

Santa Ana Regional Water Quality Control Board

April 3, 2018

Don Mitchell
McMillin Summerly LLC
4343 Von Karman Avenue, 3rd floor
Newport Beach, CA 92660

**AMENDED DISCHARGE AUTHORIZATION AND MONITORING AND REPORTING
PROGRAM NO. R8-2015-0004-049A, UNDER GENERAL DE MINIMIS PERMIT NO. R8-
2015-0004, NPDES NO. CAG998001, SUMMERLY PLACE RESIDENTIAL PROJECT –
INTERSECTION OF CEREAL STREET AND LUCERNE STREET, CITY OF LAKE
ELSINORE, CA 92530**

Dear Mr. Mitchell:

On January 16, 2018, McMillin Summerly LLC (Summerly) submitted an amendment to Discharge Authorization No. R8-2015-0004-049 issued on November 1, 2017 to include additional dewatering wells within the Summerly project area, intersection of Cereal Street and Lucerne Street in the city of Lake Elsinore. Summerly subsequently reported that groundwater pumping and discharge were suspended on February 24, 2018 due to its inability to maintain total dissolved solids (TDS) levels below the 2000 mg/l limit as previously authorized.

On March 5, 2018, we received Summerly's request to increase the discharge limit for total dissolved solids (TDS) for the groundwater dewatering discharges. The request also pointed out several benefits of the low nutrient dewatering wastes to the nutrient impaired lake and as supplement water for the declining levels in the Lake which contribute to higher TDS concentration.

The Basin Plan¹ specifies the TDS water quality objective for Lake Elsinore to be 2,000 mg/l. Discharge limits to Lake Elsinore cannot exceed the receiving water quality objective. In lieu of treatment to reduce TDS concentration or other alternatives, Summerly indicated that it will offset the increased salt from its dewatering flows through a Salinity Offset Program, as described in the enclosure. The proposed TDS offset program will help fund the Basin Monitoring Program Task Force (BMP Task Force) efforts to conduct analysis of projected salinity impacts to the Santa Ana River and its tributaries particularly through the Santa Ana River Wasteload Allocation Update. The Santa Ana Watershed Project Authority (SAWPA) administers the BMP Task Force financing.

¹ https://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.html

Effective immediately, you are authorized to discharge groundwater dewatering wastewater from the Summerly Place Residential Project under the terms and conditions of Order No. R8-2015-0004, as stated in this amended authorization and MRP No. R8-2015-0004 -049A.

The prior November 1, 2017 authorization letter also waived waste discharge requirements under Order No. R8-2013-0015 for dewatering wastewater discharge from the lined basin to land for dust control and with the condition that the water does not exceed that Basin Plan prohibition criteria of 2,000 $\mu\text{hos}/\text{cm}^2$. Monitoring and reporting requirements for discharge to land are detailed in the attached MRP No. R8-2015-0004-049A.

This amended discharge authorization is contingent upon Summerly's participation in the offset program. Within two weeks of receipt of this authorization, please submit a check in the amount of \$48,123 payable to the Santa Ana Watershed Project Authority to the attention of Ms. Karen Williams, CFO at Santa Ana Watershed Project Authority, 11615 Sterling Avenue, Riverside, CA 92503, with a copy to Regional Board staff. If the construction dewatering needs were to continue past June 30, 2018, Summerly shall submit an additional \$14,019 for each year after June 30, 2018 as invoiced by SAWPA for the duration of the project. Summerly shall notify the Regional Board and SAWPA when it has ceased groundwater dewatering discharges with its final monitoring report. Should Summerly choose not to participate or terminate its participation in the offset program, you may submit an amendment with a revised discharge characterization and plan prior to continuing discharge.

Please note that you are required to notify this office five (5) days in advance of any planned discharge from locations not yet reported, and include all the information in the permit NOI, Page 2 (Part V., "Other Information Required"). If the discharge source is groundwater, you must analyze a representative sample of the discharge for the presence of USEPA Priority Pollutants (list attached) and submit the results for our review prior to any discharge.

Monitoring reports are due by the 30th day of each month. The California Water Code Section 13261 specifies civil liability may be assessed for failure to submit a report required under Section 13260. Alternatively, Section 13385 (i) (1) (B) requires the Regional Board to assess a mandatory minimum penalty of \$3,000 for failure to submit a required report. Please send electronic self-monitoring reports and other documents required under this authorization to the attention of Michael Perez at SantaAna@waterboards.ca.gov.

