

**FINAL
Meeting Summary
Santa Margarita River
Watershed Nutrient Initiative Group Meeting
Thursday August 15, 2013
9:30 am – 2:00pm**

Location:

County of San Diego Forensic Center
5570 Overland Ave. San Diego, CA 92123

Attendee List:

Name	Organization	E-mail
Jason Uhley	Riverside County Flood Control & Water Conservation District	juhley@rcflood.org
Dave Gibson	Regional Water Quality Control Board	dgibson@waterboards.ca.gov
Barry Pulver	Regional Water Quality Control Board	bpulver@waterboards.ca.gov
Karla Standridge	Mission RCD	karla@missionrcd.org
Ashli Desai	Larry Walker & Associates	ashlid@lwa.com
Sheri McPherson	County of San Diego	sheri.mcpherson@sdcounty.ca.gov
Martha Sutula	SCCWRP	marthas@sccwrp.org
Jeremy Jungreis	Rutan and Tucker	jjungreis@rutan.com
Scott Thomas	Stetson Engineers	scott@stetsonengineers.com
Chuck Katz	US Navy (SPAWAR)	chuck.katz@navy.mil
Don Smith	Vista Irrigation District	dsmith@vid-h20.org
Mark Bonsavage	USMC Camp Pendleton	mark.bonsavage.usmc.mil
Clint Boschen	Tetra Tech	clint.boschen@tetrattech.com
John Simpson	USMC Camp Pendleton	john.o.simpson@usmc.mil
Steve Horn	County of Riverside	shorn@rceo.org
Rachel Davenport	AMEC Environment & Infrastructure, Inc.	rachel.davenport@amec.com
Brittany Struck	National Marine Fisheries Service	brittany.struck@noaa.gov
Jayne Joy	EMWD	joyj@emwd.org
Jo Ann Weber	County of San Diego	joann.weber@sdcounty.ca.gov
Deborah Jayne	Regional Water Quality Control Board, San Diego	djayne@waterboards.ca.gov
Dave Ceppos	Center for Collaborative Policy, California State University Sacramento	dceppos@ccp.csus.edu
Via Telephone:		
Con Kontaxis	Caltrans	constantine_kontaxis@dot.ca.gov
Alison Witheridge	Tetra Tech	alison.witheridge@tetrattech.com

Meeting Materials:

1. Meeting Agenda
2. SMR Nutrient Initiative Group Memorandum of Understanding (MOU) Discussion Items

Meeting Goals:

1. Update all SMR Group Participants about recent events.
2. Receive and have shared understanding about Regional Water Quality Control Board (RWQCB) perspectives and intended next steps about the SMR.
3. Start the discussion and development of an SMR Group Memorandum of Understanding.

August 15, 2013 Action Items:

1. Barry, Ashli, Martha, Jo Ann, and Jason will have an interim meeting to discuss and modify the Draft Final Process Plan. The Process Plan will eventually have the MOU included in it.
2. Dave will work with Mark in the future to put together a bigger tour at Camp Pendleton that will include all participants of the SMG Group.
3. A subcommittee will be created for the MOU. Steps for this subcommittee will include:
 - a. Dave and Jeremy will coordinate a schedule for the MOU subcommittee
 - b. Sheri will send Dave Gibson the SMR Nutrient Initiative website information at www.projectcleanwater.org.
 - c. Barry and Deborah will provide Dave Gibson the current SMR Group charter.
 - d. Jason, Sheri, Joann, will go back through the stakeholder invitation list and figure out who needs to be here from other stakeholder groups that have not been heavily involved in group participation.
 - e. Jason will follow up with Jeff Marchand and Fallbrook Public Utilities District (FPUD) to see if they want a participatory role.
 - f. Dave will work with John to assess recent coordination that has taken place between Camp Pendleton and FPUD.
 - g. Mark will serve as the Chair if the MOU subcommittee.
 - h. Mark with support from Dave will prepare a timeline together with Jeremy that will need to be linked to the other schedules and proposed presentation timeline to the RWQCB.
 - i. Jason will talk with Sierra Club and Caltrout offline to get an Non-Governmental Organization on the MOU subcommittee .
 - j. The MOU subcommittee will have a schedule for the next meeting with a report back to the larger group (agenda item for next meeting).
4. John will provide the groundwater data from US Geological Survey and RCWD to see about sharing it for input into the watershed loading model.
 - a. Technical consultants will get together and discuss this – modeling, and invite Wes Dansky.
5. Clint will provide data gaps at the next Technical Advisory Committee (TAC) meeting.
6. Martha will set a date for the next TAC meeting. During the meeting they will discuss resource investments; US EPA and Wes Dansky (if RCWD agrees – Martha will call Rich at RCWD) should attend. Geosciences may be involved as well.

