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*Via Email Only*

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SUBJECT: Staff Working Proposal of the *National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges of Pollutants in Urban Runoff from the Municipal Storm Sewer Systems in the Counties of Orange, Riverside and San Bernardino within the Santa Ana Region*

Dear Ms. Joy:

On behalf of the voting members of Lake Elsinore and Canyon Lake TMDL Task Force (LECL Task Force), the Lake Elsinore and San Jacinto Watersheds Authority (LESJWA) appreciates the opportunity to provide written comments on the Staff Working Proposal of the *National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges of Pollutants in Urban Runoff from the Municipal Storm Sewer Systems in the Counties of Orange, Riverside and San Bernardino within the Santa Ana Region* (Staff Working Proposal). Typically, the LECL Task Force would not comment on the Santa Ana Regional Water Quality Control Board’s (Santa Ana Water Board) efforts to incorporate TMDL provisions into municipal separate storm sewer system (MS4) NPDES permits; however, due to concerns regarding how the Staff Working Proposal looks to incorporate the Lake Elsinore and Canyon Lake Nutrient TMDLs (LE/CL TMDLs) and associated compliance provisions into the Santa Ana Regional MS4 Permit, we find it necessary to provide comments at this early opportunity.

In summary, the LECL Task Force is concerned that provisions in the Staff Working Proposal ignore the more than 15 years of cooperative and successful efforts of the LECL Task Force to address nutrient issues in the lakes and instead seeks to replace the collaborative BMP-based compliance efforts with requirements for strict compliance with numeric WQBELs. Further, the Staff Working Proposal fails to mention the ongoing, multiple-year efforts to update the LE/CL TMDLs and does not incorporate in-lake offsets as a pathway for compliance. As such, the Staff Working Proposal appears to depart from the Santa Ana Water Board’s long-standing practice of working with the LECL Task Force to address nutrient issues on a watershed basis to improve water quality in Canyon Lake and Lake Elsinore.

Since 2005, the LECL Task Force has expended significant time and resources to implement the existing TMDLs and to meet water quality targets, wasteload allocations (WLAs) and load allocations (LAs) as expressed in the LE/CL TMDLs. These efforts, which are described in greater detail below, include stabilizing Lake Elsinore water levels with supplemental water from Elsinore Valley Municipal Water District, installing and implementing in-lake aeration and circulation through the Lake Elsinore Aeration and Mixing System (LEAMS), undertaking fisheries management and habitat restoration projects, watershed nutrient controls, and adding alum to Canyon Lake. In addition, the LECL Task Force continues to implement the long-term surveillance and monitoring program for watershed-wide monitoring and in-lake monitoring at both lakes, a monitoring program which started in the spring of 2006 and was updated in 2011 and 2015. The current monitoring program assesses water quality trends in the watershed and the lakes to assess the effectiveness of Task Force efforts.

In April 2021, the LECL Task Force submitted a 2020 Final Compliance Assessment Report to the Santa Ana Water Board[[1]](#footnote-1), which demonstrated that these collective and collaborative efforts have resulted in achievement of the final 2004 TMDLs for Total Nitrogen (TN) and Total Phosphorus (TP) for both Lake Elsinore and Canyon Lake (expressed as 10-year running averages). (LESJWA 2021.) Even with this accomplishment, the LECL Task Force continues to work with Santa Ana Water Board staff on adaptive approaches to addressing nutrient issues in both lakes. For the last five-plus years, the LECL Task Force, in collaboration with Santa Ana Water Board staff, has prepared an extensive technical analysis for revising the 2004 LE/CL TMDLs to improve the linkage analysis between allocated loads and predicted in-lake response targets. These combined efforts are still ongoing, with the mutual goal of proposing revised LE/CL TMDLs to the Santa Ana Water Board for consideration as soon as reasonably possible.

