

October X, 2020

Lori Webber
State Water Resources Control Board
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RE: Notice of Public Solicitation of Water Quality Data and Information for the 2024 Integrated Report Cycle for the Clean Water Act Section 305(b) Surface Water Quality Assessment and the 303(d) List of Impaired Waters

Dear Ms. Webber:

The Lake Elsinore and Canyon Lake Nutrient TMDL Task Force (TMDL Task Force) appreciates the opportunity to submit data and information in response to the June 29, 2020 Notice of Public Solicitation of Water Quality Data and Information for the 2024 Integrated Report Cycle for the Clean Water Act Section 305(b) Surface Water Quality Assessment and the 303(d) List of Impaired Waters (2024 Integrated Report Data Solicitation Notice). The TMDL Task Force is a stakeholder effort that is administered by the Lake Elsinore San Jacinto Watershed Authority (LESJWA). The TMDL Task Force and its member agencies work cooperatively to implement the Lake Elsinore and Canyon Lake Nutrient TMDL provisions contained in the Water Quality Control Plan for the Santa Ana Region (Basin Plan).

In addition to being impaired for nutrients, Lake Elsinore is also listed as impaired for PCB and DDT. The listings are based on elevated fish tissue concentrations observed from a State Water Resources Control Board 2007 study even though in comparison to previous data from the 1980s the 2007 data showed a dramatic decline in the level of DDT and PCBs. In 2019, LESJWA on behalf of the TMDL Task Force commissioned a study evaluate how fishery management in Lake Elsinore could be used to improve water quality under a pending revision to the 2004 TMDL and to evaluate trends in PCB and DDT fish tissue concentrations over time. Among other things, the 2019 study included collection and tissue analysis of various fish species.

The fish tissue results as well as a proper Quality Assurance Project Plan are being submitted to CEDEN in response to the 2024 Integrated Report Data Solicitation Notice. In summary, 10 composite results in collected fish tissue are well below the OEHHA Fish Contaminant Goals of 15 ng/wet g and 2.6 ng/wet g for Total DDT and Total PCBs respectively. For total DDTs, the results ranged from 0.24 ng/wet g to 3.20 ng/wet g; for total PCBs, the results were 6 composite samples of non-detect (ND) and the highest result was 1.53 ng/wet g.

The State Water Board's Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy) provides the State's methodology for removing waters from the section 303(d) list. Under the Listing Policy, “[a]ny interested party may request an existing listing be reassessed under the delisting factors of this Policy.” (Listing Policy, page 11.) The Listing Policy sets forth various conditions for delisting based on pollutant type. For the bioaccumulation of pollutants in aquatic life tissue, the binomial distribution condition requires that there be a sample size of at least 28 samples and no more than 2 exceedances based on a pollutant specific evaluation guideline. A sample size of 28 for fish tissue is exceedingly large and difficult to meet.

Recognizing that delisting may not always be possible through the binomial distribution condition, the Listing Policy also includes an alternative condition through consideration of site-specific weight of evidence. Section 4.11 of the Listing Policy states as follows: "When all other Delisting Factors do not result in the delisting of a water segment but information indicates attainment of standards, a water segment shall be evaluated to determine whether the weight of evidence demonstrates that a water quality standard is attained. If the weight of evidence indicates attainment, the water segment shall be removed from the section 303(d) list." (Listing Policy, page 13.) As shown below, the weight of evidence supports delisting of Lake Elsinore for Total DDT and Total PCBs.

The following multiple lines of evidence support delisting of Lake Elsinore for these contaminants: 1) The pollutants of concern are legacy pollutants that are no longer being added to the environment and existing levels of these pollutants continue to degrade overtime; 2) Recent data clearly shows that bioaccumulation of DDT and PCBs in fish tissue is well below applicable OEHHA fish contaminant goals (See Table x); and, 3) When the recent data is combined with historical data from the 1980s and 2007, the combined data set provides significant evidence that these legacy pollutants have degraded significantly over time to the point that they are no longer bioaccumulating at levels that are of concern in fish in Lake Elsinore (See Table x).

In conclusion, the TMDL Task Force hereby requests that the DDT and PCBs listings for Lake Elsinore be reassessed during development of the 2024 Integrated Report. The TMDL Task Force's request is supported by recent fish tissue analysis data reported to CEDEN on behalf of the TMDL Task Force as well as other the site-specific weight of evidence. In summary, the recent data combined with the other evidence shows that Lake Elsinore is attaining standards as it relates to impairment listings based on Total DDT and Total PCBs. Accordingly, pursuant to section 4.11 of the Listing Policy, Lake Elsinore should be delisted for these constituents.

Sincerely,