Introduction:

Dave Ceppos (Facilitator) reviewed the agenda and inquired whether anyone had changes. No changes or comments were noted.

Review of Meeting Goals and SMR Group Purpose:

Jason Uhley (Chair of SMR Nutrient Initiative, Riverside County Flood Control & Water Conservation District) reviewed the history, purpose, and goals of the SMR Nutrient Initiative Group (SMR Group). Stakeholders in the SMR are working together to address water quality issues by obtaining grants from the Integrated Regional Water Management (IRWM) groups in San Diego and Riverside Counties to fund watershed-scale issues. The largest watershed-scale issue was determined by the group to be nutrients. The group is focused on achieving environmental outcomes in an effective and efficient manner.

The mission of the SMR Nutrient Initiative is:

- To protect the beneficial uses of the SMR from impacts of nutrient enrichment, supporting human uses and a sustainable ecosystem;
- To set appropriate regulatory targets to protect the watershed;
- Current targets may be too loose, too stringent, or appropriate;
- To manage nutrient impacts to the water bodies;
- To promote sustainable water supplies cost effectively and efficiently manage the watersheds;
- To maximize the opportunity of fiscal resources of those deploying funds to address nutrients, in addition to addressing other constituents such as bacteria and metals; and
- To effectively target the water quality issues as effectively as possible by moving the bar forward so program managers have the flexibility to improve their programs.

Jason also reviewed the meeting goals (stated above) and issued a special thank you to Mark, Chuck, and John, who arranged a tour of the SMR Estuary and Lagoon (and associated locations) on Camp Pendleton for the RWQCB and San Diego and Riverside Counties. Deborah Jayne (RWQCB) was impressed with the efforts of Camp Pendleton to protect and restore base water resources and also provided a thank you on behalf of the RWQCB for the excellent tour. A larger group tour may be offered in the future for all the SMR Group participants.

RWQCB Board Presentation and Discussion

Dave Gibson (Executive Officer, RWQCB) spoke to the group regarding the RWQCB's practical vision for the SMR and their strategic plan. The SMR Nutrient Initiative's effort is consistent with the RWQCB's practical vision for many watersheds in the region, including collaborative efforts for:

- Healthy Waters;
 - Long-term, collaborative, outcome-based focus efforts to support human uses and sustainable ecosystems, as supported by the state and the EPA
- Monitoring and Assessment;
 - SMR is one of the more heavily monitored watersheds in the region, but the RWQCB wants additional data to support question-driven monitoring instead of compliance monitoring
- Protection of Wetlands;

- 401 Certifications are prioritized based on immediate health and human environment threats, potential loss of state or federal funding, then well-prepared applications. More public input is necessary.
- Proactive Public Outreach and Participation; and
- Achieving a Local, Sustainable, Water Supply.
 - A Total Maximum Daily Load may not be appropriate for the estuary at this time, but the SMR is one of the highest priority watersheds and it may be appropriate to update the Basin Plan for the SMR to reflect local conditions. However, if collaboration of the group fails, the RWQCB has the authority to use TMDLs or other regulatory tools.

Dave Gibson opened the floor to questions. A question was posed regarding whether the resources provided for the SMR Nutrient Initiative may be affected by statewide policy issues pending before the state legislature. Dave Gibson made it clear that the RWQCB wants continuity with this project and it is a high priority for budget resources.

Review of RWQCB Approach to Address 303d List:

Deborah Jayne (RWQCB) provided a brief review of the RWQCB's approach to addressing 303(d) listed constituents. The RWQCB are strong supporters of Nutrient Numeric Endpoints (NNEs) because there are shortcomings when comparing Water Quality Objectives (WQOs) directly with concentrations and loads only. The major question the RWQCB will be addressing is whether or not an impairment exists and, if it does, what to do about it. Deborah noted that, during the estuary tour, she did not see the eutrophic lagoon that she was expecting and is coming into the process with an open mind. The science will indicate whether an impairment exists and then the group will have to determine how to move forward. There is no predetermined conclusion as to the next steps, such as whether or not to do a TMDL.