To ensure that the LECL Task Force can continue to tackle nutrient issues in Lake Elsinore and Canyon Lake, the LECL Task Force seeks revisions to the Staff Working Proposal that recognize the LECL Task Force and its ongoing collaborative efforts, acknowledges potential revisions to the 2004 LE/CL TMDLs, and accepts in-lake offsets as a compliance strategy. Our specific comments and recommendations for revisions are set out in Section III below. In Section 1, we provide a summary on the background on the LECL Task Force, and in section II we provide greater detail on TMDL implementation projects that have been implemented by the LECL Task Force and its members.

1. **Background Summary on LECL Task Force**

In 2005, the LESJWA formed the LECL Task Force for stakeholders that would be subject to the LE/CL TMDLs in order to coordinate and share the cost of monitoring and implementation efforts. The LECL Task Force is comprised of nearly all dischargers identified in the TMDLs, including: MS4 permittees, wastewater treatment plants, agricultural operators, concentrated animal feeding operations (dairies), and state, federal, or tribal agencies that own land or operate facilities that discharge in the watershed.[[2]](#footnote-2) The LECL Task Force meets monthly and Santa Ana Water Board staff regularly attend and participate in these meetings.

Collectively, the LECL Task Force manages an annual budget of almost $1 million and is responsible for:

* Implementing the watershed-wide water quality monitoring program.
* Implementing the water quality monitoring program for both lakes.
* Updating the watershed runoff model used to estimate nutrient loads.
* Conducting special studies to aid in selection of mitigation projects.[[3]](#footnote-3)
* Implementing the Lake Elsinore Sediment Nutrient Reduction Plan.
* Implementing the Canyon Lake Sediment Nutrient Reduction Plan.
* Revising and updating the TMDL (including targets and allocations).
* Completing a fisheries management report for Lake Elsinore (LESJWA 2020).

Since it commenced operations, the LECL Task Force has implemented several large-scale water quality improvement projects to reduce nutrient loads released by lake bottom sediments. In addition, individual LECL Task Force members and stakeholders have implemented a wide array of best management practices (BMPs) designed to reduce nitrogen and phosphorus pollution in stormwater runoff from urban and agricultural areas.

For the first 10-year compliance period (January 1, 2011 through December 31, 2020), implementation efforts include in-lake projects such as alum applications in Canyon Lake and operation of the LEAMS in Lake Elsinore, as well as watershed controls implemented by MS4s and agricultural operators. As noted above, these cumulative compliance efforts resulted in achievement of the final TP and TN TMDL allocations for both lakes at the end of December 2020 (LESJWA 2021).

Starting in mid-2015, the LECL Task Force (with Santa Ana Water Board support) agreed to develop the documentation needed to update and amend the 2004 LE/CL TMDLs. In December 2018, a Draft TMDL Technical Report: *Revision to the Lake Elsinore and Canyon Lake Nutrient TMDLs* (Draft TMDL Technical Report) was released for public and peer review (LESJWA 2018). The Santa Ana Water Board held a public workshop on the Draft TMDL Technical Report and proposed revisions on May 3, 2019. The Santa Ana Water Board received comments from six different peer reviewers on the Draft TMDL Technical Report on October 22, 2019. Since then, the LECL Task Force and Santa Ana Water Board staff have worked collaboratively to respond to questions and concerns raised by peer reviewers, USEPA and others relating to the Draft TMDL Technical Report, models used in the report, and proposed revisions to the LE/CL TMDLs. These efforts are ongoing. In the meantime, the 2004 LE/CL TMDLs remain in effect, and implementation of the TMDL and its provisions continues.

1. **Summary of TMDL Implementation Program**

The LECL Task Force, both collectively and through the efforts of individual members, has implemented numerous projects in the San Jacinto River watershed, Canyon Lake and Lake Elsinore to support efforts to achieve interim and final TMDL targets and WLAs/LAs in the TMDL. The 2020 Compliance Assessment Report describes these projects in substantial detail and demonstrates achievement of the TMDLs, which is not repeated here. (See LESJWA 2021.) Rather, we provide a brief summary so that staff at the Santa Ana Water Board that are not acquainted with the LECL Task Force can understand the breadth and extent of work performed by the LECL Task Force since it was formed in 2005.

