

California Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3348

NOTICE OF PUBLIC HEARING
For
Order No. R8-2009-0042

Amending Order No. R8-2005-0003, NPDES No. CA8000027
Waste Discharge and Producer/User Reclamation Requirements
For
Elsinore Valley Municipal Water District
Regional Water Reclamation Facility
Riverside County

On the basis of preliminary staff review and application of lawful standards and regulations, the California Regional Water Quality Control Board, Santa Ana Region, proposes to amend waste discharge and producer/user water recycling requirements to incorporate TMDL requirements specified in Resolution No. R8-2004-0037.

The Board is seeking comments concerning the proposed amendment to waste discharge and producer/user water recycling requirements and the potential effects of the discharge on the water quality and beneficial uses of the affected receiving waters.

The Board will hold a public hearing to consider adoption of the proposed amendments as follows:

DATE: May 22, 2009
TIME: 9:00 a.m.
PLACE: City Council Chambers of Loma Linda
25541 Barton Road
City of Loma Linda

The Board's proposed Order, related documents, and all comments and petitions received may be inspected and copied at the Regional Board office, 3737 Main Street, Suite 500, Riverside, CA 92501-3348 (phone 951-782-4130) by appointment scheduled between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday. Copies of the proposed Order will be mailed to interested persons upon request to Jane Qiu at (951) 320-2008. The proposed Order can also be downloaded from our website at http://www.waterboards.ca.gov/santaana/board_info/agendas/2009_agendas.html on or after April 22, 2009.

Interested persons are invited to submit written comments on the proposed Order No. R8-2009-0042. Interested persons are also invited to attend and express their views on issues relating to the proposed Order. Oral statements will be heard, but should be brief to allow all interested persons time to be heard. For the accuracy of the record, all testimony (oral statements) should be submitted in writing.

Although all comments that are provided up to and during the public hearing on this matter will be considered, receipt of comments by May 4, 2009 would be appreciated so that they can be used in the formulation of the draft Order that will be transmitted to the Board two weeks prior to the hearing. To view or download a copy of the tentative Order that the Board will consider at its meeting, please access our website at http://www.waterboards.ca.gov/santaana/board_info/agendas/2009_agendas.html on or after May 11, 2009.

Any person who is physically challenged and requires reasonable accommodation to participate in this Regional Board Meeting should contact Felipa Carrillo at (951) 782-3285 no later than May 4, 2009. Please bring the foregoing to the attention of any persons known to you who would be interested in this matter.

California Regional Water Quality Control Board
Santa Ana Region

May 22, 2009

STAFF REPORT

ITEM:

SUBJECT: Amendment of Order No. R8-2005-0003, NPDES No. CA8000027, Waste Discharge and Producer/User Reclamation Requirements for Elsinore Valley Municipal Water District, Regional Water Reclamation Facility, Riverside County – Order No. R8-2009-0042

DISCUSSION:

On March 4, 2005, the Board adopted Order No. R8-2005-0003, NPDES No. CA8000027, prescribing Waste Discharge and Producer/User Reclamation Requirements for Elsinore Valley Municipal Water District's (EVMWD) Regional Water Reclamation Facility for the discharge of tertiary treated wastewater to Temescal Creek and into Lake Elsinore for lake replenishment.

On December 20, 2004, the Board adopted Resolution No. R8-2004-0037, amending the Water Quality Control Plan to incorporate nutrient total maximum daily loads (TMDLs) for Lake Elsinore and Canyon Lake. These TMDLs were approved by the State Board on May 19, 2005, by OAL on July 26, 2005 and by USEPA on September 30, 2005.

In order to implement the requirements of the TMDLs to develop effective solutions for improving water quality in Lake Elsinore and Canyon Lake, affected responsible agencies and stakeholders, including EVMWD, formed a Lake Elsinore and Canyon Lake TMDL Task Force¹. The Task Force is coordinating efforts to meet TMDL requirements, including lake and watershed monitoring, reducing in-lake sediment nutrient contributions, updating in-lake models and developing a pollutant trading program(s).

The TMDLs specify that monitoring and other TMDL Tasks can be completed collectively by the dischargers (such as through the Task Force). Alternatively, each of the dischargers named in the TMDLs is responsible to implement applicable Tasks individually.

¹ TMDL Task Force members include the following agencies/parties: the US Forest Service, 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, Hemet, San Jacinto, Perris, Moreno Valley, Murrieta, Riverside and Beaumont.

