REVISED DRAFT

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*Via Email Only*

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SUBJECT: Staff Working Proposal of the *National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges of Pollutants in Urban Runoff from the Municipal Storm Sewer Systems in the Counties of Orange, Riverside and San Bernardino within the Santa Ana Region*

Dear Ms. Joy:

On behalf of the Middle Santa Ana River Watershed Total Maximum Daily Load (MSAR TMDL) Task Force (Task Force), the Santa Ana Watershed Project Authority (SAWPA) appreciates the opportunity to provide written comments on the Staff Working Proposal for the *National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges of Pollutants in Urban Runoff from the Municipal Storm Sewer Systems in the Counties of Orange, Riverside and San Bernardino within the Santa Ana Region* (Staff Working Proposal). Our primary purposes in providing these comments is to highlight the many years of collaborative and successful efforts that the multi-stakeholder Task Force has undertaken to implement the Middle Santa Ana River Bacterial Indicator Total Maximum Daily Load (MSAR Bacteria TMDL) and to encourage the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) to adopt an MS4 Permit that recognizes and incorporates the Task Force process as a compliance pathway for meeting applicable wasteload allocations (WLAs). This is particularly important for bacteria indicators, considering the unique and challenging nature of bacteria in the environment.

Like many pollutants, bacteria may come from many different sources – some of which may be considered controllable sources while others may be uncontrollable or natural sources. The Water Quality Control Plan for the Santa Ana Basin (Basin Plan) recognizes the difference between controllable and uncontrollable sources of bacteria. (See Basin Plan, Chapter 5, pg. 5-109 – 5-110.) The distinction between controllable and uncontrollable sources is significant because the presence of uncontrollable bacteria sources may interfere with the ability of the receiving water to meet bacteria indicator total maximum daily loads (TMDLs). Regulated dischargers such as MS4s are limited in what they can do to address bacteria. At most, MS4s can design and implement management practices to reduce bacteria from sources under their control, such as eliminating sanitary sewer cross-connections. Other bacteria sources (e.g., domestic animals, in-channel regrowth, wildlife and homeless encampments) generally fall outside the authority and/or control of MS4s and other regulated dischargers. Because there are a multitude of such other sources, it is near impossible for MS4s and other regulated discharges to guarantee that bacteria indicator TMDLs will be met in receiving waters.

Notwithstandingthe challenges associated with bacteria, the dischargers subject to the MSAR Bacteria TMDL, including the MS4 operators in the watershed, developed and formed the Task Force long before TMDL provisions were incorporated into permits. In fact, the Task Force was established soon after the Santa Ana Water Board adopted the MSAR Bacteria TMDL in 2005 and before the TMDL was approved by the State Board and US EPA. Through the Task Force, all stakeholders, including Santa Ana Water Board staff, work through challenging technical, scientific, and regulatory issues associated with bacteria indicators generally and the MSAR Bacteria TMDL specifically. The Task Force format allows for the efficient use of resources among all Task Force members and assists the Santa Ana Water Board in their efforts towards implementing the MSAR Bacteria TMDL and understanding the impacts of bacteria on a watershed scale.

Over the years, the Task Force members , have collaborated to identify controllable and uncontrollable sources of bacteria in the watershed and to identify potential management practices or actions that can be undertaken by the various stakeholders to address controllable sources. Key to these efforts is implementation of a comprehensive, regional monitoring program for bacteria indicators throughout the whole of the MSAR watershed. More importantly, the Task Force and its members use the information and knowledge gained from the regional monitoring program (discussed in Section III below) to inform and direct their actions in an iterative manner. To fully appreciate the comprehensive efforts taken by the Task Force, we refer Santa Ana Water Board members and staff to the voluminous information gathered through multiple special studies over the last 15 plus years. These studies (which are summarized in part in Section III) are available on SAWPA’s website at: https://sawpa.org/task-forces/middle-santa-ana-river-watershed-tmdl-task-force/#resourcesb8a6-4b67

Members of the Task Force currently include the following entities:

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| --- | --- |
| * Riverside County Flood Control & Water Conservation District | * San Bernardino County Flood Control District |
| * Riverside County | * San Bernardino County |
| * City of Chino | * City of Chino Hills |
| * City of Claremont | * City of Corona |
| * City of Eastvale | * City of Fontana |
| * City of Jurupa Valley | * City of Montclair |
| * City of Norco | * City of Ontario |
| * City of Pomona | * City of Rancho Cucamonga |
| * City of Rialto | * City of Riverside |
| * City of Upland | * Agricultural Operators represented by Chino Basin Watermaster & Milk Producers Council |
| * University of California, Riverside | * Santa Ana Water Board |

