




Continued discussion re: Exploring Options &  
Next Steps

MSAR Bacteria TMDL  
Task Force Meeting  
October 21, 2020




# Past Timeline of Select MSAR Bacteria TMDL Related Activities

- August 2005 – Santa Ana Water Board adoption
- May 2006 – State Water Board approval
- May 2007 – EPA Approval
- 2005-2007
  - MSAR TMDL Task Force Formed
  - Watershed-wide compliance monitoring program developed (initiated July 2007)
  - Urban Source Evaluation Plan (USEP) conducted
- April 2008 – Santa Ana Water Board approved USEP
- January 2010 – Riverside/San Bernardino MS4 Permits revised
- 2011 – Comprehensive Bacteria Reduction Plans (CBRPs) submitted
- February 2012 – Santa Ana Water Board approves CBRPs for Riverside/San Bernardino
- 2014 – Claremont & Pomona CBRPs submitted
- 2017/2018 – Inclusion of UCR per State Board's Phase II MS4 permit
- 2018 – Audit Report Findings for CBRP implementation (Riverside/San Bernardino)



# Key items for Regional Board update

- Audit Findings
- Special Study Results (e.g., Synoptic Study)
- Mill Creek Wetlands completion
- Phoenix Avenue Storm Drain Dry Weather Flow diversion project
- Diversion of East Valley storm drains to Jurupa Community Services District
- Chris Basin modifications

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# Other Activities for Regional Board Update

- Regional Bacterial Monitoring Program
- TMDL Triennial Reports (2010, 2013, 2016, 2020)
- Special Studies
  - MSAR Bacterial Indicator TMDL Data Analysis Report
  - Dry Weather Runoff Controllability Assessment for Lower Deer Creek Subwatershed
  - Source Evaluation Activities in Carbon Canyon Creek and Cypress Channel
  - Source Evaluation Project Activities for Middle Santa Ana River, TMDL Program Support
    - Includes 5 Technical Memoranda
  - Tier 2 Source Evaluation Assessment
  - Uncontrollable Bacteria Sources Study
  - Residential Property Scale Bacteria Study
  - Cucamonga Creek Data Collection
  - Arlington Study
  - City of Claremont Tier 2 Field Study
  - Magnolia Street Center Drain Data Collection
- MSAR Bacteria Synoptic Study & Triennial Report

# 2018 Audit Report Findings

- Found compliance with WQBELs, CBRP requirements & implementation schedules related to bacteria during dry weather conditions
- Coordination between MS4 permittees and internal departments could be improved
- **CBRPs in need of update – but not worthwhile until MSAR Bacteria TMDLs are updated**

# Current Permits - Expiration Dates & TMDL Compliance Requirements

Permit	Expiration Date	Compliance for Dry Summer Conditions (December 31, 2015)	Compliance for Wet Winter Conditions (December 31, 2025)
San Bernardino MS4 Permit	January 29, 2015	Adoption of Comprehensive Bacteria Reduction Plan (CBRP) as the Final WQBEL	Urban WLAs become final numeric WQBEL on January 1, 2026 – unless alternative final WQBEL adopted prior to January 1, 2026
Riverside MS4 Permit	January 29, 2015	Adoption of Comprehensive Bacteria Reduction Plan (CBRP) as the Final WQBEL	Urban WLAs become final numeric WQBEL on January 1, 2026 – unless alternative final WQBEL adopted prior to January 1, 2026
Cities of Claremont & Pomona	October 1, 2018	Adoption of Comprehensive Bacteria Reduction Plan (CBRP) as the Final WQBEL	Urban WLAs become final numeric WQBEL on January 1, 2026 – unless alternative final WQBEL adopted prior to January 1, 2026
Phase II MS4s	July 1, 2018	January 1, 2019 for Dry Condition	December 31, 2025 for Wet Condition
CAFO General Order	March 14, 2024	Comply with specified permit provisions	Same as MS4s

# Issues of Concern with Existing TMDL



Inconsistent with State's Bacteria Provisions



Outdated TMDL Implementation Plan/Schedule Due Dates



Implementation Plan designed around Dry Summer Condition – not Wet Winter Condition



Identified as key priority for update per Triennial Review



Not applied to all agricultural sources

Small sub-set of agricultural producers participated in BASMP  
CAFOs participated in BASMP via Milk Producers Council



# Potential Options

- Option 1A - Revise existing TMDL
  - 1 – Task Force & Stakeholders take lead in preparing revision in coordination with Santa Ana Water Board staff
  - 2 – Santa Ana Water Board staff take lead in coordination with Task Force & Stakeholders
- **Option 2A – Revise Implementation Plan Part of TMDL**
  - **Would not be a Water Quality Standards action if compliance schedule not adjusted**
  - **Shorter time period for Amendment**
  - **Limit Amendment to key implementation components**
- Option B – Consider existing TMDL as being obsolete
  - Use State Board 2019 Objectives as applicable criteria
  - Agree to voluntarily update CBRPs to address wet weather condition
  - Assume that MSAR likely to be listed as impaired in next 303(d) listing cycle
  - Advocate that revised CBRPs (as incorporated into permit(s)) is solution to impairment & no TMDL is necessary (category 4(b) listing)
- **Option C – Continue forward with existing TMDL and revise CBRPs and BASMP to address Wet Winter Condition**
  - **Renewed permits incorporate revised & approved CBRPs as Final WQBELs**
  - **Consider time schedules if Wet Winter Condition can't be met by December 31, 2025**
  - **Include alternative language for new TMDL provisions automatically being in effect if revised during permit term**



# Potential Clarifying Revisions to Implementation Plan

- Clarify Dry Summer Conditions & Wet Winter Conditions applicability
- Clarify application of high flow suspension
- Update tasks and schedule
- Clarify demonstrations of compliance
  - Dry Summer Conditions
  - Wet Winter Conditions





## Questions to Task Force Members (including Regional Board)

- What information do permittee Task Force members need to decide preferred pathway forward?
- What information does the Regional Board need to decide preferred pathway forward?
  - What is Regional Board's process for selecting preferred pathway forward?
- What is the timing for selecting a preferred pathway forward?