

MEETING NOTES

Middle Santa Ana River TMDL Task Force

December 9, 2024

PARTICIPANTS

Abigail Suter, Riverside County Flood Control & WCD
Aldo Licitra, Riverside County Flood Control & WCD
Brett Ritchie, Altman Plants
Chris Bland, SBCFCD
Cordell Chavez, City of Corona
Jared Ervin, Geosyntec
Jagroop Khela, Regional Water Quality Control Board
Kimberly Colbert, Colbert Environmental Group
(representing the City of Claremont)
Melanie Sotelo, CASC Engineering & Consulting, Inc
(representing the City of Rialto)
Mike Roberts, City of Riverside
Nisha Wells, City of Chino Hills

Pat Boldt, Milk Producers Council
Richard Meyerhoff, GEI Consultants
Ryan Kearns, Riverside County Flood Control & WCD
Steven Wolosoff, CDM Smith
Stormy Osifeso, City of Riverside
Terri Reeder, Regional Water Quality Control Board
Tess Dunham, Kahn, Soares & Conway, LLP
Bruce Whitaker, SAWPA

Gil Botello, SAWPA

Rachel Gray, SAWPA
Zyanya Ramirez, SAWPA

1. Call to Order & Introductions

The MSAR TMDL Task Force Meeting was called to order at 1:32 p.m. by Rachel Gray at SAWPA with all participants participating remotely.

2. Approval of Meeting Notes from the October 16, 2024 MSAR Task Force Meeting

The October 16, 2024 meeting notes were approved as posted.

3. Update: Limited MSAR Basin Plan Amendment (Tess Dunham /KSC and Richard Meyerhoff & Steven Wolosoff/GEI)

Rachel Gray introduced Steven Wolosoff, GEI Consultants to present an update to stakeholders on the TMDL technical report update that will be used to support the limited Basin Plan amendment proposed for the MSAR TMDLs. Steven's presentation included discussion on the following:

- Proposed Revisions to the MSAR TMDLs
 - Extend Wet Winter Condition compliance date 20 years – from December 31, 2025 to December 31, 2045
 - Clarify applicability of Basin Plan High Flow Suspension provision to MSAR TMDLs
 - Clarify applicability of REC1 use to Cucamonga Creek
 - Define Phase 2 Implementation Program
- Justification for the proposed 20 year extension for wet weather compliance
- Next Steps
 - Address stakeholder comments
 - Coordinate with Regional Board on BPA development and adoption process to complete TMDL revision

A question was raised regarding the need for a Time Schedule Order (TSO) to address the gap between the current compliance date (December 31, 2025) for the wet weather TMDL, and the expected adoption date for the revised TMDLs designed to extend that compliance deadline out to 2045.

The Task Force and Regional Board staff are actively working on revisions to the TMDLs, but due to delays and challenges faced by the Task Force, it is unlikely that the revisions will be finalized and adopted by the EPA before the 2025 compliance deadline date. This creates a regulatory gap that could expose stakeholders to potential regulatory fines and penalties.

To address this issue, it was suggested that stakeholders request a TSO enforcement action. This would allow them to maintain compliance during the interim period before the revised TMDLs are officially in

effect. Additionally, a group TSO was suggested, which would involve multiple stakeholders, but this idea requires further discussion between the Task Force stakeholders, as well as Regional Board staff to ensure that the suggested TSO enforcement action address any remaining concerns.

A follow-up question was then raised that if the task Force would proceed with a TSO while the amendment is being created if this could create any issues with regard to backsliding.

Tess responded that she did not believe this to be an issue as one of the exceptions to the backsliding rule is a change or amendment to the regulation. However, she will need to research further how the backsliding provisions apply within the context of stormwater.

Tess Dunham, KSC then followed up with slides on the timing for the development of the language for the Basin Plan Amendment, proposing the following schedule:

- January 15, 2024 - Draft Basin Plan Amendment Language to Task Force
- February 21, 2025 - Comments Due on Draft Language
- June 2, 2025 - Submit Technical Report, Draft Language and SED to Santa Ana Water Board Staff
- October 24, 2025 - Santa Ana Water Board Consideration

Terri Reeder Santa Ana Regional Board stated that staff will aim to meet that schedule, but it will depend on if Regional Board staff and the Task Force can come to agreement on the proposed additions and revisions to the TMDL Implementation schedule.