For almost 20 years, the Task Force has demonstrated its ability to successfully work together to implement the MSAR Bacteria TMDL and reduce controllable sources of bacteria. This proven track record of success we believe justifies an approach in the Staff Working Proposal that would allow for a BMP-based strategy with Task Force participation as an alternative compliance pathway for meeting MSAR Bacteria TMDL WLAs. To assist the Santa Ana Water Board in identifying appropriate provisions for the Staff Working Proposal , we highlight in this letter key studies and findings that support the need for continuing the Task Force and for maintaining a compliance pathway with the MSAR Bacteria TMDL through continuation of a BMP-based approach.

**I. The MSAR Bacteria TMDL**

To provide some context, we first summarize the MSAR Bacteria TMDL as contained in Chapter 5 of the Basin Plan. The MSAR Bacteria TMDL applies specifically to the following waterbodies/reaches: Santa Ana River, Reach 3; Chino Creek, Reach 1; Chino Creek, Reach 2; Mill Creek (Prado Area); Cucamonga Creek, Reach 1; and Prado Park Lake. The wasteload allocations (WLA) and load allocations (LAs) for bacteria indicators are concentration-based expressions in the terms of density for *E. coli*, and as expressed, they include a 10% margin of safety. The MSAR TMDL requires discharges from urban runoff, confined animal feeding operations, agricultural runoff and natural sources to all meet the following: *5-sample/30-day Logarithmic Mean less than 113 organisms/100 mL, and not more than 10% of the samples exceed 212 organisms/100 mL for any 30-day period*. For dry summer conditions (April 1 – October 31), attainment of the TMDL was to be achieved no later than December 31, 2015: for wet winter conditions (November 1 – March 31), attainment of the TMDL is supposed to be achieved no later than December 31, 2025.

As incorporated into the Basin Plan, the MSAR Bacteria TMDL includes an Implementation Plan with identified tasks and due dates for these various tasks. All identified tasks have been implemented, and certain ongoing tasks for watershed-wide monitoring and triennial reviews continue to be implemented. However, the MSAR Bacteria TMDL and associated implementation tasks require updating to be consistent with the State Water Resources Control Board’s (State Board) Bacteria Provisions as well as the Recreational Water Quality Standards amendments to the Basin Plan that were adopted in 2012. Accordingly, the MSAR Bacteria TMDL is identified as a high priority item on the Santa Ana Water Board’s 2019-2022 Triennial Review priority list, which was adopted on June 14, 2019.

1. **Sources of Bacteria Indicators in the MSAR**

When the MSAR Bacteria TMDL was adopted in 2005, little information was available regarding the potential source or sources of bacteria in the watershed. Accordingly, critical tasks in the TMDL Implementation Plan included developing and implementing source evaluation plans for urban discharges as well as agricultural discharges. The Task Force members have completed these tasks and continue to collect, compile, and analyze bacteria data in their ongoing pursuit to identify all sources of bacteria in the watershed.

Most importantly, with this information, Task Force members have taken progressive actions to address bacteria from controllable sources over the last two decades. For example, sampling at the Box Springs Channel in 2007-2008 resulted in a follow up investigation that found a sanitary/storm sewer cross connection. Upon making this finding, the cross connection was repaired and follow up studies confirmed that human source bacteria were no longer present. Other examples include construction of the Mill Creek Wetlands, modifications to Chris Basin, diversion of dry weather flows from the stormwater channel at Phoenix Avenue to the sanitary sewer system and ongoing bacteria source investigation work at the Magnolia Center Storm Drain. These projects, and others, are designed to eliminate or minimize dry weather flows from contributing bacteria to the waterbodies identified in the MSAR TMDL. Further, these efforts illustrate the commitment of the Task Force members to identify and address controllable sources of bacteria in the watershed.

In conjunction with Task Force efforts, the MS4s subject to the MSAR Bacteria TMDL have also prepared and implemented Comprehensive Bacteria Reduction Plans (CBRPs). To our knowledge, the first bacteria loading analysis for this watershed was conducted during development of the Riverside and San Bernardino County CBRPs during the 2010-2011 time frame, using data collected in 2007-2009. That analysis indicated the potential for “unaccounted for” bacteria in the TMDL-covered waterbodies. Most significantly, the CBRPs demonstrated that that even if upstream MS4s achieved all of their targeted load reductions, the receiving water sites would still not achieve the *E. coli* WLAs as articulated in the MSAR Bacteria TMDL.

