



RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

April 30, 2013

Ms. Hope Smythe
Chief, Inland Basin Planning
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501

Dear Ms. Smythe:

Re: Final CNRP for Lake Elsinore/Canyon
Lake Nutrient TMDL

I am writing on behalf of the Riverside County Flood Control and Water Conservation District (District) to address recent comments on the Comprehensive Nutrient Reduction Plan (CNRP) for Lake Elsinore and Canyon Lake to address the Nutrient TMDLs (LE/CL TMDLs) for those lakes incorporated into Order No. R8-2010-0033. The other Permittees participating in the CNRP include the County of Riverside and the Cities of Beaumont, Canyon Lake, Hemet, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Perris, Riverside, San Jacinto and Wildomar.

All of the Permittees, including the City of Lake Elsinore (City), have submitted the final CNRP along with a signed certification statement which attests that the CNRP is "true, accurate and complete." It was therefore with some surprise when we reviewed a letter submitted by a staff member for the City, Mr. Pat Kilroy, dated April 20, 2013, criticizing the CNRP for an alleged "slow and piecemeal" approach for remediation of Lake Elsinore, and focusing on the need to implement lake elevation stabilization as part of the CNRP strategies.

The District reaffirms that the final CNRP provides a comprehensive, thoroughly studied and technically feasible method to achieve the LE/CL TMDLs Urban waste load allocations (WLAs). It provides a reasonable and stepwise approach to addressing the impairments in both lakes by supporting deployment of best management practices (BMPs) expected to best address the nutrient impairment. The research and studies indicate that implementation of the BMPs identified in the CNRP will attain the Urban WLA objectives. Moreover, the CNRP identifies a comprehensive process for implementing additional and/or alternative BMPs to supplement initial BMPs if initial BMPs do not meet the urban WLA objectives.

We note that Mr. Kilroy, supports the basic approach outlined in the CNRP and concludes that "the cost of conventional watershed nutrient BMPs . . . may be cost prohibitive." Mr. Kilroy further asserts that the TMDL Task Force report on "In-Lake Sediment Nutrient Reduction Plan for Lake Elsinore" (Task Force report) supports a three-part strategy: in-lake aeration; fisheries management; and lake level stabilization, apparently supported by all MS4 permittees.

Mr. Kilroy's reading of the Task Force report, which was incorporated into Regional Board Resolution No. R8-2007-0083, is not entirely correct. We draw your attention to the following facts:

While the Task Force report referenced lake level stabilization as one prong of a three-prong approach, the report was clear that the responsibility for implementation of this effort would remain with the Elsinore Valley Municipal Water District (EVMWD) and the City. Nowhere does the Task Force report

indicate that the LE/CL TMDL responsible parties would assume any financial responsibility for this effort, which is being conducted pursuant to an agreement between the EVMWD and the City that settled water rights litigation brought by the City in 2001. That litigation was initiated to enforce prior agreements between the parties dating back to a 1991 agreement to Fill and Operate Lake Elsinore, and references water rights agreements dating back to 1927, among other things.

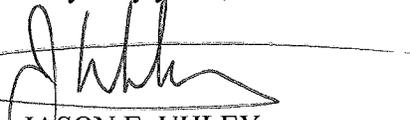
The EVMWD/City agreement, known as the Lake Elsinore Comprehensive Water Management Agreement, sets forth the exclusive responsibility of the EVMWD to provide and the City and the EVMWD to jointly fund the use of supplemental water sources to maintain lake levels. The agreement contains provisions by which the City allows EVMWD to use reclaimed water to meet its water rights obligations. Reclaimed water is readily available from EVMWDs wastewater reclamation plant and, we understand, is more economical than higher quality source waters that could be used to stabilize lake levels.

The agreement leaves all water rights/flow issues in the exclusive control of the EVMWD and the City. The EVMWD and the City maintain sole authority over direction and funding of the reclaimed and other water flow arrangements set forth in the agreement. Section 7.15 of the agreement expressly states that "[n]o person other than the Parties [EVMWD and the City] may rely on or be a beneficiary to the Agreement." The Regional Board recognized this arrangement in adopting the LE/CL TMDL and incorporated it as an existing discharge with its own WLA.

It should finally be noted that the LE/CL TMDLs responsible parties, including the Permittees, were required to take reduced WLAs due to the fact that reclaimed water has been allocated a majority of the allowable nutrient load to Lake Elsinore. Thus, these parties will pay (through their funding of non-lake stabilization BMPs) for the nutrient loading contributed by the reclaimed water. Further, the use of reclaimed water to stabilize lake levels is not necessarily required; other sources of lake stabilization water could be found, such as from Canyon Lake, the Island wells or raw water. Such sources would contribute far less to the nutrient loads going into Lake Elsinore than reclaimed water and provide more assimilative capacity to the Lake.

We want to thank you for this opportunity to further comment on the final CNRP and to respond to the points made in Mr. Kilroy's letter. The District would also reiterate that the final CNRP provides a comprehensive, thoroughly studied and technically feasible method to achieve the LE/CL TMDLs Urban W LAs. If you or your staff have any questions regarding any of the issues discussed in this letter, please do not hesitate to contact me at 951.955.1273.

Very truly yours,



JASON E. UHLEY
Chief of Watershed Protection Division