

**LAKE ELSINORE/CANYON LAKE TMDL TASK FORCE
MEETING NOTES**

March 22, 2021

PARTICIPANTS

VIA-CONFERENCE CALL

Dale Welty
Kris Hanson
Dan Cortese
Carlos Norvani
Johnathan Skinner
Nicole Dailey
Cynthia Gabaldon
Rae Beimer
Cynthia Gabaldon
Maria Arreguin
Mike Roberts
Stormy Osifeso
Lynn Merrill
Lauren Sotelo
Rachael Johnson
Ankita Vyas
Stefan Awender
Scott Sewell
Richard Kim
Lenai Hunter
Sudhir Mohleji
Greg Morrison
Richard Boon
Rebekah Guill
Abigail Suter
Andrea Macias
Lauma Willis
Barbara Barry
Yiping Cao
SueAnn Neal
Tess Dunham
Steven Wolosoff
Paula Kulis
Chris Stransky
John Rudolph
Richard Meyerhoff
Garth Engelhorn
Pat Boldt
Mark Norton
Bruce Whitaker
T. Milford Harrison

REPRESENTATIVE

City of Canyon Lake
City of Canyon Lake/Wildomar
City of Hemet
City of Lake Elsinore
City of Lake Elsinore
City of Lake Elsinore
City of Meniffee
City of Moreno Valley
City of Perris
City of Perris
City of Riverside
City of Riverside
City of San Jacinto
March JPA
Riverside County Farm Bureau
Michael Baker/Caltrans
CA Department of Fish & Wildlife
CA Department of Fish & Wildlife
CA Department of Fish & Wildlife
Elsinore Valley Municipal Water District
Elsinore Valley Municipal Water District
Elsinore Valley Municipal Water District
Riverside County Flood Control & WCD
Regional Water Quality Control Board
Kahn, Soares & Conway, LLP
CDM Smith
CDM Smith
Wood Environmental
Wood Environmental
GEI Consultants
Alta Environmental
WRCAC
Santa Ana Watershed Project Authority
Santa Ana Watershed Project Authority
Santa Ana Watershed Project Authority

Call to Order & Introductions

The Lake Elsinore/Canyon Lake TMDL Task Force meeting was called to order at 1:30 p.m. by Mark Norton with all participants participating remotely, due to COVID-19 related social distancing restrictions.

Meeting Notes

Mark Norton /SAWPA asked for any comments on the February 22, 2021 LE&CL TMDL meeting notes. Hearing none, the meeting notes were then deemed acceptable.

Status: TMDL Update (Tess Dunham/KSC)

b. Nutrient Offset Credit Language

Tess Dunham /Kahn, Soares & Conway, LLP presented to the Task Force alternative nutrient offset language in response to revisions made by Regional Board staff to the demonstration for compliance section (Chapter 6) of the draft tentative resolution to update the TMDLs.

Revisions by Regional Board staff to the resolution to update the TMDLs in 2019, added language which basically stated that all discharges needed to demonstrate all feasible best management practices had been implemented before they could utilize in-lake treatment options for meeting load allocations.

The task force and its stakeholder members found this language to be problematic in that that is not how the offset programs have been implemented, and that it could be easily interpreted to mean that you cannot have our in-lake remediation programs, in conjunction with implementation of management practices and instead it would occur in parallel, and you would have to implement all your management practices before you could potentially be eligible to have offsets.

Tess went back to review the past documents and memorandum prepared by Tim Moore /Risk Sciences to get a better understanding of what we were trying to accomplish with respect to the use of the treatment options and how it works in conjunction with our management programs.

Tess then modified the language to provide clarity and certainty as to what the expectation is and identify that eligible discharges may use in Lake treatment management options, i.e., nutrient offsets to demonstrate compliance with load and wasted allocations. She then provided the qualification as to what it means to be an eligible discharger and that eligible discharge is responsible to be actively implementing the source reduction programs (LEAMS, alum, fishery management) through the CNRP and AgNMP.