In addition to the analysis performed in the CBRPs, subsequent deliverables have also demonstrated the importance of “unaccounted for” sources of bacteria in the watershed. For example, the 2013 Triennial Report[[1]](#footnote-1), at Section 4.1, pg. 4-1, found as follows:

“*Recent analyses of bacterial indicator data from selected watershed‐wide compliance sites coupled with an updated compliance analysis from recent Tier 1 source evaluation activities suggest that natural or uncontrollable sources of bacterial indicators may be important contributors to bacterial indicator concentrations at the watershed‐wide compliance sites*.”

The 2016 Triennial Report at Section 5, pgs. 5-1 – 5-2 found,

“*[b]y process of elimination, the Uncontrollable Bacteria Sources Study suggested that the majority of E. coli in the impaired waters may be from releases from naturalized colonies in channel bottom sediment and biofilms. Fecal bacteria from a specific host released to the environment can settle to channel bottom and survive within sediments or biofilms for weeks or months over a wide range of temperature and moisture conditions. Growth of these initially deposited fecal bacteria within channel bottom sediments and biofilms results in colonies, where the majority of the population may be considered naturalized, reproducing outside of a specific organism. The BPA [Basin Plan amendment] determined that bacteria regrowth within sediment and biofilm is an uncontrollable source of fecal bacteria. As noted in Section 3.3, additional study would be necessary to better understand the potential for naturalized bacteria colonies to contribute to bacteria concentrations in overlying waters and the transport process by which bacteria is released*.”

Most recently, the 2019 Synoptic Study/2020 Triennial Report (also discussed in Section III), Section 3.1.5, pg. 3-26 (Figure 3-22 provides illustration) found that,

“[*c*]*onsistent with the many iterations of the source contribution analyses completed over a number of years, studies have shown that sources of fecal bacteria exist in the MSAR watershed that cannot be attributed solely to MS4 discharges. Historically, the basis for quantifying non-MS4 sources has involved a process of elimination, subtracting measured inflows from the MS4 from measured loads within the receiving waters*.”

The 2019 Synoptic Study/2020 Triennial Report at Section 4.1, pg. 4-2 made two additional key findings:

“*Unidentified non-point sources now account for the majority (77%) of the total bacteria load in the Santa Ana River. As has been demonstrated, based on source analyses completed in 2007, 2012, and now 2019, the Santa Ana River would be in compliance with the TMDL targets and the state's new water quality standards for pathogen indicator bacteria were it not for the excessive loads from these unknown non-point sources which are not conveyed through the MS4*.”

“*Sampling data from Reach 4 of the Santa Ana River shows that bacteria loads from unknown non-point sources contribute about 300 billion MPN/day, which is enough to consume nearly 100% of the total allowable load for E. coli bacteria in the receiving water*.”

Collectively, these studies demonstrate with increased certainty the significance of “unaccounted for” or potentially “uncontrollable” sources of bacteria in the MSAR watershed.

Further, in its 2018 audits of the CBRP programs in the two counties, the Santa Ana Water Board staff found that other factors need to be considered before being able to determine if the MS4s are meeting the WLAs in the MSAR Bacteria TMDL. Specifically, . (CBRP Audit, Finding D, states as follows: “*However, there are other factors that may need to be considered before determining that the MSAR permittees have met the waste load allocation. These include determining if the source is anthropogenic versus natural, if the source is controllable, and if the source is from an MS4*. *There is no consensus process for reaching conclusions on these factors and for supporting a conclusive, transparent determination regarding compliance with waste load allocations. A process should be developed and subjected to public comments after the update of the bacterial TMDL has taken place*.”

Taken together, these studies and audit findings show that additional information needs to be considered, and a process developed, before being able to determine if MS4s (and other stakeholders) are achieving the *E. coli* based WLAs.

1. **Select Task Force Studies**

Since the Task Force was established, Task Force members, both collectively and individually, have collected extensive water quality data, conducted multiple special studies, and prepared numerous reports for submittal to the Santa Ana Water Board. To illustrate the comprehensive nature of the Task Forces’ efforts, we highlight some of these studies here.