If the estuary is not impaired, then the group should gather data necessary to delist the lagoon and consider site specific objectives (SSOs) with biological endpoints, which are more appropriate than WQOs. If the estuary is impaired, then the RWQCB must restore the water body using one of the following alternatives:

- TMDLs – The traditional method of addressing impaired water bodies, involving both a calculation and a strategy to restore beneficial uses and to restore the water body to a healthy condition. The board has to adopt and implement a TMDL through an order by the RWQCB.
- Regulatory change via Basin Plan amendment – A timely and complex rulemaking process. After adoption by the RWQCB, the amendment must go to the State Water Resources Control Board, the state Office of Administrative Law, and the U.S. Environmental Protection Agency.
- Other opportunities, such as:
 - If the major source of loading is coming from parts of the watershed where the MS4 is the most significant source, the board can adopt and implement a TMDL. This would be an amendment of the MS4 permit; a single action TMDL;
 - If the source is from agricultural land uses, then the board could adopt TMDL allocations and indicate that it will be implemented through another order; i.e. the Irrigated Lands Regulatory Program (ILRP); that could be the key method for implementing the TMDL; and

- Cleanup orders, such as with the Shipyard Impairment in San Diego Bay.
- Third Party TMDL – An active 3rd party stakeholder group (like the SMR Nutrient Initiative) that develops a plan that includes all the necessary components and calculations of a TMDL and a restoration plan. The Board may certify a 3rd party TMDL if the RWQCB believes that the strategies proposed will attain reasonable water quality standards within a reasonable amount of time; and
- Permittees covered under the recently adopted MS4 Permit may have the Water Quality Improvement Plan (WQIP), which has the same goals and objectives as a TMDL (for the end result, not the process): restoration of impaired waters. The purpose of the WQIP is to calculate what TMDL and load allocations would be necessary (if there was a TMDL) and to come up with a plan and implement the plan to restore the water.

Jason Uhley raised a question regarding whether multiple sources contributing to impairment within the watershed could be addressed through the third party certification process or whether separate actions would be required by the RWQCB. With an action plan, the RWQCB could change the listing status of the water body (ex. to 4b), where no TMDL would be necessary, but the stakeholders expressed the need for a more detailed, formal, and streamlined process.

Review of RWQCB Approach to SMR Watershed and Estuary:

Barry Pulver (RWQCB) reviewed the RWQCB approach to the SMR estuary, calling it a “Voyage of Discovery”. Prior direction to RWQCB staff was to assess impairment, develop a TMDL, and amend the Basin Plan. The approach has been revised to allow the science to guide the actions. Instead of looking at the estuary as an isolated water body, the RWQCB is looking at the whole watershed, which was also reflected in the SMR Nutrient Initiative work plan and group process plan.

The RWQCB has vetted an internal document for a SMR Nutrient Restoration Plan and they hope to include the group process plan to as an attachment. The RWQCB is looking at data, land uses, and existing permits upstream and plan to come up with priorities for upstream water bodies before the end of the year (2013). In order to move the process forward, Barry will head a watershed restoration team (as approved by Dave Gibson and Jimmy Smith), including pushing the ILRP because it is a known source of nutrient impairment, which is proving a challenge. Barry would also like to begin sharing information with the RWQCB to start pushing for load reductions in the watershed while working with stakeholders.

The SMR Group Draft Final Process Plan has been reviewed and, in general, was well thought out. A few minor details will need clarification:

- Triennial reviews of WQOs - the RWQCB staff has not agreed to change them and will follow the state’s lead in the NNE process;
- There will be a 2014 triennial review; and
 - Top priority watersheds will be SMR, San Diego Bay, and Tijuana River
 - RWQCB staff will be looking for potential TMDL candidate sites
 - Semi-annual updates will be provided to the RWQCB
- The RWQCB staff is not agreeing to make any changes, but they are willing to review the science to determine if changes can be made in the Basin Plan in the future.

The RWQCB Executive Officer quarterly report will be provided to RWQCB members to keep them informed and one informational meeting will be conducted per year. Providing the RWQCB tangible results from the meetings will have a big impact and will provide information to the

public. Barry would like a schedule with a decision tree and milestones for decision points. He would like a small group meeting to determine this schedule, which will be reported at the next meeting. It should be brought before the RWQCB, and there may be a resolution by the board that would allow for updates of the plan without providing additional resolutions unless there is a major change.

