



# LECL TMDL Task Force Meeting

May 13, 2024

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Regulatory Facilitator

# TMDL Update Activities – Basin Plan Amendment Language



Ongoing coordination with Santa Ana Water Board staff, US EPA and Task Force members



Received comments from the following:

Santa Ana Water Board staff (planning & permitting staff)  
MS4s  
WRCAC  
EVMWD



Revising language based on comments received



Scheduling follow-up calls with Task Force members to discuss revisions as necessary

# Current Schedule for Completing Draft Documents

- Circulate revised draft Basin Plan Amendment language to Task Force
  - Week of June 3
- Circulate draft Executive Summary for Technical TMDL Report to Task Force
  - June 30, 2024
- Submit comments on revised draft Basin Plan Amendment language
  - July 1, 2024
- Submit final draft Basin Plan Amendment language and Technical TMDL Report to Santa Ana Water Board staff
  - July 15, 2024



# Schedule for Consideration by Santa Ana Water Board

## AB 2108 Outreach

- August-October

## Circulation of Tentative Documents for Public Review and Comment (at least 45- day review period, maybe 60)

- August-September

## Santa Ana Water Board Workshop

- September 13, 2024

## Santa Ana Water Board Adoption Hearing

- October 25, 2024



# Summary of Conversations with Regional Board staff and U.S. EPA

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## **Regional Board Staff Discussions**

Review of Tech Report by Region 1 Modeler assisting staff

Overview of U.S. EPA concerns and potential response

Overview of Regional Board staff comments



## **U.S. EPA & Regional Board Meeting**

Overview of reference watershed approach

Questions re: EPA Nutrient Models & their application

Questions re: Cyanotoxins

Direct question to Regional Board staff: “Do you support the approach?” – Answer - Yes

# Summary of Regional Board Staff Comments on Basin Plan Amendment (BPA) Language



Reorganize Basin Plan  
Amendment language

Create comprehensive  
amendment

Delete current language; no need  
to intermix



Distinguish difference  
between attainment &  
compliance

Attainment means the condition  
of being attained

Compliance means conformity of  
fulfilling official requirements



Include 10-year review of TMDLs by Santa  
Ana Water Board



Distinguish between Targets as being non-  
enforceable & need to attain load  
allocations

# Summary of Comments on Offsets, Permit Incorporation & Options for Demonstrating Compliance

- **Offsets**

- Explain why use of offsets is appropriate for these TMDLs
- Explain what we mean by “pollution offsets”
  - RESPONSE: Expand on appropriateness of Offsets; explain use of offsets and how they are used to offset watershed loads by addressing in lake sediment flux