* **Regional Bacterial Monitoring Program**

The Task Force initiated watershed-wide TMDL compliance monitoring in 2007. Starting in 2016, this monitoring program was incorporated into the Santa Ana River Watershed Regional Bacterial Monitoring Program. This program produces annual reports that document *E. coli* concentrations at five TMDL compliance sites: Chino Creek at Central Avenue, Mill-Cucamonga Creek, Santa Ana River at MWD Crossing, Santa Ana River at Pedley Avenue and Prado Park Lake.

* **TMDL Triennial Reports**

The MSAR TMDL requires preparation of a Triennial Report every three years that assesses the data collected for the preceding three-year period and evaluates progress towards achieving the WLAs and LAs in the MSAR TMDL. To date, three stand-alone Triennial Reports have been prepared to evaluate findings from the following three-year periods: 2007-2009, 2010-2012, and 2013-2015. Then, in 2020, the Task Force delivered to the Santa Ana Water Board the Middle Santa Ana River Bacteria Synoptic Study (Synoptic Study). By previous agreement, Santa Ana Water Board staff agreed that the 2019 Triennial Report should be deferred for one year to provide time to undertake the Synoptic Study. The Synoptic Study (summarized in greater detail below) satisfied the Triennial Report requirement and included the 2016-2019 period .

* **Urban Source Evaluation Studies**

Based on findings from a MSAR Bacterial Indicator TMDL Data Analysis Report submitted in 2009, a series of technical memoranda documented site-specific studies that were performed to evaluate urban sources of bacterial indicators. Examples of these studies include:

* + An assessment of the controllability of dry weather flows from Chris Basin before being discharged into Cucamonga Creek (*Dry Weather Runoff Controllability Assessment for Lower Deer Creek Subwatershed (Chris Basin) Special Study*);
  + Source evaluations of Cypress Channel and evaluation of the site-specific characteristics of Carbon Canyon Creek to see what factors in Carbon Canyon Creek may contribute to its reduced bacterial concentrations as compared to other watersheds (*Source Evaluation Activities in Carbon Canyon Creek and Cypress Channel*);
  + A follow up study at the Box Springs Channel to confirm that correction of a sanitary/storm cross connection resolved the presence of human source bacteria (*Box Springs Channel Follow-up Study*);
  + A survey of dry weather flows from MS4 outfalls to major tributaries to gain additional information regarding the variability of dry weather flows in stormwater channels/outfalls in the MSAR watershed (*Survey of Dry Weather Flows from MS4 Outfalls to Major Tributaries*);
  + A mass balance calculation of bacterial indicators under dry weather conditions to support development of the compliance assessment contained within the CBRPs (*Calculate Mass Balance for Dry Weather Conditions*).
* **Tier 1 and Tier 2 Source Evaluations**

Under the framework contained in the CBRPs, and in coordination with the Task Force, the MS4 permittees conduct source evaluations at Tier 1 and tier 2 monitoring locations. Tier 1 monitoring locations are located where urban sources of dry weather flow may directly discharge to a downstream watershed‐wide compliance site (e.g., at the confluence of Box Springs Channel and Santa Ana River Reach 3). Tier 2 locations are located within the highest priority drainage areas (based on monitoring data) that are also tributary to Tier 1 sites.

* **Uncontrollable Bacteria Sources Study**

Implemented by the Riverside County MS4 Program, the Uncontrollable Bacteria Sources Study evaluated the potential importance of various non-MS4 sources of bacteria in the MSAR watershed. By process of elimination, the study’s findings suggested that the majority of *E. coli* in the impaired waters may be from releases from naturalized colonies in channel bottom sediment and biofilms, which, as noted above, is recognized in the Basin Plan as an uncontrollable source of fecal bacteria.

* **Residential Property Scale Bacteria Study**

Implemented by the San Bernardino County MS4 Program, the findings of the Residential Property Scale Bacteria Study supported the hypothesis that the extreme variability in bacteria concentrations at MS4 outfalls is linked to the quantity and quality of excess irrigation runoff from individual properties. Unlike rainfall driven runoff, which is generated across the entire watershed, the primary source of dry weather flow in an urban catchment at any given point in time is excess outdoor water use by a single property or a small group of properties.

* **Arlington Study**

The Task Force conducted a preliminary bacteria and flow source investigation in the Arlington area of Riverside County. Among other things, this study confirmed that grove furrow irrigation from agricultural land uses was contributing flow and bacteria to the MS4 in the Arlington area, though grove furrow irrigation was not the sole contributor. Notably, human source bacteria were not detected in dry weather flows originating from agricultural land uses.