On March 3, 2006, the Regional Water Board adopted Resolution No. R8-2006-0031, approving the Watershed-wide and In-lake nutrient TMDLs monitoring program. The proposed program was submitted by the Lake Elsinore and San Jacinto Watersheds Authority (LESJWA), on behalf of the named dischargers in the TMDLs, in response to the requirement specified in Task 4 of the TMDLs. Many of the dischargers named in the TMDLs, including EVMWD, became members of the Task Force, which was being formed at the time of the LESJWA submittal.

On November 30, 2007, the Regional Water Board adopted Resolution No. R8-2007-0083, approving the plans and schedules proposed by the nutrient TMDL Task Force to address the requirements of TMDL Tasks 9, 10, 11, and 12.

Table 1, below, summarizes the relevant TMDL Tasks, compliance dates specified in the TMDLs, and the status of submittal and Regional Board approval of the requisite plans and schedules. In each case, the dischargers are required to implement the plans and schedules upon approval by the Regional Board. Given that plans and schedules have been approved, as shown in Table 1, then the members of the Task Force are required to implement them. If a member of the Task Force, including EVMWD, fails to implement the approved plans and schedules, then they become responsible to address compliance with the Task requirements on an individual basis.

Table 1 - Lake Elsinore and Canyon Lake Nutrient TMDL Implementation Plan/Schedule Report Due Dates and Status			
TMDL Task	Description	TMDL Compliance Date	Status (as of April 17, 2009)
4	Nutrient Water Quality Monitoring Program	<ul style="list-style-type: none"> • Initial plan/schedule due December 31, 2005 • Annual reports due August 15 	Complete and approved by Regional Board March 2006 <i>(Resolution No. R8-2006-31)</i> Monitoring ongoing 2007 Annual report submitted <i>(Resolution No. R8-2006-31)</i>
9	Lake Elsinore In-Lake Sediment Nutrient Reduction Plan	Plan/schedule due March 31, 2007	Complete and approved by Regional Board Nov. 2007 <i>(Resolution No. R8-2007-83)</i>
10	Canyon Lake In-Lake Sediment Treatment Evaluation	Plan/schedule due March 31, 2007	Complete and approved by Regional Board Nov. 2007 <i>(Resolution No. R8-2007-83)</i>
11	Watershed and Canyon Lake and Lake Elsinore In-Lake Model Updates	Plan/schedule due March 31, 2007	Complete and approved by Regional Board Nov. 2007 <i>(Resolution No. R8-2007-83)</i>
12	Pollutant Trading Plan	Plan/schedule due September 30, 2007	Complete and approved by Regional Board Nov. 2007 <i>(Resolution No. R8-2007-83)</i>

Tables 2, 3 and 4 summarize the specific subtasks and schedules submitted by the Task Force and approved by the Regional Board to address the TMDL Tasks. Two subtasks (Bio-Monitoring Plan (see Table 2) and In-Lake Processes Evaluation Study (see Table 3)) are delinquent at the present time. The bio-monitoring plan is currently being finalized by the TMDL Task Force. Staff recommends that the completion date for this subtask be revised to June 22, 2009. Completion of the In-lake Processes Evaluation Study is contingent on the collection of data on the operation of in-lake aeration and mixing facilities. These facilities, which are expected to reduce the release of nutrients from the lake sediments to the water column, were expected to operational in the summer of 2006. Data were therefore expected to be available to complete this subtask by December 31, 2008. However, the commencement of operation of these facilities was delayed until September 2008. Board staff believes that it is reasonable to revise the completion date for this task to reflect this fact. A revised completion date of December 31, 2009 is recommended and reflected in this amendment.

Table 2 - Lake Elsinore In-lake Sediment Nutrient Reduction Plan and Schedule*	
Lake Elsinore In-lake Sediment Reduction Strategy Task	Due Date
Revise Monitoring Plan to include Biological Sampling Program	June, 2008
Summarize Results of Monitoring Program	August 31, 2010
Update Water Quality Models	November 30, 2010
Submit Phase 2 Alternatives	December 31, 2010
Submit O&M for Agreement for Fishery Management Program	December 31, 2010
Submit O&M for Agreement for Aeration and Mixing Systems	December 31, 2010
Submit Phase 2 Projects Plans	June 30, 2011
Complete Phase 2 Project Implementation	December 31, 2014

*Submitted by the TMDL Task Force and approved by the Regional Board

Table 3 - Model Update Plan and Schedule*	
Model Update Task	Due Date
In-lake Processes Evaluation Study	December 31, 2008
Linkage Analysis Study	December 31, 2009
Watershed Source Loading Study	August 31, 2010
Model Evaluation	December 31, 2010
Construct/Calibrate Model	June 30, 2011
Conduct Model Scenarios	August 31, 2011