Lake and Watershed Monitoring Program

The 2004 LE/CL TMDLs required stakeholders to implement a long-term surveillance and monitoring program that includes 1) watershed-wide monitoring to determine compliance with interim and/or final TP and TN allocations; 2) in-lake nutrient monitoring for both lakes to determine compliance with interim and final nitrogen, phosphorus, chlorophyll-*a*, and dissolved oxygen (DO) targets; and, 3) an annual report summarizing data collected for the year that evaluates compliance with the TMDL, due August 15 of each year. The original monitoring program for the 2004 LE/CL TMDL was approved by the Santa Ana Water Board in 2006 (Resolution No. R8-2006-0031), and was implemented from April 2006 through June of 2012, with some approved revisions.

For the period of July 2012 through April 2015, in lake monitoring was temporarily suspended (as agreed on with the Santa Ana Water Board) so that the LECL Task Force could redirect program funding towards nutrient reduction actions. Watershed monitoring continued as previously approved. Then, in 2015, in lake monitoring resumed in accordance with a revised a monitoring work plan. Key enhancements to the in-lake monitoring program included additional monitoring events for Lake Elsinore, total and dissolved aluminum monitoring in Canyon Lake and satellite imagery for Canyon Lake. The LECL Task Force has also voluntarily conducted monitoring for cynobacteria blooms using in lake sampling and high resolution satellite imagery at Lake Elsinore.

The LECL Task Force continues to implement the Lake and Watershed monitoring program every year and submits an Annual Report each August.

In-Lake Nutrient Controls

The LECL Task Force members, individually and collectively, have developed and implemented several significant programs to control nutrients in the lakes.

* Canyon Lake Alum -Starting in 2013, the LECL Task Force has added alum to Canyon Lake. In summary, when alum is added to water, it forms an aluminum hydroxide floc that binds with phosphorus in the water column and settles to the lake bottom. Once on the lake bottom, any remaining binding capacity is used to sequester a portion of phosphorus in pore water. This portion of phosphorus is no longer available for cycling back to the water column, which helps to control algae growth. Since beginning the addition of alum, water quality has improved dramatically in Canyon Lake and TP levels have steadily decreased at all monitoring sites. The application of alum to Canyon Lake offsets nutrient reductions from LECL Task Force members and is essential for achieving TP TMDL allocations.
* Lake Elsinore Lake-Level Stabilization – Lake Elsinore is historically known for its widely fluctuating lake levels, which impacts water quality. Over the decades, many efforts have been implemented to stabilize lake levels, including construction of a levee. However, even after levee construction, lake levels fluctuated significantly. Starting in 2007, and with the assistance of Proposition 13 water bond funding granted to LESJWA, EVMWD has provided supplemental make up water to maintain lake levels in Lake Elsinore. The primary source of supplemental water is EVMWD’s tertiary treated reclaimed water. Proposition 13 funding helped to fund a permanent recycled water pipeline from EVMWD to the lake and phosphorus removal facilities at EVMWD. The importance of supplemental water was recently demonstrated in the Draft TMDL Technical Report whereby the analysis in that report found that Lake Elsinore would have been completely dry in 2015 without implementation of hydrologic controls and supplemental water.
* Lake Elsinore Aeration and Mixing System (LEAMS) – LEAMS was designed and constructed by LESJWA using funding available through the Safe Drinking Water, Clean Water, Watershed Protection and Flood Protection Bond Act of 2000. Completed in 2006, ownership of LEAMS was turned over to EVMWD, the City of Lake Elsinore and Riverside County (collectively referred to as the “Operators”) to be operated and maintained as a joint project. LEAMS consists of an aeration system operated by EVMWD and mixing system operated by the City of Lake Elsinore, which operate in tandem to improve water quality in Lake Elsinore by improving the average concentration of dissolved oxygen (DO) in the water column. Participation in the cost of LEAMS operations is one way that LECL Task Force members offset loads of TP and TN in excess of applicable WLAs.
* Fishery Management Project – In addition to addressing TP and TN water quality issues, the LECL Task Force has also implemented a fishery management project for Lake Elsinore. These efforts have included a carp control program, sport fish stocking program and periodic aquatic biological community surveys. LESJWA and the City of Lake Elsinore implemented a multi-year demonstration project to reduce carp populations in the lake. These efforts were implemented between 2003 and 2008 and were so successful that the program was suspended in 2008 because the carp population was so low that carp could no longer be captured efficiently. Most recently, the LECL Task Force commissioned a study in 2019 to assess the current status of the Lake Elsinore fishery (an in particular the carp population) and identify potential management measures to further improve the fishery resources within Lake Elsinore. The 2019 fish survey was the most comprehensive survey of Lake Elsinore completed to date. Results from the survey were compared to findings from other surveys dating back to 2002. This comparison showed that the dominant fish species has changed over time, and that the lake’s fish community is now dominated by Silverside Minnows and Mosquitofish while the carp population continues to remain at low levels.