She included language regarding existing offset programs and the addition of new offset programs but raised the question as to if it would be the Regional Board itself or Regional Board staff that would have the authority to make decisions on the eligibility of offset programs. Barbara Barry responded that she would need to discuss with upper management.

Barbara Barry then asked the question as to why the last sentence regarding the “full disclosure of uncertainties and assumptions” was removed? Tess responded that she did not believe that language to be necessary as any proposed methodology put forth by the task force for consideration by Regional Board would include that information.

Tess requested that we leave this item on the agenda for our next task force meeting to provide Regional Board staff the opportunity to respond with additional comment.

She requested the Task Force stakeholders to review the language and provide comment by Wednesday, April 7th.

AB 377 Update: Rivas Bill (Tess Dunham/KSC)

Tess Dunham /Kahn, Soares & Conway, LLP provided an update to the Task Force on AB 377 (Rivas) being proposed in the State Assembly.

She noted that from the perspective of the Bill sponsor its intent is to try to get a pathway towards making sure California will no longer have impaired water bodies by 2050. With that, the way it is written there are concerns that the Bill would restrict the State and Regional Board from using their discretion and authority with respect to how they permit those that discharge. This Bill would not only apply just to stormwater or NPDES permittees but would also apply to discharges from those that are subject to waste discharge requirements or waivers, such as the CWAD or the conditional waiver for agricultural discharges.

The original Bill was written very broadly to where it could be interpreted to apply to both surface and groundwater. Although Coastkeeper indicated their intent is to limit its application to discharges to surface waters, nor is it their intent to undo salt and nutrient management plans that have been adopted by Regional Board.

Tess notes several items of greatest concern, with respect to this piece of legislation is that it limits the State and Regional Water Boards ability to use deemed compliance, safe harbors, or alternative compliance programs. It would significantly put into jeopardy the nutrient offset programs that have been used for implementation of the Lake Elsinore and the Canyon Lake TMDLs, as well as other programs that are administered through the task force process in the Santa Ana region, and across the State. It also puts into jeopardy how watershed management plans in the stormwater permitting context are potentially utilized. It limits the Regional Board authority as to how long programs of implementation can be even in Basin plans. That would include time schedules for meeting TMDLs that go into Basin plans. It also would create in State law, an anti-backsliding provision that does not currently exist in State law, which only applies in the Federal permitting context and not to stormwater as an unpublished appellate decision with respect to stormwater already exists. It also puts forward requirements as to what type of an anti-degradation analysis would need to be provided for a Regional Board to even adopt a permit. Additionally, there are other provisions with respect to enforcement and monitoring that makes it difficult, especially for stormwater, irrigated ag and other types of diverse discharges to comply with the Bill.

Tess stated that it is her understanding that if it goes to hearing, it will go at the April 21st Policy Committee hearing, which would be its first hearing in a policy committee. Lots of discussion going on around it from stormwater, wastewater, irrigated ag, WISPA, SIPA, you name it, every industry and every public agency that is regulated under NPDES or waste discharge orders is watching this bill.

Greg Morrison /Elsinore Valley Municipal Water District commented that the District has taken a position of straight out oppose on this bill. He stated that what is very concerning is that the Bill talks about making every water body fishable, swimmable, and drinkable by 2050. He and Tess discussed that the sponsor is working on an amendment to strike the language regarding “drinkable by 2050”, but both agreed that they did not believe it possible for this Bill to be negotiated to be workable.

Mark Norton stated that we will continue to keep this item on our Task Force agenda and noted that Tess provided a presentation on the Bill to the SAWPA Commission, who will also be sending a joint letter opposing this, Bill. He encouraged stakeholders to talk a look at the language and requested Tess to share out a link to the text following the meeting.

Richard Boon /RCFC&WCD stated that he had heard that the deadline for agencies to submit comment letters was extended to mid-April. Tess responded that she did not know the deadline date but would be on a call tomorrow with the Environmental Safety and Toxic Materials Committee and if she finds out the deadline date, she will share with the Task Force.

