

**California Regional Water Quality Control Board
Santa Ana Region**

October 26, 2012

Item: 8*

Subject: Consideration of Approval of the Modification to the Lake Elsinore and Canyon Lake Nutrient TMDLs In-Lake Monitoring Programs – Resolution No. R8-2012-0052

DISCUSSION

On December 20, 2004, the California Regional Water Quality Control Board, Santa Ana Region (Regional Board), adopted Resolution No. R8-2004-0037, amending the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan). The amendment incorporated nutrient Total Maximum Daily Loads (TMDLs) for Lake Elsinore and Canyon Lake in Chapter 5, “Implementation” of the Basin Plan. The TMDLs were approved by the State Water Resources Control Board (State Water Board) on May 19, 2005 (Resolution No. 2005-0038) and the California Office of Administrative Law (OAL) on July 26, 2005. On September 30, 2005, the US Environmental Protection Agency, Region IX approved the Lake Elsinore and Canyon Nutrient TMDLs. The purpose of the TMDLs is to ensure attainment of water quality standards (beneficial uses, water quality objectives and antidegradation policy) in Lake Elsinore and Canyon Lake. The beneficial uses of both lakes are impaired due to nutrients.

In order to implement the existing Nutrient TMDL requirements and to develop effective solutions for improving water quality in Lake Elsinore and Canyon Lake, responsible agencies and stakeholders formed the Lake Elsinore and Canyon Lake TMDL Task Force¹. The Lake Elsinore and San Jacinto Watershed Authority (LESJWA) serves as the Task Force administrator.

The Lake Elsinore and Canyon Lake Nutrient TMDLs required specific dischargers to submit by December 31, 2005 proposed plans for watershed monitoring of nutrients as well as nutrient monitoring in both Canyon Lake and Lake Elsinore. The Monitoring Plan was submitted by LESJWA on December 21, 2005 and was approved by the Regional Board on March 3, 2006 (Resolution No. R8-2006-0031). All monitoring program requirements are incorporated into the Riverside County Municipal Separate Stormwater Sewer System permit (“MS4”; Order No. R8-2010-0033, NPDES No. CAS 618033) and, by reference, in the Elsinore Valley Municipal Water District (EVMWD) NPDES Permit Order No. R8-2005-0003, NPDES No. CAS 8000027.

¹ US Air Force (March Air Reserve Base), March Joint Powers Authority, California Dept. of Transportation (Caltrans), California Dept. of Fish and Game, County of Riverside, Riverside County Flood Control and Water and Water Conservation District, the cities of Lake Elsinore, Canyon Lake, Hemet, San Jacinto, Perris Moreno Valley, Murrieta, Riverside, Menifee, Wildomar, Beaumont, Eastern Municipal Water District, Elsinore Valley Municipal Water District, and Western Riverside County Agricultural Coalition (on behalf of concentrated animal feeding operators and agricultural operators within the San Jacinto watershed). The US Forest Service, a named responsible agency in the TMDL, has recently opted to not be part of the TMDL Task Force.

On March 4, 2011, as requested by LESJWA, the Regional Board approved a revised monitoring program (Resolution No. R8-2011-0023). Major modifications that were approved included a reduction to the Canyon Lake and Lake Elsinore in-lake monitoring programs. The monitoring program reductions were approved since the TMDL Task Force and specific dischargers would be developing a proposed monitoring strategy as part of development of a long-term implementation plan.

In December 2011, the MS4 co-permittees, in compliance with requirements specified in their MS4 Permit, submitted a draft Comprehensive Nutrient Reduction Plan (CNRP) for Regional Board consideration. In addition, the Western Riverside County Agricultural Coalition (WRCAC) also submitted an Agricultural Nutrient Management Plan (AgNMP) for Regional Board review. Both the draft CNRP and AgNMP include specific best management practices (BMPs) or other nutrient control practices as well as specific in-lake projects that will be implemented to ensure that the water quality standards in Lake Elsinore and Canyon Lake are met. Regional Board staff have provided comments on the draft CNRP and AgNMP, and currently the MS4 co-permittees and WRCAC are finalizing their respective submittals. It is expected that the final CNRP and AgNMP will contain a detailed, long-term monitoring program designed to demonstrate compliance with the TMDLs, wasteload allocations and load allocations.

In a letter dated September 13, 2012, on behalf of the TMDL Task Force, LESJWA submitted for Regional Board consideration a request to temporarily suspend both the Canyon Lake and Lake Elsinore in-lake monitoring programs. EVMWD and the MS4 co-permittees, in compliance with permit requirements, also submitted a request to suspend the in-lake monitoring programs (letters dated September 18, 2012 from EVMWD and October 4, 2012 from the MS4 co-permittees). The TMDL Task Force believes that there is an extensive database of water quality for both Canyon Lake and Lake Elsinore and that temporarily suspending the in-lake monitoring programs would enable the monitoring funds to be directed to specific in-lake projects as identified by the TMDL Task Force and in both the CNRP and the AgNMP. The letters from LESJWA, the MS4 co-permittees and EVMWD requesting suspension of the in-lake monitoring programs are attached to tentative Resolution No. R8-2012-0052.

Staff supports the Task Force approach to temporarily suspend the in-lake monitoring programs as long as the funding that supports these monitoring activities is re-directed to specific in-lake remediation projects(s). Staff expects that further details about a more comprehensive monitoring plan will be provided in the final CNRP and AgNMP submittals. LESJWA, on behalf of all stakeholders, would need to revise the existing Quality Assurance Project Plan (QAPP) within 90 days of Regional Board approval of the revised monitoring program. Finally, there are no proposed changes to the existing annual reporting schedule; the annual report (of watershed monitoring activities) will continue to be submitted by August 15th of each year.