Watershed Nutrient Controls – Agricultural Program

Agricultural operations within the San Jacinto River watershed and its tributaries may comply with the LE/CL TMDLs by participating in a discharger/coalition group. The Western Riverside County Agriculture Coalition (WRCAC) acts as a coalition group for this purpose and represents the interests of its member agricultural operators and dairy operators by participating in the LECL Task Force on their behalf. Further, WRCAC prepared and submitted an Agricultural Nutrient Management Program (AgNMP) to the Santa Ana Water Board on behalf of its agricultural and dairy members. Implementation of the AgNMP involves a combination of manure management, conservation tillage, winter cover crops and buffers. Further, WRCAC has also developed a new management system, the Agricultural Surface Runoff Water Quality Index (WQIAG), to properly track and credit use of field operations and conservation practices designed to reduce nutrients in surface runoff.

Watershed Nutrient Controls - MS4s/Comprehensive Nutrient Reduction Plan

In addition to participating in collaborative efforts through the LECL Task Force, the MS4s have also implemented significant watershed BMPs to address stormwater sources of nutrients to the lakes. The efforts have been conducted pursuant to the Comprehensive Nutrient Reduction Plan (CNRP), a BMP-based TMDL compliance option approved by the Santa Ana Water Board as part of the 2010 Riverside County MS4 permit. (See Resolution No. R8-2013-0044.) Through the use of models, Riverside County MS4 permittees have been able to quantify estimates of nutrient load reduction resulting from certain key BMP implementation activities. Descriptions of these reductions, as contained in the 2020 Compliance Assessment Report, are summarized here.

*Street Sweeping and Debris Removal*

Street sweeping and MS4 facility debris removal are key CNRP implementation activities that have been shown to reduce a significant source of nutrients in urban environments. The CNRP compliance analysis employed a continuous simulation model of exponential pollutant buildup and washoff to estimate the nutrient load reduced as a result of street sweeping and debris removal.[[4]](#footnote-4) The model estimated that these efforts collected 0.15 kg/yr TP and 0.5 kg/yr TN of nutrient washoff for every metric ton of sediment removed from streets or catch basins, a load which otherwise would have been available for washout into the lakes. This figure was applied to reported 2020 street sweeping and debris removal by cities in the San Jacinto River watershed after discounting the jurisdictional area within the watershed (**Table 2-3**). The total estimated washoff reductions set forth in Table 1 are about twice the baseline amount estimated in the CNRP, which was based on MS4 program reporting in 2005-2010. This reflects how the sediment removal efforts have been enhanced over the years.

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| **Table 1. Estimated Watershed Nutrient Washoff Reduction from Street Sweeping and MS4 Facility Debris Removal by MS4 Permittees** |
| **Jurisdiction** | **Sediment Removal(Metric Tons/yr)** | **Nutrient Load Reduction** |
| **Street Sweeping** | **Catch Basin Cleaning** | **TP (kg/yr)** | **TN (kg/yr)** |
| Beaumont | 275 | 14 | 43 | 145 |
| Canyon Lake | 18 | 2 | 3 | 10 |
| Hemet | 821 | 770 | 239 | 796 |
| Lake Elsinore | 426 | 346 | 116 | 386 |
| Menifee | 478 | 121 | 90 | 300 |
| Moreno Valley | 3482 | 79 | 534 | 1780 |
| Murrieta | 0.03 | 0 | 0.005 | 0.015 |
| Perris | 974 | 31 | 151 | 502 |
| Riverside | 29 | 3 | 5 | 16 |
| Riverside County | 781 | 740 | 228 | 760 |
| San Jacinto | 388 | 131 | 78 | 259 |
| Wildomar | 1 | 0 | 0.1 | 0.3 |
| **TOTAL** | **7674** | **2235** | **1486** | **4954** |