Table 3 - Model Update Plan and Schedule*	
Model Update Task	Due Date
Model Update Final Report	November 30, 2011

*Submitted by the TMDL Task Force and approved by the Regional Board

Table 4 - Pollutant Trading Plan and Schedule*	
Description	Due Date
Conduct Feasibility analysis and ID Pollutant Trading Framework	March 31, 2012
Create and Adopt Program Protocols and Program Implementation	August 31, 2012
Submit Pollutant Trading Program	November 30, 2012

*Submitted by the TMDL Task Force and approved by the Regional Board

It is appropriate to amend Order No. R8-2005-0003 to include applicable requirements based on the approved TMDL Task Force plans and schedules.

The following shows the proposed changes to Order No. R8-2005-0003. Additions are bold and highlighted. Deletions are stricken-out.

1. Order No. R8-2005-0003, page 3 of 35, modify Finding 14 and add footnote 1 and 2 as follows and renumber subsequent footnotes accordingly:
 14. On December 20, 2004, the Board adopted Resolution No. R8-2004-0037, amending the Water Quality Control Plan to incorporate nutrient total maximum daily loads (TMDLs) for Lake Elsinore and Canyon Lake. These TMDLs ~~have not yet been~~ **were** approved by the State Board **on May 19, 2005, by OAL on July 26, 2005** and ~~by~~ **or the** USEPA **on September 30, 2005**. ~~While the TMDLs are thus not yet effective, it is appropriate to specify requirements in this Order that implement relevant TMDL requirements.~~ **The TMDLs include total phosphorus and total nitrogen wasteload allocations for inputs of supplemental water to Lake Elsinore, including the discharge of recycled water. These wasteload allocations were included in the Elsinore TMDLs based on the recognition that the addition of supplemental water, including recycled water, is necessary to address the substantial water level variation in the lake, including periods when the lake is completely**

dry¹. This lake level variation results in significant adverse effects on the water quality and beneficial uses of the Lake, including recreational opportunities and fish and wildlife habitat. Additions of supplemental water would help to address these effects and thereby improve water quality and beneficial uses. The Lake Elsinore TMDLs specify that the wasteload allocations for supplemental water are to be met as soon as possible as a 5-year running average.

~~The Lake Elsinore TMDL includes wasteload allocations for discharges of recycled water (supplemental water) based on the recognition that recycled water inputs to the lake are necessary to attain and maintain a stable lake level and thereby improve water quality and beneficial uses. Implementing TMDL requirements in this Order will assure that recycled water inputs to Lake Elsinore are authorized in accordance with requirements developed by the Regional Board and stakeholders using sound scientific methods and practices and adopted after an extensive public participation process, including scientific peer review. The wasteload allocations specified in the Elsinore TMDL are the basis for the nutrient limits, compliance schedules and offset requirements for discharges of recycled water to Lake Elsinore that are specified in this Order. The TMDL establishes schedules for compliance with the wasteload allocations and allows for the implementation of suitable offset programs when compliance with strict numeric limitations based on those allocations is not reasonably feasible.~~

The responsible agencies and dischargers in the Lake Elsinore/Canyon Lake watershed have formed a Lake Elsinore and Canyon Lake TMDL Task Force² (TMDL Task Force). EVMWD is a member of the TMDL Task Force. The TMDL Task Force members are working jointly to implement requirements of the TMDLs. However, if the TMDL Task Force does not comply with the TMDL requirements by the due dates in a collective manner, then each

¹ *The Lake Elsinore Nutrient TMDL assumes that supplemental water requirements would average 8,800 acre-feet/year (ac-ft/yr) to maintain the elevation of Lake Elsinore between 1240 and 1247 feet, the desired operating range. In the driest year, up to 13,800 ac-ft/yr of supplemental water may be needed. Potential sources of supplemental water identified in the TMDL are recycled water and well water. Since nutrient concentrations in the well water are below detection limits, the supplemental water wasteload allocations address only recycled water. At current flows, approximately 4500 ac-ft/yr of recycled water would be available for discharge to Lake Elsinore. At the design capacity of the RWRP (8 mgd), EVMWD would have approximately 8,400 acre-feet/year available for discharge to Lake Elsinore.*

² *TMDL Task Force members include the following agencies/parties: the US Forest Service, 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, Hemet, San Jacinto, Perris, Moreno Valley, Murrieta, Riverside and Beaumont.*

member is responsible for implementation of the TMDL tasks individually. Table 1 identifies applicable TMDL Tasks. In each case, the approved plans and schedules are required to be implemented upon Regional Board approval. As noted in Table 1, all requisite plans/schedules have now been approved by the Regional Board and must be implemented.