* **Middle Santa Ana River Bacteria Synoptic Study**

In 2019, the Task Force conducted a second Synoptic Study. The objectives of the Synoptic Study were, in part, to achieve the following:

* + characterize the current concentration of *E. coli*, including associated variability, in the waterbodies named in the TMDL;
  + characterize flows and concentrations of *E. coli* being discharged into the TMDL waterbodies from all major tributaries and discharges to those waterbodies;
  + characterize any significant changes in the concentration of mass of *E. coli* that have occurred during the period of TMDL implementation, and determine if there are any discernible trends in the receiving water and discharge data;
  + use appropriate microbial source tracking techniques to determine the extent that human sources may or may not be contributing to elevated *E. coli* concentrations;
  + evaluate and quantify the degree to which dry weather urban flows have declined since the TML was approved;
  + confirm which areas of the MSAR watershed have been hydrologically-disconnected from the receiving streams identified in the TMDL during dry weather conditions; and,
  + determine if estimated bacterial load reductions in Riverside County’s and San Bernardino County’s CBRPs have been achieved.

To achieve these objectives, the Synoptic Study involved a comprehensive six-week data collection effort during dry weather conditions within the MSAR watershed, starting the week of July 19, 2019 and ending the week of September 3, 2019. Data were collected at 28 sample locations throughout the watershed.

The Synoptic Study made significant findings regarding the status of TMDL implementation and CBRP compliance. Most importantly, the study concluded that the MS4 programs had achieved a principal goal of the CBRPs, to significantly reduce dry weather flow to the TMDL waterbodies. For example, the MS4 programs have hydrologically-disconnected the majority of the upper MSAR watershed during dry weather conditions through infiltration of runoff in unlined flood control channels, retention basins, and other flow diversion projects. Further, in this specific study, the City of Claremont effectively eliminated dry weather runoff from its jurisdiction and is no longer causing or contributing to downstream exceedances.[[2]](#footnote-2) Moreover, the MS4 programs met the bacterial load reduction goals established in the CBRPs in all but one watershed. In the one watershed where the reduction goal was not achieved, that watershed achieved approximately 80% of the estimated bacteria load reduction needed to assure compliance with the bacteria concentration WLAs established in the TMDL.

Another significant finding was that the relative absence of significant human signals in the data strongly suggests that the *E. coli* observed in the receiving waters is far more likely coming from natural background sources (sediment, biofilms, wildlife) than from controllable anthropogenic sources.

1. **Select Comments on Staff Working Proposal**

Within the Staff Working Proposal, the key provisions of interest to the Task Force are the *General Compliance Provisions for Total Maximum Daily Loads* in Section VII and Appendix 10, *Water Quality Based Effluent Limitations for Bacterial Indicator TMDL in the Middle Santa Ana River Watershed*. Unlike the current MS4 permits, the Staff Working Proposal proposes to convert the MSAR TMDL WLAs from the BMP-based approach of the CBRPs into numeric water quality based effluent limitations (WQBELs). This means that the CBRPs are no longer the WQBELs and that compliance with the CBRPs no longer constitutes compliance with WQBELs. The Task Force is very concerned that the adoption of numeric WQBELs signifies a shift in the Santa Ana Water Board’s priorities away from stakeholder, collaborative processes to a more compliance/enforcement driven program.

This shift is concerning because it puts the MS4s in immediate noncompliance with the Staff Working Proposal even though the staff’s audit findings found there currently exists no process for determining if MS4s have meet WLAs (which are now becoming numeric WQBELs). the sources of bacteria in surface waters is not well understood. As demonstrated by the years of special studies and evidence collected, application of a numeric WQBEL ignores the reality that there are many aspects of the bacteria challenge that are not well understood and that the current MSAR Bacteria TMDLs are likely not achievable in either wet or dry weather due to the presence of unaccounted for or uncontrollable sources of bacteria.

To ensure that the Task Force can continue its collaborative efforts to research, monitor and manage bacterial indicators in the MSAR, we encourage staff to provide MS4 permittees with an alternative approach for complying with WLAs contained in the MSAR Bacteria TMDL. This approach should focus, like the CBRPs, on compliance through a BMP-based approach that includes continued collaboration with stakeholders through Task Force participation. Such an approach allows the MS4 permittees to work with all regulated dischargers to address bacteria on a watershed scale.