Please include the following certification language with all your reports and submittals:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." (40 C.F.R. § 122.22(d).)"

Upon project completion, please submit a final monitoring report that includes effluent monitoring and soil assessment and removal information specified in Section XI.B of the MRP along with a notice to the Regional Board that the project is complete and that wastewater discharges have ceased. A copy of the notice of project completion shall also be submitted to the attention of Mark Norton with SAWPA.

If you have any questions regarding the Discharge Authorization or the MRP, please contact Michael Perez of our Wastewater Section at (951) 782-4306 or at Michael.Perez@waterboards.ca.gov.

Sincerely,



Hope A. Smythe
Executive Officer
Santa Ana Regional Water Quality Control Board

Enclosures: MRP R8-2015-0004-049A,
Proposed Salinity Offset – Summerly Project near Lake Elsinore

Cc: w/ Enclosures: Brian Milich, bmilich@pacv.com
Don Mitchell, dmitchell@damrce.com
Mark R. Norton, PE, mnorton@sawpa.org
Larry Fanning, lfanning@g3soilworks.com
Erik Haaker, ehaaker@g3soilworks.com
John Withers, jwithers@calstrat.com

Cc: w/o enclosures: Susan Beeson, Susan.Beeson@waterboards.ca.gov

Discharger: McMillin Summerly LLC

Facility: Intersection Cereal St & Lucerne St

Lake Elsinore, CA 92530

Discharge Authorized on: April 3, 2018

Monitoring & Reporting Program No. R8-2015-0004-049A

Attachment E – Monitoring and Reporting Program

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Attachment E – Monitoring and Reporting Program (MRP)

The Code of Federal Regulations (CFR) at 40 CFR §122.48 requires that all NPDES permits specify monitoring and reporting requirements. CWC Sections 13267 and 13383 also authorize the Regional Water Quality Control Board (Regional Water Board) to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements that implement the federal and California regulations.

I. GENERAL MONITORING PROVISIONS

A. General Monitoring Provision

1. All sampling and sample preservation shall be in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association).
2. All laboratory analyses shall be performed in accordance with test procedures under 40 CFR 136 (revised as of April 11, 2007) "Guidelines Establishing Test Procedures for the Analysis of Pollutants," promulgated by the United States Environmental Protection Agency (EPA), unless otherwise specified in this Monitoring and Reporting Program. In addition, the Regional Water Board and/or EPA, at their discretion, may specify test methods that are more sensitive than those specified in 40 CFR 136.
3. Chemical analyses shall be conducted at a laboratory certified for such analyses by the State Water Resources Control Board in accordance with Water Code Section 13176, or conducted at a laboratory certified for such analyses by the EPA or at laboratories approved by the Regional Water Board's Executive Officer.
4. The Discharger shall report the results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols:
 - a. Sample results greater than or equal to the reported ML shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).
 - b. Sample results less than the reported ML, but greater than or equal to the laboratory's current Method Detection Limit (MDL)¹, shall be reported as "Detected, but Not Quantified," or "DNQ." The estimated chemical concentration of the sample shall also be reported.
 - c. Sample results not detected above the laboratory's MDL shall be reported as "not detected" or "ND."

¹ MDL is the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analytical concentration is greater than zero, as defined in 40 CFR 136, Appendix B, revised as of April 11, 2007.

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5. The Discharger shall submit to the Regional Water Board reports necessary to determine compliance with effluent limitations in this Order. The Discharger shall report with each sample result:
 - a. The reporting level achieved by the testing laboratory; and
 - b. The laboratory's current MDL, as determined by the procedure found in 40 CFR 136 (revised as of April 11, 2007).
6. The Discharger shall have, and implement an acceptable written quality assurance (QA) plan for laboratory analyses. Duplicate chemical analyses must be conducted on a minimum of ten percent (10%) of the samples, or at least one sample per month, whichever is greater. A similar frequency shall be maintained for analyzing spiked samples. When requested by the Regional Water Board or EPA, the Discharger will participate in the NPDES discharge monitoring report QA performance study.
7. The Discharger shall assure that records of all monitoring information are maintained and accessible for a period of at least five years (this retention period supersedes the retention period specified in Section IV.A. of Attachment D) from the date of the sample, report, or application. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge or by the request of the Regional Water Board at any time. Records of monitoring information shall include:
 - a. The information listed in Attachment D - IV Standard Provisions – Records, subparagraph B. of this Order;
 - b. The laboratory which performed the analyses;
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The modification(s) to analytical techniques or methods used;
 - f. All sampling and analytical results, including
 - (1) Units of measurement used;
 - (2) Minimum reporting level for the analysis (minimum level);
 - (3) Results less than the reporting level but above the method detection limit (MDL);
 - (4) Data qualifiers and a description of the qualifiers;
 - (5) Quality control test results (and a written copy of the laboratory quality assurance plan);
 - (6) Dilution factors, if used; and
 - (7) Sample matrix type.
 - g. All monitoring equipment calibration and maintenance records;
 - h. All original strip charts from continuous monitoring devices;
 - i. All data used to complete the application for this Order; and,
 - j. Copies of all reports required by this Order.
 - k. Electronic data and information generated by the Supervisory Control And Data Acquisition (SCADA) System.