STAFF RECOMMENDATION

Adopt Resolution No. R8-2012-0052, approving the temporary suspension of Lake Elsinore and Canyon Lake in-lake monitoring programs as requested by LESJWA, the MS4 co-permittees and EVMWD as shown in the attachment to the Resolution.

California Regional Water Quality Control Board
Santa Ana Region

RESOLUTION NO. R8-2012-0052

Resolution Approving Revised Lake Elsinore and Canyon Lake Nutrient Total Maximum
Daily Loads Monitoring Program

WHEREAS, the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), finds that:

1. An updated Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) was adopted by the Regional Board on March 11, 1994, approved by the State Water Resources Control Board (SWRCB) on July 21, 1994, and approved by the Office of Administrative Law (OAL) on January 24, 1995.
2. Amendments to the Basin Plan to incorporate Lake Elsinore and Canyon Lake Nutrient Total Maximum Daily Loads (TMDLs) were approved by the Regional Board on December 20, 2004, by the State Water Resources Control Board on May 19, 2005, by the Office of Administrative Law on July 26, 2005 and by the US Environmental Protection Agency on September 30, 2005.
3. The Lake Elsinore and Canyon Lake Nutrient TMDLs were developed in accordance with Clean Water Act Section 303(d) and Water Code Section 13240 *et seq.* The TMDLs are incorporated in Chapter 5 "Implementation", of the Basin Plan.
4. Responsible agencies and dischargers in the Lake Elsinore/Canyon Lake watershed have formed a Lake Elsinore and Canyon Lake TMDL Task Force (TMDL Task Force). The TMDL Task Force members are working jointly to implement requirements of the Lake Elsinore and Canyon Lake Nutrient TMDLs. TMDL Task Force members include the following agencies/parties: the US Air Force (March Air Reserve Base), March Joint Powers Authority, California Dept. of Transportation (Caltrans), California Dept. of Fish and Game, the County of Riverside, the Riverside County Flood Control and Water Conservation District, Eastern Municipal Water District, Elsinore Valley Municipal Water District, Western Riverside County Agricultural Coalition, and the cities of Lake Elsinore, Canyon Lake, Menifee, Wildomar, Hemet, San Jacinto, Perris, Moreno Valley, Murrieta, Riverside and Beaumont. The TMDL Task Force is administered by the Lake Elsinore and San Jacinto Watershed Authority (LESJWA).
5. The US Forest Service, also named as a responsible agency in the TMDL, is not a TMDL Task Force member.
6. The Regional Board is a signatory to the Task Force Agreement and serves as an advisory member to the TMDL Task Force.
7. In compliance with the Monitoring Requirements of the TMDL of the TMDLs (Task 4), the TMDL Task Force submitted by December 31, 2005, proposed water quality monitoring plans for conducting watershed-wide nutrient monitoring and Lake Elsinore and Canyon Lake in-lake nutrient monitoring. The plans also specified an annual reporting date of August 15 of each year for reporting the results of the monitoring

Tentative

programs. These monitoring plans were approved by the Regional Board on March 3, 2006 (Resolution No. R8-2006-0031) and were revised March 4, 2011 (Resolution No. R8-2011-0023).

8. In compliance with requirements specified in the Riverside County Municipal Separate Stormwater Sewer System permit Monitoring and Reporting Program ("MS4" permit (Order No. R8-2010-0033, NPDES No. CAS 618033), the co-permittees are required to implement the Regional Water Board approved TMDL monitoring program and any subsequent revisions.
9. In compliance with requirements specified in the Elsinore Valley Municipal Water District (EVMWD) (Order No. R8-2005-0003, NPDES No. CAS 8000027), EVMWD is required to implement the Regional Water Board approved TMDL monitoring program and any subsequent revisions.
10. The TMDL Task Force (including EVMWD and the MS4 co-permittees) have requested that the Canyon Lake and Lake Elsinore in-lake monitoring program be temporarily suspended to achieve cost savings that will be applied to implementing on-the-ground projects aimed at reducing nutrient impacts in Canyon Lake and Lake Elsinore.
11. The Regional Board has reviewed the proposed LESJWA, EVMWD and the MS4 co-permittees' monitoring request and finds that they continue to comply with the Lake Elsinore and Canyon Lake Nutrient TMDLs specified in the Basin Plan.
12. It is appropriate to require that an updated Quality Assurance Project Plan (QAPP) be submitted that reflect the revised monitoring programs.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Regional Board approves the temporary suspension of the TMDL in-lake Canyon Lake and Lake Elsinore monitoring programs as requested by LESJWA on behalf of the TMDL Task Force (letter dated September 13, 2012), EVMWD (letter dated September 18, 2012) and the MS4 co-permittees (letter dated October 4, 2012).
2. The revised monitoring complies with Task 4 of the Lake Elsinore and Canyon Lake Nutrient TMDLs specified in the Basin Plan.
3. An updated Quality Assurance Project Plan (QAPP) shall be submitted by January 31, 2013.
4. Pursuant to Task 4 of the Lake Elsinore/Canyon Lake Nutrient TMDLs, each member of the TMDL Task Force shall continue to implement the revised Monitoring and Reporting Program.
5. Pursuant to Order No. 2005-0003, EVMWD shall continue to implement the revised Monitoring and Reporting Program.

6. Pursuant to Order No. R8-2010-0033, the Riverside County stormwater co-permittees shall continue to implement the revised Monitoring and Reporting Program.
7. Annual reports shall continue to be submitted by August 15 of each year.

I, Kurt V. Berchtold, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Santa Ana Region, on October 26, 2012.

Kurt V. Berchtold
Executive Officer

Attachment to Resolution No. R8-2012-0052