Further, considering the number of practical and technical challenges that MS4s encounter daily with respect to meeting WLAs for bacterial indicators, BMP-based compliance is the appropriate option. This is especially true here, where the MS4s, in conjunction with the Task Force, have a proven track record of implementing and achieving the objectives set out in the CBRPs and in implementing the TMDL Implementation Plan. This “proven track record” was acknowledged by Santa Ana Water Board staff in their 2018 audits of both the San Bernardino County and Riverside County programs and their implementation of the CBRPs.

More importantly, for dry weather conditions where the final compliance deadlines have passed, the Staff Working Proposal provides the MS4s with few options for achieving immediate compliance with numeric WQBELs. Section VII.C. limits demonstrations of compliance to showing that the receiving water has no exceedances of the WQBEL (for the reasons discussed above, a near-impossible task), demonstrating that dry weather discharges at MS4 outfalls have no exceedances, or demonstrating that there is no discharge from MS4 outfalls. Failure to make a demonstration of compliance through one of these options would put the MS4s in immediate jeopardy of non-compliance, without achieving any of the benefits of the current BMP-based watershed approach.

Another important and key advantage associated with maintaining BMP-based compliance is that it furthers the purposes and objectives of the Task Force and facilitates a watershed-based approach. Appendix 10 provides that MS4 permittees may “[p]articipate in watershed-wide projects and programs where the Permittee deems that there is a mutual interest or benefit to achieving bacterial indicator waste load allocations in Section I.A. above.” However, if the MS4 permittees must focus on demonstrating compliance with a numeric WQBEL at their outfalls, they may have less interest or perceived benefit in participating in watershed-wide projects or programs due to constraints on time and resources.

Finally, the Staff Working Proposal allows the consideration of offsets as a compliance method for new development and significant redevelopment projects. However, the proposal does not address use of offsets to meet TMDL WLAs generally. Considering the difficulty of meeting bacterial indicator WLAs, offsets (approved by the Santa Ana Water Board or its Executive Officer) should be an additional method for complying with WLAs. This can be accomplished by either specifically referencing the ability to use offsets in the permit language or by incorporating the potential use of offsets within Appendix 10.

1. **Recommendations for Revising the draft Santa Ana Regional MS4 Permit**

In light of the concerns expressed above and considering the Task Force’s proven track record, the Task Force recommends that the Staff Working Proposal be revised to provide the following:

* Eliminate numeric WQBELs for both wet weather and dry weather conditions in favor of BMP-based compliance;
* Allow the MS4 programs a reasonable amount of time to revise existing CBRPs for dry weather conditions;
* Allow the MS4 programs a reasonable amount of time to develop, implement and adopt CBRPs for wet weather conditions;
* Allow for continuation of the Regional Bacteria Monitoring Program to meet monitoring program requirements;
* Acknowledge that Task Force participation is a key component of BMP-based compliance; and,
* Allow for the use of offsets by stakeholders (individually or collectively) for meeting dry and wet weather WLAs.

1. **Conclusions**

The Task Force exemplifies the meaning of watershed management planning in that its diverse stakeholders have been collaborating and cooperating for almost 20 years to identify and address sources of bacteria in the MSAR watershed. The Task Force’s success is due in large part to the ongoing collaboration with Santa Ana Water Board staff on the Task Force. These efforts put the MSAR MS4 permittees years ahead of others in implementing TMDLs. Nonetheless, the role of uncontrollable bacteria sources in preventing attainment of the MSAR Bacteria TMDL, as well as the difficulties faced by the permittees, are questions still need to be addressed. In recognition of the water quality management challenge presented by fecal indicator bacteria and the extraordinary and successful efforts demonstrated by the Task Force approach, we respectfully request that the Staff Working Proposal incorporate BMP-based compliance that can be enhanced through Task Force efforts.

On behalf of the Task Force, SAWPA would like to thank Santa Ana Water Board staff for their years of participation in the Task Force and for the opportunity to provide comments at this early stage on the Staff Working Proposal. We look forward to working with you and your staff in further developing permit language that supports the cooperative efforts of the Task Force members and continuation of the BMP-based compliance efforts that have achieved success in addressing bacteria sources in the watershed for almost two decades.

Sincerely,

1. The Triennial Reports are discussed in Section III. [↑](#footnote-ref-1)
2. Notably, other cities have also made this demonstration, which was documented prior to the 2019 Synoptic Study. [↑](#footnote-ref-2)