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8. Monitoring and reporting shall be in accordance with the following:

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. Whenever the Discharger monitors any pollutant more frequently than is required by this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharge monitoring report specified by the Executive Officer.
- c. A "grab" sample is defined as any individual sample collected in less than 15 minutes.
- d. Daily samples of the discharge shall be collected on each day of the week.

II. MONITORING LOCATIONS

The Discharger shall establish monitoring locations to demonstrate compliance with the effluent limitations, discharge specifications, other requirements in this Order, and shall not change the location without the approval of Regional Board staff. The monitoring locations shall be located where representative samples of the discharge can be obtained.

III. INFLUENT MONITORING REQUIREMENTS – NOT APPLICABLE

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IV. EFFLUENT MONITORING REQUIREMENTS

The following shall constitute the effluent monitoring program for discharges other than decant filter backwash wastewater and/or sludge dewatering filtrate water. If there is no discharge see Section VIII.B.2., below.

Standard Effluent Monitoring Program

Parameter	Unit	Sample Type	Minimum Sampling Frequency
Electrical Conductivity	µmhos/cm	Measured	Daily
Total Dissolved Solids ²	mg/L	Measured	Daily
Flow	gpd	Measured	Daily
Total Petroleum Hydrocarbons ³	µg/L	Grab	During the first 30-minutes of each discharge then weekly, thereafter; or as directed by the Executive Officer
Total Residual Chlorine ⁴	mg/L	"	"
Total Dissolved Solids ⁵	"	"	"
Total Suspended Solids	"	"	"
Total Inorganic Nitrogen (TIN) ⁴			
Sulfides	"	"	"
pH	Std. Units	"	"
US EPA Priority Pollutants (See Attachment A)	µg/L		During the first 30-minutes of each discharge

V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS – NOT APPLICABLE

² Daily Total Dissolved Solids may be measured utilizing an electronic device.

³ Only for groundwater dewatering projects in an area where: (1) gasoline leaks, spills, or contamination has occurred; or (2) active groundwater remediation projects are occurring (e.g., gasoline service station leaking underground storage tanks).

⁴ Unless it is known that chlorine is not in the discharge.

⁵ Weekly Total Dissolved Solids measurement must be conducted by a ELAP certified Laboratory

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VI. LAND DISCHARGE MONITORING REQUIREMENTS

- A. The Discharger shall record in a permanent log the information in the table below. Copies of the logs and measured parameters shall be submitted with the required monthly report. Weekly visual observations of pond liner integrity shall include: (a) the date(s), (b) time(s) of the visual observation, and (c) the name of the individual(s) who performed and recorded the observation shall be recorded.

Discharge to Land Monitoring Requirements

Parameter	Unit	Sample Type	Minimum Sampling Frequency
Electrical Conductivity	µmhos/cm	Measured	Daily
Volume	gpd	Measured	Daily
Pond liner Integrity	-----	Visual Inspection	Weekly

- B. Upon completion of the dewatering project and removal of the liner, the Discharger shall evaluate soil electrical conductivity laterally and at various depths, remove and properly dispose of soil that exceeds 2000 micromhos/cm and submit a soil assessment and removal report along with the final monitoring report and notification of project completion.

VII. RECEIVING WATER MONITORING REQUIREMENTS

Whenever there is a discharge and the Discharger asserts that the discharge percolated before it reached a stream with aquatic life, the Discharger shall record in a permanent log the following information: (a) the date(s), time(s), and duration(s) of the discharge; (b) a description of the location where the discharge(s) percolated into the ground, (c) the climatic condition in the area during the discharge and (d) the name of the individual(s) who performed the observation.

