and permits as well as nutrient load reductions required under this TMDL. Inspections should include review of MP implementation plans and effectiveness. ~~Based upon site inspection findings, The~~ the County shall ~~shall~~ should also describe the steps it will take to implement to implement all ~~inspection follow-up~~ inspection follow-up actions, including enforcement actions, ~~as necessary~~ as necessary to obtain discharger compliance in implementing MPs. ~~The County shall follow up with appropriate enforcement action as necessary.~~

11. Enforcement of Sites and Sources (Nutrients)

The County of San Diego shall ~~shall~~ should describe the steps it will take to enforce its ordinances, statues, permits, and contracts as necessary to attain compliance with the nutrient load reductions specified in this TMDL.

12. Reporting of Non-compliant Sites (Nutrients)

The County of San Diego shall ~~shall~~ should describe the steps it will take to provide oral notification to the Regional Board of non-compliant sites that are determined to be recalcitrant in implementing MPs or attaining compliance with nutrient load reductions required under this TMDL within 24 hours of the discovery of noncompliance. ~~This~~ The notification process should also include procedures for a follow-up ~~shall be followed up by a~~ written report to be submitted to the Regional Board within 5 days of the incidence of non-compliance.

¹³ In determining appropriate MPs the County of San Diego is encouraged to consult the State Water Resources Control Board's California Nonpoint Source Encyclopedia (2004) (<http://www.waterboards.ca.gov/nps/encyclopedia.html>) (<http://www.swrcb.ca.gov/nps/encyclopedia.html>). This publication contains extensive information on nutrient reduction management measures (MMs) and management practices (MPs) applicable to the NPS land use activities in the Rainbow Creek watershed. The County is also encouraged to consult the Regional Board's Watershed Management Approach for the San Diego Region, Nonpoint Source (<http://www.waterboards.ca.gov/sandiego/programs/wmc.html>) (<http://www.swrcb.ca.gov/rwqcb9/programs/wmc.html>) for additional information on management measures.

13. **Monitoring to Assess Compliance With Nutrient Load Reductions**

The County of San Diego shall ~~shall~~ should describe the steps it will take to conduct, or require nutrient sites or sources to conduct, a monitoring program to assess compliance of runoff or groundwater discharges with the load reductions from each of the land use categories assigned a load reduction. This can be accomplished by placing sampling stations at strategic nodes that would monitor nutrient discharges from individual sources of a common land use category.

14. **Community Education and Outreach**

The County of San Diego shall ~~shall~~ should describe the steps it will take to develop a focused educational programs to raise community awareness of the nutrient impairment problem, promote pollution prevention, and increase the use of applicable management measures and practices where needed to control and reduce nutrient discharges to Rainbow Creek. Public education, outreach, and training programs should involve applicable user groups and the community¹⁴.

15. **Seek Financial Assistance**

The County of San Diego is encouraged to seek grant funding¹⁵ for projects to implement the Rainbow Creek nutrient TMDLs, particularly those that can achieve quantifiable nutrient load reductions consistent with the specific nutrient TMDL load allocations.

16. **Nutrient Reduction and Management Plan (NRMP) Effectiveness**

The County of San Diego shall ~~shall~~ should describe the steps it will take to, ~~as part of the NRMP, to~~ develop a long-term strategy for assessing the effectiveness of the NRMP. The long-term assessment strategy should identify specific direct and indirect measurements that the County will use to track the long-term progress towards achieving the nutrient load reductions required under this TMDL. Methods used for assessing effectiveness should include the following or their equivalent: surveys, pollutant loading estimations, and receiving water quality monitoring. The long-term strategy shall also discuss the role of monitoring data in substantiating or refining the assessment.

17. **Nutrient Reduction and Management Plan (NRMP) Annual Report**

The County of San Diego shall ~~shall~~ should describe the steps it will take to submit an annual NRMP report to the Regional Board by January 31 of each year following USEPA approval of this TMDL. The reporting period for this annual report shall ~~shall~~ should be the previous fiscal year. For example, the report submitted January 31, 2006 shall ~~shall~~ would cover the reporting period July 1, 2004 to June 30, 2005. The Report shall ~~shall~~ should be

¹⁴ Consideration should be given to expanding the County of San Diego's ongoing community and education outreach program under the County's MS4 NPDES Storm Water Permit to address the Rainbow Creek nutrient impairment problem. Additional suggestions for the information to be included in pollution prevention and education programs is contained in the State Water Resources Control Board's *California Nonpoint Source Encyclopedia* (2004)
(<http://www.waterboards.ca.gov/nps/encyclopedia.html>~~http://www.swrcb.ca.gov/nps/encyclopedia.html~~).

¹⁵ Information on available grant funds is contained in the in the State Water Resources Control Board's *California Nonpoint Source Encyclopedia* (2004)
(<http://www.waterboards.ca.gov/nps/encyclopedia.html>~~http://www.swrcb.ca.gov/nps/encyclopedia.html~~).

incorporated in the annual Jurisdictional URMP Annual Report and the Watershed Specific URMP Annual Reports under the County's MS4 NPDES Permit. ~~The report shall~~ and include the following information:

- a. Comprehensive description of all activities conducted by the County of San Diego to oversee implementation of the NRMP.
- b. An accounting of all: inspections conducted; enforcement actions taken; and education efforts conducted.
- c. An assessment of whether actions to implement designated minimum MPs at each nutrient source were actually carried out by dischargers.
- d. An assessment of the compliance of runoff or groundwater discharges with the load reductions from each of the land use categories assigned a load reduction.
- e. Identification of water quality improvements or degradation in Rainbow Creek with regard to attainment of the nutrient water quality objectives.
- f. An evaluation of the effectiveness of the NRMP in achieving the nutrient load reductions required under this TMDL.