Table 1 - Lake Elsinore and Canyon Lake Nutrient TMDL Implementation Plan/Schedule Report Due Dates and Status			
TMDL Task	Description	TMDL Compliance Date	Status (as of April 17, 2009)
4	Nutrient Water Quality Monitoring Program	<ul style="list-style-type: none"> • Initial plan/schedule due December 31, 2005 • Annual reports due August 15 	Complete and approved by Regional Board March 2006 <i>(Resolution No. R8-2006-31)</i> Monitoring ongoing 2007 Annual report submitted <i>(Resolution No. R8-2006-31)</i>
9	Lake Elsinore In-Lake Sediment Nutrient Reduction Plan	Plan/schedule due March 31, 2007	Complete and approved by Regional Board Nov. 2007 <i>(Resolution No. R8-2007-83)</i>
10	Canyon Lake In-Lake Sediment Treatment Evaluation	Plan/schedule due March 31, 2007	Complete and approved by Regional Board Nov. 2007 <i>(Resolution No. R8-2007-83)</i>
11	Watershed and Canyon Lake and Lake Elsinore In-Lake Model Updates	Plan/schedule due March 31, 2007	Complete and approved by Regional Board Nov. 2007 <i>(Resolution No. R8-2007-83)</i>
12	Pollutant Trading Plan	Plan/schedule due September 30, 2007	Complete and approved by Regional Board Nov. 2007 <i>(Resolution No. R8-2007-83)</i>

2. Order No. R8-2005-0003, page 6 of 35, add new Finding 23 and 24 as follows and renumber subsequent Findings accordingly:

23. On March 3, 2006, the Regional Water Board adopted Resolution No. R8-2006-0031, approving the Watershed-wide and In-lake nutrient TMDLs monitoring program. The monitoring program was submitted by the Lake Elsinore and San Jacinto Watersheds Authority (LESJWA) on behalf of the dischargers named in the TMDLs. Many of these dischargers, including EVMWD, subsequently formed the TMDL Task Force. This Order requires the discharger to continue to implement this approved monitoring program. (see Section K – Provisions, paragraph 9.) If the Task Force fails to implement the monitoring program in a timely and effective manner, as determined by the Executive Officer, then EVMWD is required to implement the approved monitoring program.

24. On November 30, 2007, the Regional Water Board adopted Resolution No. R8-2007-0083, approving TMDL Task Force plans and schedules submitted in compliance with TMDL Tasks 9, 10, 11, and 12. In the approved Plans, the TMDL Task Force committed to a series of subtasks and due dates, as shown in Table 2 (reducing Canyon Lake in-lake sediment nutrient loads, Table 3 (updating the watershed and in-lake water quality models) and Table 4 (developing a pollutant trading plan), below.

Lake Elsinore In-lake Sediment Reduction Strategy Task	Due Date
Revise Monitoring Plan to include Biological Sampling Program	June, 2008 ⁺ June 22, 2009 (date changed from June 2008; see discussions in the staff report of this Order)
Summarize Results of Monitoring Program	August 31, 2010
Update Water Quality Models	November 30., 2010
Submit Phase 2 Alternatives	December 31, 2010
Submit O&M for Agreement for Fishery Management Program	December 31, 2010
Submit O&M for Agreement for Aeration and Mixing Systems	December 31, 2010
Submit Phase 2 Projects Plans	June 30, 2011
Complete Phase 2 Project Implementation	December 31, 2014

Model Update Task	Due Date
In-lake Processes Evaluation Study	December 31, 2008 ⁴ December 31, 2009 (date changed from December 31, 2008; see discussions in the staff report of this Order)
Linkage Analysis Study	December 31, 2009
Watershed Source Loading Study	August 31, 2010
Model Evaluation	December 31, 2010
Construct/Calibrate Model	June 30, 2011
Conduct Model Scenarios	August 31, 2011
Model Update Final Report	November 30, 2011

Description	Due Date
Conduct Feasibility analysis and ID Pollutant Trading Framework	March 31, 2012
Create and Adopt Program Protocols and Program Implementation	August 31, 2012
Submit Pollutant Trading Program	November 30, 2012

Revision of the monitoring plan to include a biological sampling program (see Table 2) has not yet been completed. However, the Task Force is in the process of finalizing those changes. Accordingly, it is reasonable and appropriate to revise the due date for this subtask to June 1, 2009. Similarly, the In-Lake Processes Evaluation Study (see Table 3) has not yet been completed. Completion of this task is contingent on the collection of data from the operation of in-lake aeration and mixing facilities. Operation of these facilities was scheduled to begin in the summer of 2006 but was delayed until September 2008. It is appropriate and reasonable to revise the due date for this subtask to December 31, 2009.