For discharges that do reach a stream, the Discharger shall on a weekly basis make visual observations of the receiving water (only when a discharge is occurring) for any visible oil sheen or coloration of the receiving water. The findings of these observations shall be recorded in a permanent log.

Copies of the above logs shall be submitted with the required monthly report.

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VII. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

1. The Discharger shall comply with all Federal Standard Provisions (Attachment D) related to monitoring, reporting, and recordkeeping.
2. Discharge monitoring data shall be submitted in a format acceptable to the Regional Water Board. Specific reporting format may include preprinted forms and/or electronic media. The results of all monitoring required by this Order shall be reported to the Regional Water Board, and shall be submitted in such a format as to allow direct comparison with the limitations and requirements of this Order.
3. All monitoring reports, or information submitted to the Regional Water Board shall be signed and certified in accordance with 40 CFR 122.22 and shall be submitted under penalty of perjury.
4. Five days prior to any discharge from locations already reported, the Discharger shall notify the Regional Board staff by phone or e-mail indicating the date and time of the proposed discharge.
5. Five days prior to any planned discharge⁶ from locations not yet reported, the discharger shall notify the Regional Board staff by phone or by a fax letter indicating the following:
 - a. Specific type of the proposed wastewater discharge (see listing on Finding 1 of the Order);
 - b. The estimated average and maximum daily flow rates;
 - c. The frequency and duration of the discharge;
 - d. The affected receiving water(s);
 - e. A description of the proposed treatment system (if appropriate); and
 - f. A description of the path from the point of initial discharge to the ultimate location of discharge (fax a map if possible);

6. Noncompliance Reporting

⁶ For those unplanned discharges, as much prior notification as possible is required before any discharge is initiated.

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- a. The discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided to the Executive Officer (951-782-4130) and the Office of Emergency Services (1-800-852-7550) orally within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue, and, steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 - b. Any violation of a maximum daily discharge limitation for any of the pollutants listed in this Order shall be included as information that must be reported within 24 hours.
 - c. The Regional Water Board may waive the above required written report on a case-by-case basis.
7. Except for data determined to be confidential under Section 308 of the Clean Water Act (CWA), all reports prepared in accordance with the terms of this Order shall be available for public inspection at the offices of the Regional Water Quality Control Board and the Regional Administrator of EPA. As required by the CWA, effluent data shall not be considered confidential.

For Dischargers discharging at a volume equal to or greater than 150,000 gallons per day, the Discharger shall submit semi-annual reports that tabulate all measured flows and measured parameters within the most recent six month period. Where discharges associated with these projects last less than 6 months, a report covering the period of discharges shall be submitted. Copies of these monitoring reports shall be submitted to the Regional Water Board and to the Water Quality Director of the Orange County Water District at P.O. Box 8300, Fountain Valley, CA 92728-8300.

B. Self-Monitoring Reports (SMRs)

1. Monitoring reports shall be submitted by the 30th day of each month following the monitoring period and shall include:
 - a. The results of all physical/chemical analyses for the previous month,
 - b. The daily flow data,
 - c. A copy of the receiving water observation log,
 - d. A summary of the month's activities including a report detailing compliance or noncompliance with the task for the specific schedule date, and

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2. If no discharge occurs during the previous monitoring period, a letter to that effect shall be submitted in lieu of a monitoring report.
3. Any reports and submittals shall be signed and include the following certification as required under Standard Provisions – Reporting V.B.2. or V.B.3 of the General De Minimis Waste Discharge Requirements for Discharges to Surface Waters (Order No. R8-2015-0004, NPDES NO. CAG998001):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." (40 C.F.R. § 122.22(d).)"

4. At any time during the term of this Order, the Regional Water Board may notify the Discharger to electronically submit Self-Monitoring Reports (SMRs) using the State Water Board's California Integrated Water Quality System (CIWQS) Program Web site (<http://www.waterboards.ca.gov/ciwqs/index.html>). Until such notification is given, the Discharger shall submit hard copy SMRs. The CIWQS Web site will provide additional directions for SMR submittal in the event there will be service interruption for electronic submittal.

C. Other Reports – Not Applicable

Proposed Salinity Offset – Summerly Project near Lake Elsinore

The Santa Ana River watershed is located in southern California and is approximately 2,840 square miles in size. The tributaries of the Santa Ana River begin in the San Bernardino, San Gabriel, San Jacinto, and Santa Ana Mountains. The tributaries merge with the Santa Ana River which flows to the Pacific Ocean. The watershed includes portions of San Bernardino County, Riverside County, Orange County, and a small portion of Los Angeles County.