*Structural BMPs in New Development Water Quality Management Plans (WQMP)*

Another example of the efforts made by Riverside County MS4s pertains to structural BMPs for new development and redevelopment projects in the watershed. Under the Riverside County MS4 permit, certain new development (including redevelopment) projects are required to manage stormwater with post-construction BMPs that mimic the pre-developed condition of the site. As urbanization in the San Jacinto River watershed has continued, the addition of these new stormwater BMPs are reducing downstream nutrient loads to Canyon Lake and Lake Elsinore . The net reduction of nutrient loading is occurring because discharges from the new post-construction BMPs are designed to mimic the pre-developed condition of a site. Thus, if a project involves redevelopment of an existing commercial property, there will be a net reduction in load. Conversely, if the project site was previously undeveloped, stormwater BMPs serve to prevent new excess nutrient washoff associated with the project from reaching the downstream lakes.

To date, stormwater BMPs have been deployed to capture and infiltrate, or treat/release runoff from 9,400 acres of urban land use, representing ~10 percent of total urban land use in the San Jacinto River watershed. These stormwater BMPs reduce excess nutrient washoff from pre-developed land uses by 401 kg/yr TP and 1,162 kg/yr TN (**Table 2**).[[5]](#footnote-5)

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| **Table 2. Estimated Watershed Load Reduction from WQMP Post Construction BMPs by MS4 Permittees** |
| **Best Management Practice** | **Drainage Acres to Stormwater BMPs**  | **Nutrient Load Reduction** |
| **TP (kg/yr)** | **TN (kg/yr)** |
| Stormwater Infiltration | 2,922 | 164 | 842 |
| Extended Detention | 4,424 | 186 | 308 |
| Hydrodynamic Separator | 1,133 | 21 | 42 |
| Vegetated Swale | 333 | 9 | 0 |
| Media Filters | 548 | 21 | 0 |
| **Total** | **9,362** | **401** | **1,192** |

These stormwater quantity management requirements, however, present a paradox for the San Jacinto River watershed. Specifically, water quality within Lake Elsinore is closely correlated to lake level, which is sensitive to the volume of watershed runoff that reaches the lake. Thus, stormwater runoff volume that reaches the downstream lakes is valuable to supporting MUN, REC1, and WARM beneficial uses, as applicable to each lake (LESJWA 2018). Historically, lake level fluctuations in Lake Elsinore have been so severe that during extended periods of drought, the lake bed has been completely dry (LESJWA 2018). More recently, without addition of reclaimed water, Lake Elsinore would have been completely dry during the 2015-2016 drought period (LESJWA 2018). The continued retention of stormwater runoff on-site, as required by stormwater BMPs, may in fact exacerbate the lake level problem in Lake Elsinore. To avoid this unintended consequence, use of in-lake water quality controls to offset excess external nutrient loads is an important and integral element for achieving compliance with the TMDLs.

Again, considering the long-standing work performed by the MS4s and all members of the LECL Task Force in efforts that have successfully achieved TMDL WLAs/LAs, the LECL Task Force reiterates its concerns with the Staff Working Proposal and its failure to include in-lake offsets and a successful BMP-based approach.