This Order requires EVMWD (see Section K - Provisions, paragraph 10.), as a member of the TMDL Task Force, to continue to implement the approved plans and schedules shown in Tables 2, 3 and 4. If the Task Force fails to implement the approved plans in a timely and effective manner, as determined by the Executive Officer, then EVMWD is required to implement the TMDL tasks in accordance with the plans and schedules submitted by the TMDL Task Force (with the amendments reflected in Tables 2 and 3).

3. Order No. R8-2005-0003, page 31 of 35, Section K - Provisions, add new Provisions 9., 10., and 11. as follows and renumber subsequent Provisions accordingly:

9. The discharger shall to continue to implement the approved Watershed-wide and In-lake nutrient TMDLs monitoring program approved pursuant to Board Resolution No. R8-2006-0031. The discharger shall submit quarterly reports on the Lake Elsinore in-lake monitoring results and annual reports for watershed-wide and Canyon Lake monitoring results. Reports submitted in a timely and complete manner by the TMDL Task Force on behalf of the Task Force members shall satisfy this requirement, provided that EVMWD continues its participation as a Task Force member.

10. The discharger shall to continue to implement the following in accordance with the approved strategy for reducing Lake Elsinore in-lake sediment nutrient loads:

- a. Reduce Lake Elsinore in-lake sediment nutrient loads as required by TMDL Task 9 and summarized in Table 2 of Finding 24 of this Order.
- b. Reduce Canyon Lake in-lake sediment nutrient loads as required by TMDL Task 10. The TMDL task Force has conducted modeling analysis to evaluate several lake management options and their effectiveness in achieving TMDL numeric targets and allocations. The modeling results indicate that in-lake treatment, in combination with external nutrient source reductions, will achieve the TMDL numeric targets. EVMWD shall submit a preliminary engineering feasibility study which will provide estimate of cost and schedule for implementing the treatment measures to the Regional Board for approval by December 30, 2009.
- c. Update the Lake Elsinore and Canyon Lake water quality models as required by TMDL Task 11 and summarized in Table 3 of Finding 24 of this Order.
- d. Development of a Pollutant Trading Plan as required by TMDL Task 12 and summarized in Table 4 of Finding 24 of this Order.

11. Timely and effective implementation of Provisions 9. and 10., above by the TMDL Task Force shall constitute compliance with these requirements, provided that EVMWD continues its participation as a Task Force member.

RECOMMENDATION:

Adopt Order No. R8-2009-0042, as presented.

Comments were solicited from the following agencies:

U.S. Environmental Protection Agency, Permits Issuance Section (WTR-5) - Doug Eberhardt

U.S. Army District, Los Angeles, Corps of Engineers - Regulatory Branch

U.S. Fish and Wildlife Service, Carlsbad – Christine Medak

State Water Resources Control Board, Office of the Chief Counsel – David Rice

State Water Resources Control Board, Division of Financial Assistance

California Department of Public Health, Carpinteria - Jeff Stone

California Department of Public Health, San Diego - Steve Williams

State Department of Water Resources, Glendale – Charles Keene

State Department of Fish and Game, Los Alamitos - Ms. Latonio

Riverside County Environmental Health Department - Sandy Bunchek

Riverside County Flood Control & WCD -- Jason Uhley/Albert Martinez

Riverside County Farm Bureau Steve Pastor

City of Lake Elsinore - City Manager

City of Canyon Lake – Lori Moss/Bob Bohan

City of Hemet -- Linda Nixon

City of Menifee -- Brian Kutzner

City of Moreno Valley -- Kent Wegelin

City of Murrieta -- Bill Woolsey

City of Perris -- Michael Morales

City of Riverside -- Jessica Chin

City of Riverside -- Sandy Caldwell

City of Wildomar -- Ron Grider

Santa Ana River Dischargers Association - Ed Filadelfia

Santa Ana Watershed Project Authority – Celeste Cantu/Mark Norton

County of Riverside - Supervisor Bob Buster

Orange County Water District - Nira Yamachika

Orange County Coastkeeper - Garry Brown

Lawyers for Clean Water C/c San Francisco Baykeeper

Inland Empire Waterkeeper – Lee Reeder

Natural Resources Defense Council - David Beckman

Elsinore Valley Municipal Water District – Ronald Young

Western Riverside County Agricultural Coalition – Pat Boldt

San Jacinto Watershed Council –

US Forest Service – Robert Taylor

California Department of Transportation -- Cathy Jochai

City of Lake Elsinore, Lake Manager – Pat Kilroy

March Air Reserve Base --

March Joint Powers Authority –

City of Beaumont – City Manager

California Regional Water Quality Control Board
Santa Ana Region

ORDER NO. R8-2009-0042
Amending Order No. R8-2005-0003, NPDES No. CA8000027
Waste Discharge and Producer/User Reclamation Requirements
for
Elsinore Valley Municipal Water District
Regional Water Reclamation Facility
Riverside County