Proposed SMR Memorandum of Understanding (MOU) Discussion:

Jason Uhley reviewed the stakeholder goals provided in the MOU discussion outline (see meeting materials). The process plan and structure for decision making are core to the MOU, as is continuity of membership. All members will agree to a common set of ground rules. The charter, put in place a year ago, has a well thought out logic for decision making that Dave Gibson should review, along with the list of invitees of who the group has contacted.

Dave Ceppos briefly summarized the charter and the structure of the group decision making process for resource and administrative decisions. The signatories of the original MOU that expired in 2010 were those of the investigative order (County of San Diego, Camp Pendleton, Cities and County of Riverside, Caltrans, etc...). A concerted effort was made to solicit additional stakeholders, particularly if they are current or potential discharges (regulated by the RWQCB with an NPDES Permit).

Dave Gibson expressed interest in having Caltrans sign the MOU and inquired about participation from the agricultural community and Native American tribes. The agricultural community and Native American tribes have been afforded several opportunities to participate in the SMR Group process. Documentation is available on the website (www.projectcleanwater.org) reflecting the steps taken to communicate with these groups. Dave Gibson indicated that the agricultural waiver is up for renewal next year, and the RWQCB may discuss group participation with the agricultural community. Although the RWQCB has worked with the agricultural community in the past, the RWQCB may forego the waiver and propose waste discharge requirements because they have to do their share for water quality. The RWQCB will be inspecting agricultural sites this month since they are moving buildings and the office will be shut down. Dave Gibson also indicated a willingness to speak more directly with irrigated lands groups to encourage their participation. He confirmed that groups are available to join the SMR Group at any time. Jason confirmed this is accurate.

The Native American tribes have not responded, but have been invited. Dave Gibson indicated he is bound to invite them again because of a recent executive order by the Governor. The Pechanga Tribe has begun participation. The La Jolla Band has participated in the Triennial Review Process, but some other tribes will only confer with the EPA due to sovereignty. Another round of communication will be attempted.

Sheri McPherson (County of San Diego) suggested a tiered approach for MOU signatories. The lower tiers may sign a commitment letter on the MOU, which will come effective as others sign on. The following volunteers were agreed upon for the MOU subcommittee:

- Mark Bonsavage (Chair)
- Jason Uhley
- Sheri McPhearson
- Steve Horn
- Barry Pulver
- Denise Landstedt (needs confirmation), if Denise declines, EMWD will participate

Technical Advisory Committee Activities

Currently, SCCWRP is collecting and mining data with SPAWAR for the estuary water quality model. Additionally, Camp Pendleton funded a bathymetry study in the estuary, which is complete and has been incorporated into the model. Groundwater flow measurements from agricultural fields entering the estuary have been collected and dry season flow measurements will be collected in September. Camp Pendleton's groundwater effort is limited to agricultural fields and the lagoon, and will not be complete until around December. The model is up and running; EPA Region 9 has assisted with the vertical gridding component for the potential of stratification of the estuary for the model. Calibration runs will begin soon, based off field measurement data sets collected over the past year. The code has been developed for the phytoplankton and sediment diagenesis models and preliminary outputs may be available around October.

The watershed loading model is attempting to link the Rancho California Water District (RCWD) groundwater model (upstream from the SMR River) to Camp Pendleton's surface water model. The hydrology component has been calibrated in the model; water quality is next. RCWD is working with United States Geological Survey (USGS) to create a 3D model for water quality. EPA funding (for Tetra Tech) is for the lagoon and is running out soon, but the EPA is ok with delaying phase 2 until the model updates are complete.

The Quality Assurance Plan is under review for monitoring of the lower portion of the SMR River and should be complete by late fall. Three sites have been scoped for the lower river. The work is funded and moving forward.

Parking Lot (remaining from February meeting):

1. SMR Fisheries presentation (after completion of the conjunctive use project)
2. The group needs to be aware of upcoming opportunities to make a decision as to whether the estuary is impaired
3. Suggested approaches for TMDLs and/or alternatives must be provided to the RWQCB by mid-2014.

Next Meeting:

To Be Determined.