1. **Select Comments and Recommendations on the Staff Working Proposal**
2. *Comments*

The LECL Task Force is concerned that Appendix 11, in conjunction with the compliance language in Section VII of the Staff Working Proposal, would eliminate the use of in-lake offsets for meeting the LE/CL TMDLs. The LECL Task Force is also concerned that the imposition of numeric WQBELs on the MS4s would do away with the current BMP-based compliance through collaborative Task Force efforts. Further, the present language in the Staff Working Proposal would disallow a compliance demonstration based on aggregation of all watershed sources as compared to the measurements of mass emissions of watershed loads.

Currently, the MS4s are in compliance with the 2004 LE/CL TMDLs through their implementation of the CNRP, which is the WQBEL in the 2010 MS4 permit. Further, the MS4s and other LECL Task Force stakeholders can demonstrate that the TMDLs are achieved by comparing the watershed loads from all watershed sources against the allowed total loads for each lake. The Staff Working Proposal removes implementation of the CNRP as a compliance option and does not allow for aggregation of watershed loads to evaluate compliance. Rather, the Staff Working Proposal would require the MS4s to show immediate compliance by demonstrating that urban runoff and septic systems specifically meet the WLAs assigned to these sources in the 2004 TMDLs. This approach is problematic for several reasons.

First, replacing the CNRP as the final WQBEL with numeric WQBELs for nutrient WLAs fails to understand the watershed dynamics for these lakes. The 2004 LE/CL TMDLs estimated loads for various sources based on the land uses present at that time. Since 2004, the watershed has undergone a significant transformation whereby urban land use has increased nearly threefold from an estimated 35,000 acres to an estimated 95,000 acres. Considering this dramatic shift in land use, load allocations assigned to the various watershed sources in the 2004 LE/CL TMDLs are no longer accurate and should not be used to establish numeric WQBELs.

Second, Appendix 11 of the Staff Working Proposal ignores the 15-plus years of collaborative work and effort expended by the Task Force members collectively and individually. The LECL Task Force, like the MSAR Task Force, has a proven track record of getting things done. The LECL Task Force and its members (individually and collectively), in collaboration with the Santa Ana Water Board, has spent millions of dollars over the years studying the watershed and nutrient cycling in these unique lakes, installing in-lake aeration systems, applying alum and implementing many BMPs to control and manage nutrients. Through these efforts, the LECL Task Force has clearly demonstrated its commitment to implementing an adaptive approach that looks at the overall watershed and adjusts BMPs based on significant changes to management of the lakes.

Third, the LECL Task Force, as well as Santa Ana Water Board staff, agree that the 2004 LE/CL TMDLs must be updated. In addition to needing to update twenty-year old land use data, the linkage analysis between allocated loads and predicted in-lake response targets also needs to be improved. In 2015, as part of the Triennial Review process, the Santa Ana Water Board identified the 2004 LE/CL TMDLs as a priority for updating. The LE/CL Task Force agreed to undertake this effort in conjunction with Santa Ana Water Board staff. On December 1, 2018, LESJWA, in collaboration with the LECL Task Force, submitted the Draft TMDL Technical Report (LESJWA 2018), which represent a culmination of a three-year collaboration between the LECL Task Force and Santa Ana Water Board staff to assemble and analyze the vaste amount of data collected since adoption of the 2004 TMDL. The Draft TMDL Technical Report and draft amendments to the Basin Plan were circulated for public comment on December 1, 2018, and were subject to a public workshop before the Santa Ana Water Board on May 3, 2019. Although revisions to the 2004 TMDLs and Basin Plan were not adopted in 2019 as originally anticipated, efforts by the Task Force and Santa Ana Water Board staff continue.

These efforts include responding to Peer Review comments received by the Santa Ana Water Board staff in November of 2019. The LECL Task Force first responded to the Peer Review comments in March 2020. Based on Peer Review comments and responses, as well as internal staff reviews, Santa Ana Water Board staff in October 2020 requested further information regarding the proposed 2018 TMDL Revisions and the models used to calculate TMDL targets, WLAs and LAs in the proposed 2018 TMDL Revisions. Since then, the LECL Task Force has directed its consultants to work with Santa Ana Water Board staff to answer questions regarding the modeling and to update the modeling with newer versions, as was previously anticipated. Discussions between LECL Task Force consultants and Santa Ana Water Board staff, which included five modeling workshops, were completed in the spring of 2021. The results of the revised modelswere presented to the Task Force at the May 17, 2021 meeting. After completion of the revised modeling, Santa Ana Water Board staff conveyed their reservations with certain parts of the proposed 2018 TMDL Revisions; however, staff did not disagree that the 2004 TMDLs still needed to be updated. Currently, LECL Task Force members, its representatives, and Santa Ana Water Board staff are working collectively to revise the proposed 2018 TMDL Revisions for ultimate consideration and hopefully approval by the Santa Ana Water Board in the near future.