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

1. On March 4, 2005, the Board adopted Order No. R8-2005-0003, NPDES No. CA8000027, prescribing Waste Discharge and Producer/User Reclamation Requirements for Elsinore Valley Municipal Water District's (EVMWD) Regional Water Reclamation Facility for the discharge of tertiary treated wastewater to Temescal Creek and into Lake Elsinore for lake replenishment.
2. On December 20, 2004, the Board adopted Resolution No. R8-2004-0037, amending the Water Quality Control Plan to incorporate nutrient total maximum daily loads (TMDLs) for Lake Elsinore and Canyon Lake. These TMDLs were approved by the State Board on May 19, 2005, by OAL on July 26, 2005 and by USEPA on September 30, 2005.
3. On March 3, 2006, the Regional Water Board adopted Resolution No. R8-2006-0031 approving the Watershed-wide and In-lake nutrient TMDLs monitoring program.
4. On November 30, 2007, the Regional Water Board adopted Resolution No. R8-2007-0083 approving the nutrient TMDL Task Force¹ plans and schedules in compliance with TMDL Tasks 9, 10, 11, and 12.
5. Order No. R8-2009-0042 will expire on March 1, 2010.
6. It is appropriate to amend Order No. R8-2005-0003 and include applicable requirements based on the approved TMDL Task Force plans and schedules.

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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 Forest Service, 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, Hemet, San Jacinto, Perris, Moreno Valley, Murrieta, Riverside and Beaumont.

7. In accordance with Water Code Section 13389, amending the waste discharge requirements for this discharge is exempt from those provisions of the California Environmental Quality Act contained in Chapter 3 (commencing with Section 21100), Division 13 of the Public Resources Code.
8. The Board has notified the discharger and other interested agencies and persons of its intent to amend waste discharge requirements for the discharge and has provided them with an opportunity to submit their written views and recommendations.
9. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that Order No. R8-2005-0003 be amended as follows:

1. Order No. R8-2005-0003, page 3 of 35, modify Finding 14 and add footnote 1 and 2 as follows and renumber subsequent footnotes accordingly:
 14. On December 20, 2004, the Board adopted Resolution No. R8-2004-0037, amending the Water Quality Control Plan to incorporate nutrient total maximum daily loads (TMDLs) for Lake Elsinore and Canyon Lake. These TMDLs were approved by the State Board on May 19, 2005, by OAL on July 26, 2005 and by USEPA on September 30, 2005. The TMDLs include total phosphorus and total nitrogen wasteload allocations for inputs of supplemental water to Lake Elsinore, including the discharge of recycled water. These wasteload allocations were included in the Elsinore TMDLs based on the recognition that the addition of supplemental water, including recycled water, is necessary to address the substantial water level variation in the lake, including periods when the lake is completely dry¹. This lake level variation results in significant adverse effects on the water quality and beneficial uses of the Lake, including recreational opportunities and fish and wildlife habitat. Additions of supplemental water would help to address these effects and thereby improve water quality and beneficial uses. The Lake Elsinore TMDLs specify that the wasteload allocations for supplemental water are to be met as soon as possible as a 5-year running average.

¹ *The Lake Elsinore Nutrient TMDL assumes that supplemental water requirements would average 8,800 acre-feet/year (ac-ft/yr) to maintain the elevation of Lake Elsinore between 1240 and 1247 feet, the desired operating range. In the driest year, up to 13,800 ac-ft/yr of supplemental water may be needed. Potential sources of supplemental water identified in the TMDL are recycled water and well water. Since nutrient concentrations in the well water are below detection limits, the supplemental water wasteload allocations address only recycled water. At current flows, approximately 4500 ac-ft/yr of recycled water would be available for discharge to Lake Elsinore. At the design capacity of the RWRf (8 mgd), EVMWD would have approximately 8,400 acre-feet/year available for discharge to Lake Elsinore.*

Implementing TMDL requirements in this Order will assure that recycled water inputs to Lake Elsinore are authorized in accordance with requirements developed by the Regional Board and stakeholders using sound scientific methods and practices and adopted after an extensive public participation process, including scientific peer review. The wasteload allocations specified in the Elsinore TMDL are the basis for the nutrient limits, compliance schedules and offset requirements for discharges of recycled water to Lake Elsinore that are specified in this Order. The TMDL establishes schedules for compliance with the wasteload allocations and allows for the implementation of suitable offset programs when compliance with strict numeric limitations based on those allocations is not reasonably feasible.

