



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board

San Diego Region



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SUPPORTING DOCUMENT # 4

TO: Barbara L. Evoy,
Deputy Director
State Water Resources Control Board
Division of Financial Assistance

In reply refer to:
SWU:255407:Lwalsh

FROM: David W. Gibson 
Executive Officer
SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

DATE: May 27, 2010

SUBJECT: REQUEST FOR CLEANUP AND ABATEMENT FUNDS BY THE CITY OF SAN MARCOS FOR THE LAKE SAN MARCOS NUTRIENT DIAGNOSTIC AND CLEANUP PLANNING STUDY, SAN DIEGO REGION

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is requesting an allocation of \$969,576 from the State Water Pollution Cleanup and Abatement Account (CAA) to the City of San Marcos (City) to conduct the Lake San Marcos Nutrient Diagnostic and Cleanup Planning Study (the "Study").

The Lake experiences large external nutrient loading from the watershed evident by seasonal algal blooms and occasional fish kills. Residents living near the Lake report repeat occurrence of large algae blooms and prolonged nuisance odor conditions caused by the release of hydrosulfide from decomposing bacteria that surface during turn over of Lake waters (e.g. thermal mixing) in late fall each year.

The City's goal is to work in coordination with other parties to cleanup and abate the nutrient impairment in Lake San Marcos (the "Lake"). In furtherance of this goal, the City worked closely with stakeholders to develop a technically sound scope of work (including detailed activities, budget, and schedule) that will further assess, investigate, and plan for remediation of the nutrient impairment in the Lake. In April 2009, San Diego Water Board Executive Officer encouraged likely stakeholders to proceed with a voluntary investigation and cleanup as a model, in lieu of a Board directed Investigative Order and/or other enforcement action.

May 27, 2010

Within the last year, the City and some of the other parties¹ spent approximately \$250,000 collecting water quality data, studying the existing condition of the Lake and San Marcos Creek, and developing preliminary investigation reports. The City and some of the other parties spent nearly \$400,000 in money or in-kind administrative and third party professional services on development of a consensual framework to work under towards cleanup and abatement of the Lake nutrient impairments, to voluntarily accomplish the same work as an otherwise directed cleanup effort.

I will be recommending that the San Diego Water Board adopt R9-2010-0079, a resolution for CAA funding of the City's Study, at the June 9, 2010 Board meeting. A copy of the adopted resolution will be forwarded to you following the meeting. The CAA Funding Request Form, Scope of Work, budget and letters of support are enclosed.

Thank you in advance for your consideration. If you have any questions, please contact Chiara Clemente of my staff at (858) 467-2359.

DWG:dtb:cmc:law ✓

Enclosures:

1. State Water Board Cleanup and Abatement Account CAA Request Form for the Lake San Marcos Nutrient Diagnostic and Cleanup Planning Study
2. Scope of Work
3. Budget
4. Letters of Support

cc: John Lormon, Procopio, Cory, Hargreaves & Savitch LLP, 525 B Street, Suite 2200, San Diego, CA 92101
john.lormon@procopio.com

Lake San Marcos Lyris List of Interested Parties

¹ Other parties currently include: County of San Diego, City of Escondido, California Department of Transportation, San Marcos Unified School District, Vallecitos Water District, Community Development Corporation, Lake San Marcos Remediation Group, Lake San Marcos Task Force, Lake San Marcos Community Association, Batiquitos Lagoon Foundation, San Diego Coastkeeper, and Coastal Environmental Rights Foundation.

**STATE WATER RESOURCES CONTROL BOARD
CLEANUP AND ABATEMENT ACCOUNT (CAA)
FUNDING REQUEST FORM**

Send the completed form and attached documentation to Cristina Mayorga-Ochoa at cochoa@waterboards.ca.gov or at
1001 I Street, 17th Floor
Sacramento, CA 95814

APPLICANT INFORMATION

Agency Name: (maximum of 40 characters)	City of San Marcos
Address:	City of San Marcos 1 Civic Center Drive San Marcos, CA 92069-2918
Agency Phone Number:	(760) 744-1050, Ext. 3218
Agency Representative:	Erica Ryan
Region:	San Diego Water Board
Region Representative:	Chiara Clemente
Representative Phone Number:	858-467-2359

PROJECT INFORMATION

Name of Project:	THE LAKE SAN MARCOS NUTRIENT DIAGNOSTIC AND CLEANUP PLANNING STUDY	Project Start and End Dates: Project would start upon execution of the funding agreement be complete within 24 months.
Project Location:	San Marcos, California	
Funding Amount:	\$969,576	

PURPOSE OF REQUEST

- 1) **Purpose of Request** (attach additional sheet if needed): City of San Marcos (the "City"), in coordination with other parties, is requesting Cleanup and Abatement Funds (CAA) to support a detailed diagnostic investigation and development of a cleanup planning document (feasibility study and plans for a remedial action plan) to address listed Clean Water Act section 303(d) impairments in Lake San Marcos. Other Parties include public and private entities that have partnered with the City to conduct the work performed at the Lake thus far and who have committed to participate via money and/or in-kind services in the future. The parties include: County of San Diego, City of Escondido, California Department of Transportation, San Marcos Unified School District, Vallecitos Water District, and the Community Development Corporation.
- 2) **Background:** Lake San Marcos ("the Lake") is listed under the 2006 Clean Water Act (CWA) section 303(d) as an impaired water body caused by ammonia as nitrogen, nutrients and phosphorous. The Lake is an impoundment of the San Marcos Creek (the "Creek") upstream of a concrete arched dam (the "Dam"). The Creek is listed under the 2006 CWA section 303(d) as an impaired water body for phosphorous, including that portion of the Creek upstream of the Dam. The CWA section 303(d) listings for the Lake and the Creek include a schedule for the development of TMDLs to address the impairments by 2019. In April 2009, San Diego Water Board Executive Officer encouraged likely stakeholders to proceed with a voluntary investigation and cleanup of the Lake's impairments as a model in lieu of a Board directed Investigative Order and/or other enforcement action.

After a year of gathering data, investigating possible nutrients sources, and developing a preliminary draft site conceptual model to better understand sources and causes of nutrient impairment to the Lake, the City, along with other parties, realized that a detailed diagnostic effort was required. Therefore, the City, with support from other parties, is requesting CAA funds to conduct a more detailed diagnostic investigation and to develop a cleanup planning document (feasibility study and plans for a remedial action plan) to support their remedial action decision.

3) Impact to community or surrounding areas in regards to water quality: The Lake experiences large external nutrient loading from the watershed evident by seasonal algal blooms. Water quality data collected to date confirms the presence of cyanobacteria toxins. The Lake also experiences occasional fish kills. Residents living near the Lake report repeat occurrence of large algae blooms and prolonged nuisance odor conditions caused by the release of hydrosulfide from decomposing bacteria that surface during turn over of Lake waters (e.g. thermal mixing) in late fall each year.

4) What is the waste being addressed by this project?: Lake San Marcos is listed in the 2006 Clean Water Act (CWA) section 303(d) as an impaired water body caused by ammonia as nitrogen, nutrients and phosphorous.

5) List any responsible party: Because this Study is aimed at identifying sources and nutrient fate and transport, no responsible parties have been identified yet.

6) Will any of these funds be used for Regional Board oversight? YES NO If YES, how much?

DOCUMENTATION

Scope of Work (Attached) Regional Board Resolution or proof of Regional Board support (Attached)

State Board Decision for \$100,000 and Below:

Approved Denied

Deputy Director

Date

Deputy Director's Recommendation for Funding (over \$100,000):

Deputy Director

Date