Copies of the presentations provided by Steven and Tess are available on the SAWPA website under Agendas and Meeting Materials: https://sawpa.gov/wp-content/uploads/2024/12/12_09_2024-Task-Force-Meeting-Presentation.pdf

4. Status Update: Bacteria Reduction Implementation Activities

Due to time concerns this item was tabled.

5. TMDL Task Force Administration (SAWPA Staff)

Rachel Gray presented the following action items for consideration of approval by the Task Force:

- 1.) Rachel presented the recommendation to the Task force to task GEI Consultants to prepare a scope, budget, and schedule for the 2026 Triennial Report for consideration by the Task Force.

Rachel then introduced Steven Wolosoff to present on a proposed synoptic study to support the MSAR TMDL Task Force with the preparation of the 2026 triennial Report. This synoptic study builds upon previous MSAR source tracking studies and is designed to collect sufficient data to demonstrate if the dominant source of bacteria contamination in the Middle Santa Ana River waterbodies is a human or from non-human sources as prescribed by EPA's 2024 guidance for alternative water quality criteria.

Following brief discussion, a motion was put forward by Mike Roberts representing the City of Riverside to approve the recommendation to task GEI Consultants to prepare a scope, budget, and schedule for the 2026 Triennial Report for consideration by the Task Force. This motion was seconded by Christopher Bland representing San Bernardino County Flood Control District and was unanimously approved by the Task Force.

A copy of Steven's presentation is available on the SAWPA website under Agendas and Meeting Materials: <https://sawpa.gov/wp-content/uploads/2025/01/MSAR-Task-Force-120924.pdf>.

- 2.) Rachel introduced the recommendation for the Task Force to approve the Draft FY 2025-26 MSAR TMDL Task Force Budget.

Following brief discussion, a motion was put forward by Mike Roberts representing the City of Riverside to approve the recommendation for the Task Force to approve the Draft FY 2025-26 MSAR TMDL Task Force Budget. This motion was seconded by Christopher Bland representing San Bernardino County Flood Control District and was unanimously approved by the Task Force.

- 3.) Rachel introduced the recommendation for the Task Force to approve the request from Altman Plants to become a Task Force participant with an annual Task Force contribution of \$1,500.

Rachel then introduced Tess Dunham to present on the request from Altman Plants to become a Task Force participant. This request includes an annual Task Force contribution of \$1,500 from Altman Plants.

Following brief discussion, a motion was put forward by Pat Boldt representing Milk Producers Council to approve the request from Altman Plants to become a Task Force participant with an annual Task Force contribution of \$1,500. This motion was seconded by Melanie Sotelo, CASC Engineering & Consulting, Inc representing the City of Rialto and was unanimously approved by the Task Force.

A copy of Rachel's presentation is available on the SAWPA website under Agendas and Meeting Materials: https://sawpa.gov/wp-content/uploads/2024/12/MSAR-Altman-Plants-allocation_120924.pdf.

- 4.) Rachel introduced the recommendation for the Task Force consider holding periodic in-person meetings. In-person meetings would be scheduled in coordination with Task Force consultants based upon the need to discuss key action items that require significant stakeholder input and action. Meeting dates would be scheduled in advance for the year, with those meetings being coordinated and scheduled for the same week to reduce travel for consultants, and would include an option for virtual access available upon request.

No action was taken on this item.

6. Other Business

Tess presented an item from the State Water Resources Control Board recently released a notice that they are conducting a triennial review of all of their plans and policies. That includes the State Water Board's bacteria policy and water quality objective. They have requested the public to provide comments to be considered as part of their review of their plans with comments due December 23rd.

Tess Requested for the Task Force if there is an interest in Tess preparing a comment letter on behalf of the MSAR TMDL Task Force stakeholders with respect to the State Water Board's bacteria objective, as there are still major concerns with respect to the feasibility and ability of the task Force to meet the bacteria objective.

Task Force members were unanimous in their support of Tess to prepare a draft letter for approval by Task Force members and submittal by SAWPA on behalf of the permittee members of the MSAR TMDL Task Force to the State Water Board.

7. Schedule Next Meeting

The next meeting is proposed as a MSAR TMDL Task Force meeting and is scheduled for Wednesday, January 29, 2025, at 1:30 p.m.

8. Adjourn

There being no further business for review, the meeting was adjourned at 2:45 p.m.