Presentation: ACOE Lake Elsinore Ecosystem Restoration Feasibility Study (Greg Morrison, EVWMD)

Greg Morrison, EVWMD provided to the Task Force a verbal presentation on a project that EVMWD has been working with the Army Corps of Engineers on for the better part of three years.

Recently the Army Corps of Engineers completed their Federal Interest of Determination study, which was fully funded by the Army Corps of Engineers. The purpose of this study was to determine if there is enough interest by the Federal Government to get involved in a project on Lake Elsinore, which is to study, design and then ultimately construct an aquatic ecosystem riparian habitat restoration project on the Lake.

The federal interest in of determination document identified three potential type projects but does not rule out the possibility of other projects that might flush out during the process. These include one on the shoreline where the recycled water enters the lake, another further up towards the inflow channel where when Canyon lake spills into lake Elsinore includes riparian habitat restoration along the Channel and then third project was dredging the center third of Lake Elsinore to create some islands in the middle of the Lake.

Currently, the District and its partners, the city of Lake Elsinore and the County of Riverside are just beginning to work out all the different costs share agreements between the District and the Army Corps of Engineers to move forward on a feasibility study to evaluate the three potential projects.

The plan is to start the feasibility phase of the project by late April or at the latest early May, and complete in about a year and a half to two years.

From the perspective of the District, this is hopefully the beginning or the first step in getting the Army Corps of Engineers involved in the overall health and sustainability of Lake Elsinore.

Lynn Merrill representing the City of San Jacinto asked if there were previous not so successful efforts to create riparian habitat for the Lake. Greg could not recall any specific efforts. Abigail Suter / RCFC&WCD noted the previous floating wetlands island project. Mark Norton followed up with a project by the City of Lake Elsinore to develop the wetlands in the back basin.

Tess Dunham asked if this project is going to be subject to the State boards new trends and fill wetlands policy? Greg did not but noted that the dredge project due to its cost just might not be feasible.

Lauma Willis /Regional Board requested that the District and their partners coordinate with Regional Board on any projects and noted that there may be the need for CEQA to be completed. Greg responded that it would be a good idea to include Regional Board in future meetings. Lauma requested that she be the contact until appropriate staff can be assigned to the project.

Mark will send out copies of the ACOE investigative study following the meeting.

Presentation: Regional Board Lake Elsinore Harmful Algae Bloom Monitoring/Study (Yiping Cao/Regional Board)

Yiping Cao/Regional Board presented to the Task Force an overview on the Freshwater Harmful Algae Bloom (FHAB) Monitoring study of Lake Elsinore and Big Bear Lake that Regional Board was recently awarded funding by the State to conduct.

This presentation focused on the Lake Elsinore component of the study. Yiping first provided a brief background overview of cyanobacteria and their impacts to water quality. She then discussed the importance of monitoring to get a sense of the temporal and spatial trends of the cyanobacteria, as well as looking into what is causing the hazardous algal blooms to occur and the severity of the blooms.

Yiping then outlined the Lake Elsinore monitoring project. The primary objective of Regional Board is to fill the data gap in FHAB monitoring data and secondary objectives to a) develop tools: remote sensing, data pipeline and b) inform investigation on environmental drivers.

Sampling of Lake Elsinore is to be conducted over two phases from May 2021 through September 2022.

Phase 1 - May through September 2021, includes 10 events at one open water site.

Phase 2 - October 2021 through September 2022, includes 26 events at one open water and one shoreline site.

Three groups of parameters are to be monitored including:

Field parameters - Temperature, DO, TDS, Conductivity, pH; Chlorophyll-a, Phycocyanin

FHAB - Chlorophyll-a, Phycocyanin; Cyanobacteria microscopy; Cyanotoxins by ELISA; and Cyanotoxin genes by qPCR

Chemistry – Nutrients (N and P)

Next Steps:

Study design refinement

SWAMP project plans

Project kickoff meeting -Mid April

Field practice run –Early to mid May.
Official start –around Memorial Day

Nicole Dailey suggested that she work with WOOD Environmental and City staff to assemble all the FHAB data that has been collected by the City to share with Regional Board. Barbara Barry responded the Regional Board would appreciate having that data.