- **BMP water quality-based effluent limitations**

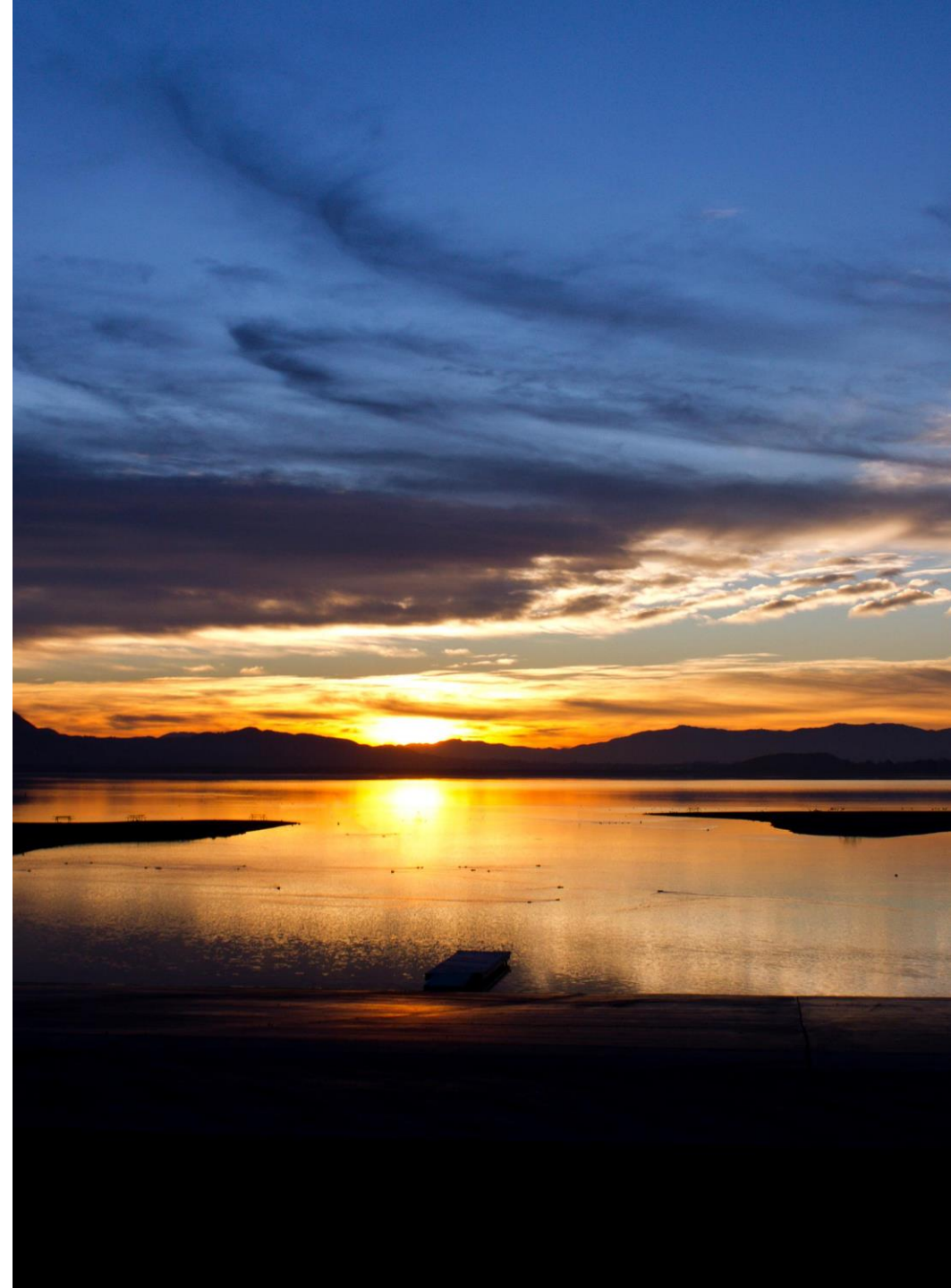
- No compelling reason to continue to allow a BMP-based approach
- New WLAs are substantially greater than the “old ones”
- Needs better analysis for merits of BMP based approach versus numeric approach
  - RESPONSE: Expand on need and justification for use of BMP-based approach; explain that new WLAs are NOT greater than existing WLAs but very conservative and restrictive; expand on need and merits for BMP approach versus numeric approach

- **Demonstrating Compliance**

- Distinguish between TMDL attainment & Permit compliance
- Explain what it means to demonstrate compliance on a watershed basis
  - RESPONSE: Provide additional clarification between TMDL attainment and permit compliance


# Response to Results of CNRP Audit

- Comments due May 31, 2024; draft for circulation May 22, 2024
- Respond to and correct factual inaccuracies
- Walk through approval of Alum Applications via CEQA processes
- Walk through approval of Alum and LEAMS as offsets via CEQA, CNRP adoption, EVMWD permit adoption, CEQA processes, et al.
- Walk through participation of Santa Ana Water Board staff in Task Force, including decisions re: Alum Applications & LEAMS
- Provide comments re: Alignment between Audit Report request, MS4 permit and Revised TMDL







# Comments on Appendix 12 of MS4 Tentative Order

 Comments due July 3, 2024

 Align Appendix 12 provisions with Revised TMDL

 Propose alternative/contingent Appendix 12 language that would apply upon effective date of Revised TMDL

 Table 12-1: Clarify that it is a 10-year running average

 Include recognition that compliance has been achieved for 2004 TMDL

 Distinguish between Offset **or** Trading Program – not “and”

 Provide amendments/edits to Offset Language

 Provide amendments/edits to Compliance Determination language

# Overview of Upcoming Actions

- Review draft response to Audit Results Report
  - Draft to be provided by May 22, 2024
  - Comments due back to Rick & Tess by May 28, 2024
- Review draft comments on MS4 Tentative Order, Appendix 12
  - Draft to be provided by June 3, 2024
  - Comments due back to Rick & Tess by June 24, 2024
- Review revised draft Basin Plan Amendment language
  - Draft to be provided week of June 3, 2024
  - Comments due back to Rick & Tess by July 1, 2024