

# MSAR WATERSHED TMDL TASK FORCE

## Limited Revision to MSAR TMDLs: Project Status, Proposed Revisions & Draft Implementation Plan

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# ONGOING SCOPE OF WORK

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- Support CEQA Scoping (Scoping meeting held January 9, 2023)
- Prepare Technical Report to provide justification/rationale for limited TMDL revisions
  - All sections drafted; Regional Board has provided preliminary comments
  - To be provided to Task Force for review – targeting July
- Prepare CEQA Substitute Environmental Document
  - Initiated, but will not be fully drafted until there is concurrence on content of Technical Report
- Support preparation of Basin Plan amendment language
- Targeting adoption of Basin Plan amendment for February/March 2024

# PROPOSED LIMITED REVISIONS TO MSAR TMDLS

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- Proposed Revisions include (in current draft Technical Report):
  - Extend Wet Winter Condition compliance date 20 years<sup>1</sup> – from December 31, 2025 to December 31, 2045
  - Clarify applicability of Basin Plan High Flow Suspension (HFS) provision to MSAR TMDLs
  - Incorporate Phase 2 Implementation Plan to replace the completed Phase 1 Implementation Plan (existing TMDL implementation plan)
  - Clarify applicability of REC1 use to Cucamonga Creek
- Technical Report may recommend additional future clarifications
  - Applicability of the “Wet” vs. “Dry” Compliance Schedules (e.g., weather-based instead of season-based)
  - Definition of “Dry Weather” (defined in CBRPs, but not in TMDLs)

<sup>1</sup> Key Regional Board staff comment on draft Technical Report: Provide more justification for proposed implementation timelines

# EXTEND WET WINTER CONDITION COMPLIANCE DATE

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- TMDL compliance efforts to date have been focused on the Dry Summer Condition WLAs/LAs – when REC1 activity is most likely to occur
  - Numerous study findings since 2007 demonstrate challenge to comply with these WLAs/LAs
- Potential challenges with TMDL compliance during wet weather conditions
  - Recognized during TMDL adoption process
  - Further recognized during 2012 Basin Plan amendment process, which included adoption of HFS provision
  - Challenge to comply during dry condition expected to be magnified during wet condition
- Extension allows time to consider wet weather compliance strategies, e.g.,
  - How can water quality control implementation be coupled with HFS provision?
  - What is the feasibility of use of structural BMPs to address wet weather sources of bacteria?
  - Should the compliance strategy consider development of site-specific objectives (SSO)?

# CLARIFY APPLICABILITY OF HIGH FLOW SUSPENSION (HFS)

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- MSAR TMDLs adopted in 2005 - prior to adoption of the HFS
- HFS adopted in 2012 as part of Basin Plan amendment - outcome of the work of the Stormwater Quality Standards Task Force (SWQSTF)
- MSAR TMDLs noted that SWQSTF, “...*may recommend changes to the REC1 objectives to reflect conditions such as high flows, that affect REC1 use. Any such changes will be considered through the Basin Planning process.*”
- 2012 Basin Plan amendment did not explicitly state that the HFS applied to existing TMDLs; therefore, propose to clarify that the HFS provision may be considered as part of a compliance strategy for the MSAR TMDLs

# ESTABLISH PHASE 2 TMDL IMPLEMENTATION PLAN

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- TMDLs adoption resolution states: “...*implementation plan in the TMDLs...employs a phased TMDL approach to provide for refinement based on additional studies and analyses...*”
- MSAR TMDLs included a “Phase 1” Implementation Plan - these Phase 1 tasks have been completed
- Proposed TMDL revision includes a proposed Phase 2 Implementation Plan to support implementation of the proposed wet winter condition extension