Considering the history of the 2004 TMDLs, the LECL Task Force proven track record, and ongoing significant efforts to revise the TMDLs, it is unfortunate that the Staff Working Proposal seeks to impose numeric WQBELs based on outdated WLAs rather than maintaining a BMP-based compliance option. The Staff Working Proposal would arguably undermine continued watershed-wide collaboration through the LECL Task Force.

1. *Requested Revisions*

For all of the above reasons, the LECL Task Force recommends that the Staff Working Proposal language be revised as follows:

* Remove numeric WQBELs that are based on urban runoff and septic system WLAs and LAs, respectively, as expressed in the Canyon Lake and Lake Elsinore TMDLs;
* To the extent WQBELs are necessary, express them as BMP-based so that compliance can be achieved through actions;
* Recognize LECL Task Force participation as part of BMP-based compliance;
* Recognize and allow the MS4s to demonstrate achievement of meeting TMDLs through the aggregation of all watershed sources as compared to the total allocated watershed load in the 2004 LE/CL TMDLs (minus in-lake offsets);
* Specifically allow for the use of existing in-lake offsets such as alum application in Canyon Lake and operation of LEAMS;
* Allow for the use of new in-lake offsets, as approved by the Santa Ana Water Board’s executive officer; and,
* Add language to Appendix 11 that identifies the ongoing process for revision of the 2004 LE/CL TMDL and recognize that Appendix 11 will need to be updated or replaced when a newly revised TMDL goes into effect.

In summary, the LECL Task Force encourages Santa Ana Water Board staff to revise Appendix 11 and other Staff Working Proposal provisions as necessary to promote continuation of BMP-based compliance for the LE/CL TMDLs with deadlines that have already passed, allow for the aggregation of all watershed sources to be compared to the total of allowed loads to determine if TMDLs are being achieved, and allow for the continued use of in-lake offsets to offset watershed loads. Finally, the ultimate permit language needs to recognize and identify the ongoing efforts to revise the outdated 2004 LE/CL TMDLs.

1. The 2020 Compliance Assessment Report was first submitted in December 2020 to meet a compliance deadline expressed in the Comprehensive Nutrient Reduction Plan. It was then subsequently updated with final data from 2020 and resubmitted as a Final Report in April of 2021. [↑](#footnote-ref-1)
2. The LECL Task Force members currently include: Riverside County, City of Beaumont, City of Canyon Lake, City of Hemet, City of Lake Elsinore, City of Moreno Valley, City of Murrieta, City of Menifee, City of San Jacinto, City of Riverside, City of Perris, City of Wildomar, Caltrans, California Department of Fish and Wildlife, Elsinore Valley Municipal Water District, March Air Force Reserve Joint Powers Authority, U.S. Air Force March Air Force Base, California Department of Transportation, Eastern Municipal Water District, San Jacinto Agricultural Operators and San Jacinto Dairy and CAFO Operators. The United States Forest Service was a member previously but has withdrawn its LECL Task Force membership. [↑](#footnote-ref-2)
3. See: <http://www.sawpa.org/collaboration/projects/lake-elsinore-canyon-lake-tmdl-task-force/> [↑](#footnote-ref-3)
4. See Section 3.3.1 of the CNRP for a detailed description of the model approach. [↑](#footnote-ref-4)
5. See Section 3.3.2 of the CNRP for a detailed description of the assumptions employed to estimate load reductions from post construction stormwater BMPs in WQMPs. [↑](#footnote-ref-5)