Nicole Dailey asked how quickly will it take to get the sample results, and will the data collected through this study be shared? Yiping responded that she expects the turn around on the FHAB sample data to be about one week but does not know the timing of the water chemistry data through Babcock laboratories. Regarding the sharing of the data, the State is working on a prototype data pipeline to share the data. Currently, the prototype is only being used internally by Regional Board staff, but this may be something that can be pushed out to the public. Barbara noted that in addition to the data pipeline, which will contain the raw data, the State will also be analyzing the data and notifying the City if the sample results trigger any of the State's Levels of Concern.

Nicole also asked if the State will be sampling along the shoreline, as they have done in the past, just prior to major holidays like Memorial Day, Fourth of July, and Labor Day? Yiping responded, yes, the State requested we continue to sample prior to the major holidays. Barbara noted that this sampling is separate from the sampling to be conducted through the FHAB study.

Mark Norton asked if Regional Board staff would be interested in the Task Force creating a committee to support the project? Yiping responded that a small group will be very useful for us to work with.

Mark will get an email out and invite people to for those who might be interested to spend more time to work with you in this monitoring Program.

A copy of the Regional Board presentation is available on the SAWPA website under Agendas and Meeting Materials: https://sawpa.org/wp-content/uploads/2021/03/FHAB-LE-TF_RB8_20210322.pdf

Update: 2020 TMDL Compliance Report (Tess Dunham/KSC)

Tess Dunham /Kahn, Soares & Conway, LLP provided a brief update to the Task Force on the 2020 TMDL Compliance Report. She is currently working on edits provided by Steve Wolosoff and the response to comments.

Her goal is to submit the final report to Regional Board by the end of the month.

Update: TMDL Modeling (Steve Wolosoff & Paula Kulis /CDM Smith)

Steve Wolosoff & Paula Kulis /CDM Smith provided an update of the TMDL modeling. This included a discussion focused on the hydrologic modeling for Lake Elsinore.

Steve also discussed that the consultant team has scheduled a series of six workshops with Regional Board staff to review the modeling assumptions and work out the details on the proposed additional TMDL modeling scenarios.

A copy of the CDM Smith Modeling presentation is available on the SAWPA website under Agendas and Meeting Materials: <https://sawpa.org/wp-content/uploads/2021/03/March-2021-TF-meeting.pdf>

Task Force Administration (LESJWA Staff)

Quarterly WQ Monitoring Reports

Mark Norton / LESJWA brought up the item of quarterly monitoring reports, which after a little investigation are not a required deliverable. We wanted to bring this item to the Task Force to get your thoughts about potentially discontinuing the preparation of these quarterly reports and making a change to the Wood Env. agreement to bring about a cost savings of about \$3,000 per year.

Abigail Suter /RCFC&WCD raised concern regarding if there were an issue with the data, how would Wood Env. go about reporting this to the Task Force? Chris Stransky / Wood Env. responded they would be continuing

to QA/QC the data and would be preparing internal reports to track data. These internal reports could be shared if requested. The saving is mostly just for the preparation of a formal quarterly report.

Tess Dunham Task Order

Mark informed the task Force that although we have approved the FY 2021-22 budget, we have not formally had Tess prepare a detailed scope of work and budget. We would like to give Tess a bit more time to complete this and we will bring it back at a future meeting.

Other Business

Chris Stransky /Wood Env. provided an update on a California Cyanobacteria and Harmful Algal Bloom (CCHAB) Network meeting he recently attended in which he and Rebekah Guill /RCFC&WCD presented on the efforts by Wood Env. and the County Flood Control District on the wildfire monitoring after the Holy fire at lake Elsinore.

Tess Dunham asked about the retirement of David Woelfel /Santa Ana Regional Board. Lauma responded that David will be retiring soon and his last day in the office is the first Friday in April.

Schedule Next Meeting

The next LE/CL TMDL Task Force meeting is scheduled for April 19, 2021 at 9:30 am. as a virtual conference call meeting.

Adjourn

The meeting adjourned at 3:30 p.m.