The responsible agencies and dischargers in the Lake Elsinore/Canyon Lake watershed have formed a Lake Elsinore and Canyon Lake TMDL Task Force² (TMDL Task Force). EVMWD is a member of the TMDL Task Force. The TMDL Task Force members are working jointly to implement requirements of the TMDLs. However, if the TMDL Task Force does not comply with the TMDL requirements by the due dates in a collective manner, then each member is responsible for implementation of the TMDL tasks individually. Table 1 identifies applicable TMDL Tasks. In each case, the approved plans and schedules are required to be implemented upon Regional Board approval. As noted in Table 1, all requisite plans/schedules have now been approved by the Regional Board and must be implemented.

Table 1 - Lake Elsinore and Canyon Lake Nutrient TMDL Implementation Plan/Schedule Report Due Dates and Status			
TMDL Task	Description	TMDL Compliance Date	Status (as of April 17, 2009)
4	Nutrient Water Quality Monitoring Program	<ul style="list-style-type: none"> • Initial plan/schedule due December 31, 2005 • Annual reports due August 15 	Complete and approved by Regional Board March 2006 <i>(Resolution No. R8-2006-31)</i> Monitoring ongoing 2007 Annual report submitted

² TMDL Task Force members include the following agencies/parties: the US Forest Service, 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, Hemet, San Jacinto, Perris, Moreno Valley, Murrieta, Riverside and Beaumont.

Table 1 - Lake Elsinore and Canyon Lake Nutrient TMDL Implementation Plan/Schedule Report Due Dates and Status			
TMDL Task	Description	TMDL Compliance Date	Status (as of April 17, 2009)
			<i>(Resolution No. R8-2006-31)</i>
9	Lake Elsinore In-Lake Sediment Nutrient Reduction Plan	Plan/schedule due March 31, 2007	Complete and approved by Regional Board Nov. 2007 <i>(Resolution No. R8-2007-83)</i>
10	Canyon Lake In-Lake Sediment Treatment Evaluation	Plan/schedule due March 31, 2007	Complete and approved by Regional Board Nov. 2007 <i>(Resolution No. R8-2007-83)</i>
11	<i>Watershed and Canyon Lake and Lake Elsinore In-Lake Model Updates</i>	Plan/schedule due March 31, 2007	Complete and approved by Regional Board Nov. 2007 <i>(Resolution No. R8-2007-83)</i>
12	Pollutant Trading Plan	Plan/schedule due September 30, 2007	Complete and approved by Regional Board Nov. 2007 <i>(Resolution No. R8-2007-83)</i>

2. Order No. R8-2005-0003, page 6 of 35, add new Finding 23 and 24 as follows and renumber subsequent Findings accordingly:
 23. On March 3, 2006, the Regional Water Board adopted Resolution No. R8-2006-0031, approving the Watershed-wide and In-lake nutrient TMDLs monitoring program. The monitoring program was submitted by the Lake Elsinore and San Jacinto Watersheds Authority (LESJWA) on behalf of the dischargers named in the TMDLs. Many of these dischargers, including EVMWD, subsequently formed the TMDL Task Force. This Order requires the discharger to continue to implement this approved monitoring program. (see Section K – Provisions, paragraph 9.) If the Task Force fails to implement the monitoring program in a timely and effective manner, as determined by the Executive Officer, then EVMWD is required to implement the approved monitoring program.
 24. On November 30, 2007, the Regional Water Board adopted Resolution No. R8-2007-0083, approving TMDL Task Force plans and schedules submitted in compliance with TMDL Tasks 9, 10, 11, and 12. In the approved Plans, the TMDL Task Force committed to a series of subtasks and due dates, as shown in Table 2 (reducing Canyon Lake in-lake sediment nutrient loads, Table 3 (updating the watershed and in-lake water quality models) and Table 4 (developing a pollutant trading plan), below.