# PHASE 2 IMPLEMENTATION – HIGH LEVEL VIEW OF TASKS

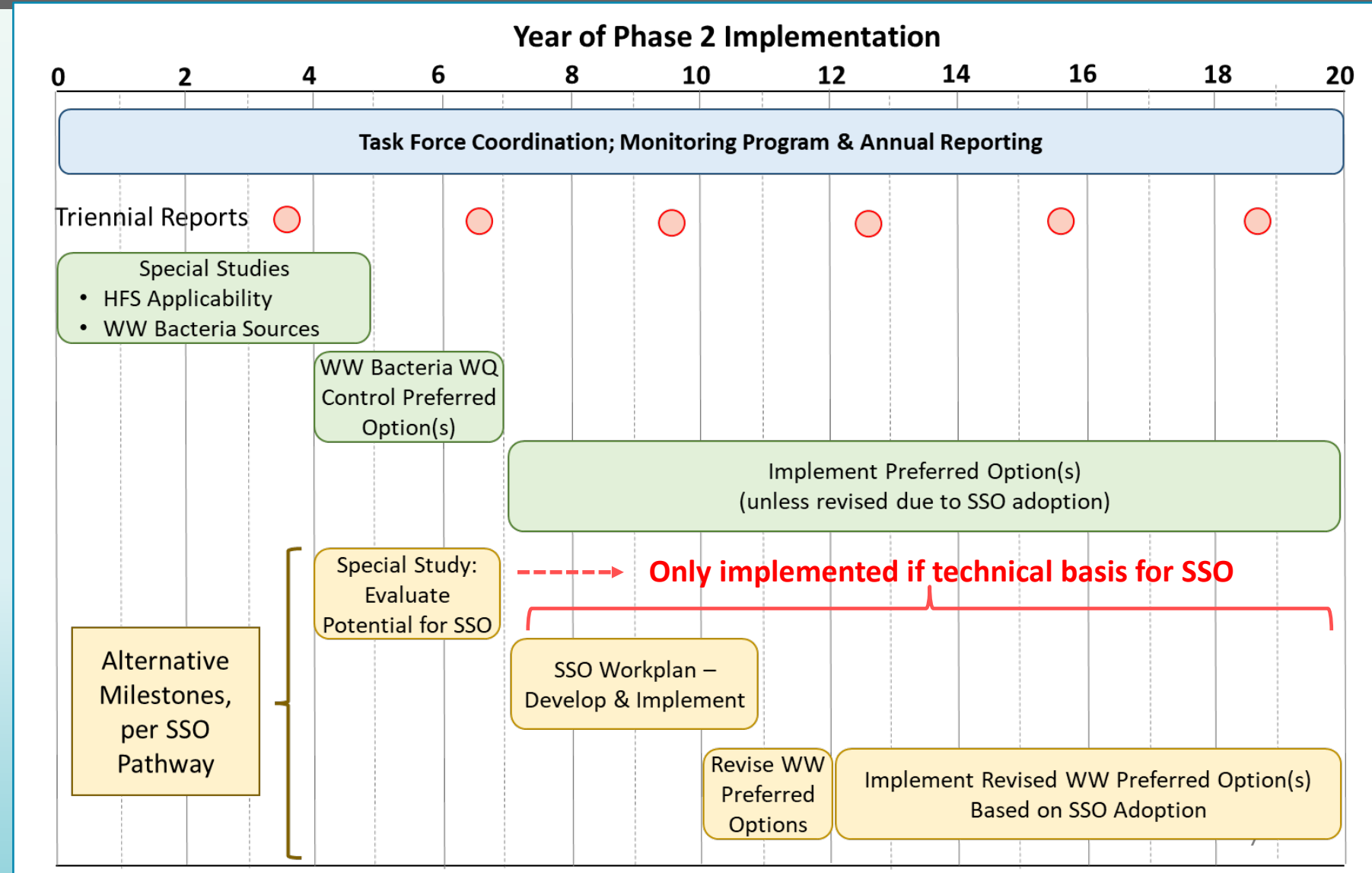
## Primary Compliance Strategy

- Complete Studies
- Identify Preferred Water Quality Control Option(s)
- Implement Option(s)

## Alternative Compliance Strategy

- Consider SSO development
- Develop SSO, if approved
- Revise Water Quality Control Option(s) based on SSO Application

12/11/2023



# PHASE 2 IMPLEMENTATION PLAN TASKS (DRAFT)

Task	Key Action(s)
Task 1 – Stakeholder Coordination	MSAR Task Force Process
Task 2 – Revisions to Existing Permits & Other Regulatory Actions	Update permits or take other regulatory actions as needed to support TMDL implementation
Task 3 – Recommendations for Additional Revisions to MSAR TMDLs	Present recommendations for additional TMDL clarifications, where appropriate
Task 4 – Revise Existing Watershed Implementation Plans (WMP) for Dry Summer Conditions	Unless addressed through separate regulatory action (e.g., MS4 permit requirement), update existing CBRPs, FBRP and BASMP
Task 5 – Establish Other Required Dry Summer Condition WMPs (where needed)	Preparation of FBRP/BASMP by entities with applicable WLAs/LAs that have not yet submitted required WMPs
Task 6 – Special Study: Application of HFS to TMDLs	Study to evaluate how to apply HFS to Wet Winter Condition TMDLs
Task 7 – Special Study: Wet Weather Bacterial Indicator Sources	Study to collect wet weather data over several wet seasons to identify controllable bacteria sources during wet weather
Task 8 – Evaluate Potential Bacteria Control Options for Wet Weather and Identify Preferred Option(s)	Identify preferred option or set of options to comply with wet winter condition TMDLs

# PHASE 2 IMPLEMENTATION PLAN TASKS (DRAFT)

Task	Key Action(s)
Task 9 – Implement Preferred Option(s)	Workplan with milestones for approval; implement approved Workplan
Task 10 – Special Study: Evaluate Potential for SSO	Considering findings from all studies to evaluate need for and potential to develop SSOs
Task 11 – Develop/Implement SSO Workplan (if needed)	SSO development Workplan with milestones for approval; implement Workplan, if approved
Task 12 – Revise MSAR TMDLs based on outcome of SSO Workplan (if needed)	Revise TMDLs through Basin Plan amendment
Task 13 – Revise Wet Weather Control Workplan (as needed, if SSO approved)	Revise Task 9 Workplan to incorporate updates based on SSO approval
Task 14 – Triennial Reports	Continue submittal of Triennial Reports to periodically evaluate status of compliance
Task 15 – Watershed-wide TMDL Compliance Monitoring Program	Update as needed, but continue to implement TMDL compliance monitoring program (as part of Regional Bacteria Monitoring Program [RBMP])
Task 16 – Annual Water Quality Reports	Continue to submit Annual Water Quality Reports (as part of RBMP)

# NEXT STEPS

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- Revise draft Technical Report sections based on Regional Board staff comments
- Submit document to MSAR Task Force for review – by end of July
- Complete preparation of a draft CEQA Substitute Environmental Document