Table 2 - Lake Elsinore In-lake Sediment Nutrient Reduction Plan and Schedule

Lake Elsinore In-lake Sediment Reduction Strategy Task	Due Date
Revise Monitoring Plan to include Biological Sampling Program	June, 2008 ⁺ June 22, 2009 (date changed from June 2008; see discussions in the staff report of this Order)
Summarize Results of Monitoring Program	August 31, 2010
Update Water Quality Models	November 30., 2010
Submit Phase 2 Alternatives	December 31, 2010
Submit O&M for Agreement for Fishery Management Program	December 31, 2010
Submit O&M for Agreement for Aeration and Mixing Systems	December 31, 2010
Submit Phase 2 Projects Plans	June 30, 2011
Complete Phase 2 Project Implementation	December 31, 2014

Table 3 - Model Update Plan and Schedule

Model Update Task	Due Date
In-lake Processes Evaluation Study	December 31, 2008 ⁺ December 31, 2009 (date changed from December 31, 2008; see discussions in the staff report of this Order)
Linkage Analysis Study	December 31, 2009
Watershed Source Loading Study	August 31, 2010
Model Evaluation	December 31, 2010
Construct/Calibrate Model	June 30, 2011
Conduct Model Scenarios	August 31, 2011
Model Update Final Report	November 30, 2011

Table 4 - Pollutant Trading Plan and Schedule

Description	Due Date
Conduct Feasibility analysis and ID Pollutant Trading Framework	March 31, 2012
Create and Adopt Program Protocols and Program Implementation	August 31, 2012

Table 4 - Pollutant Trading Plan and Schedule

Description	Due Date
Submit Pollutant Trading Program	November 30, 2012

Revision of the monitoring plan to include a biological sampling program (see Table 2) has not yet been completed. However, the Task Force is in the process of finalizing those changes. Accordingly, it is reasonable and appropriate to revise the due date for this subtask to June 1, 2009. Similarly, the In-Lake Processes Evaluation Study (see Table 3) has not yet been completed. Completion of this task is contingent on the collection of data from the operation of in-lake aeration and mixing facilities. Operation of these facilities was scheduled to begin in the summer of 2006 but was delayed until September 2008. It is appropriate and reasonable to revise the due date for this subtask to December 31, 2009.

This Order requires EVMWD (see Section K - Provisions, paragraph 10.), as a member of the TMDL Task Force, to continue to implement the approved plans and schedules shown in Tables 2, 3 and 4. If the Task Force fails to implement the approved plans in a timely and effective manner, as determined by the Executive Officer, then EVMWD is required to implement the TMDL tasks in accordance with the plans and schedules submitted by the TMDL Task Force (with the amendments reflected in Tables 2 and 3).

3. Order No. R8-2005-0003, page 31 of 35, Section K - Provisions, add new Provisions 9., 10., and 11. as follows and renumber subsequent Provisions accordingly:
 9. The discharger shall to continue to implement the approved Watershed-wide and In-lake nutrient TMDLs monitoring program approved pursuant to Board Resolution No. R8-2006-0031. The discharger shall submit quarterly reports on the Lake Elsinore in-lake monitoring results and annual reports for watershed-wide and Canyon Lake monitoring results. Reports submitted in a timely and complete manner by the TMDL Task Force on behalf of the Task Force members shall satisfy this requirement, provided that EVMWD continues its participation as a Task Force member.
 10. The discharger shall to continue to implement the following in accordance with the approved strategy for reducing Lake Elsinore in-lake sediment nutrient loads:
 - a. Reduce Lake Elsinore in-lake sediment nutrient loads as required by TMDL Task 9 and summarized in Table 2 of Finding 24 of this Order.

- b. Reduce Canyon Lake in-lake sediment nutrient loads as required by TMDL Task 10. The TMDL task Force has conducted modeling analysis to evaluate several lake management options and their effectiveness in achieving TMDL numeric targets and allocations. The modeling results indicate that in-lake treatment, in combination with external nutrient source reductions, will achieve the TMDL numeric targets. EVMWD shall submit a preliminary engineering feasibility study which will provide estimate of cost and schedule for implementing the treatment measures to the Regional Board for approval by December 30, 2009.
- c. Update the Lake Elsinore and Canyon Lake water quality models as required by TMDL Task 11 and summarized in Table 3 of Finding 24 of this Order.
- d. Development of a Pollutant Trading Plan as required by TMDL Task 12 and summarized in Table 4 of Finding 24 of this Order.

11. Timely and effective implementation of Provisions 9. and 10., above by the TMDL Task Force shall constitute compliance with these requirements, provided that EVMWD continues its participation as a Task Force member.

4. All other conditions and requirements of Order No. R8-2005-0003 shall remain unchanged.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the forgoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on May 22, 2009.

Gerard J. Thibeault
Executive Officer