On January 22, 2004 the RWQCB approved the Basin Plan Amendment for TIN and TDS in the Santa Ana River Watershed. The Basin Plan Amendment defined specific agencies throughout the watershed responsible for several monitoring and analyses programs for TIN and TDS. In May 2004, the Santa Ana Watershed Project Authority (SAWPA) assisted these defined agencies in establishing a task force agreement among the parties, approximately 20 water related agencies in the Santa Ana River Watershed. The task force is called the Basin Monitoring Program Task Force (BMP TF). SAWPA serves as the administrator of the task force to conduct the Regional Board required monitoring and analyses programs and has served in the role of manager of the BMP TF since its formation. All task force costs are paid by the task force members. A task force scope, budget and schedule are prepared each year and are approved by both the BMP TF and the SAWPA Commission since the BMP TF operates under the governance of SAWPA.

One of the required tasks by the Regional Board for the task force agencies is to develop and periodically update of the Santa Ana River Wasteload Allocation. Wasteload allocations for regulating discharges of TDS and total inorganic nitrogen (TIN) to the Santa Ana River, and thence to groundwater management zones recharged by the River, are an important component of salt management for the Santa Ana Basin. The Santa Ana River (SAR) is a significant source of recharge to groundwater management zones underlying the River and, downstream, to the Orange County groundwater basin. The quality of the River thus has a significant effect on the quality of the Region's groundwater, which is used by more than 6 million people. Control of River quality is appropriately one of the Regional Board's highest priorities.

Under the Clean Water Act, violations of water quality objectives for surface waters must be addressed by the calculation of the maximum wasteloads that can be discharged to achieve and maintain compliance. The wasteload allocations distribute a share of the total TDS and TIN wasteloads to each of the discharges to the River or its tributaries. The allocations are implemented principally through TDS and nitrogen limits in waste discharge requirements issued to municipal wastewater treatment facilities or POTWs that discharge to the River, either directly or indirectly. Further, the wasteload allocation includes projections of anticipated TDS and TIN wasteloads along with SAR discharges. Over time, the wasteload allocation is periodically updated to reflect changes in discharge amounts, non-point source flows and changing land use in the watershed.

The latest SAR Wasteload Allocation Update commenced on Jan. 17, 2017 with a contract among SAWPA and the consultant, Geosciences Inc., to conduct this work through the BMP Task Force and SAWPA. Funding to conduct this work was collected from the BMP Task Force over a two fiscal year period, FY 15-16 and FY 16-17. The average cost per agency for the task force work which included collecting funding for the FY 17-18 SAR Wasteload Allocation Update was \$13,924 in FY 15-16 and

\$20,180 in FY 16-17. The average annual cost per agency that was budgeted for FY 17-18 is \$14,019. It is anticipated that the annual cost per agency for future years will be approximately the same as FY 17-18 for the next 2-3 years.

As a salt offset program resulting from the increased salt from the Summerly dewatering project flows above the TDS objective of 2000 mg/L for Lake Elsinore, it has been suggested that the Summerly Project could help fund the Basin Monitoring Program Task Force based on their efforts to conduct analysis of projected salinity impacts to the Santa Ana River and its tributaries particularly through the SAR Wasteload Allocation Update. Rather than becoming members of the Basin Monitoring Program Task Force, the offset could consist of providing funding in line with the average BMP TF cost per agency for the past two fiscal years and if needed, future fiscal years for the duration of the dewatering project. To avoid lengthy transactional and timing issues associated with becoming a party to the Basin Monitoring Program Task Force Agreement, Summerly shall send the initial payment to Santa Ana Watershed Project Authority (SAWPA), with a copy to the Regional Board staff of the Wastewater Program (santaana@waterboards.ca.gov) as a condition of participating in the TDS offset program. SAWPA shall send an invoice for payment to the Summerly dewatering contractor for subsequent payments until Summerly notifies the Regional Board and SAWPA of the termination of discharge with its final monitoring report. SAWPA will send a report of deposit and a summary of how the funds were applied to the project to the Wastewater Section of the Regional Board (santana@waterboards.ca.gov).

Consequently, the overall salt offset costs would total \$48,123 assuming the project is completed before June 30, 2018. If the construction dewatering needs were to continue, an additional \$14,019 would be added for each year after June 30, 2018 for the duration of the project. Additional costs may also be incurred by the contractor for metering and monitoring of the dewatering flows from the project as requested by the Regional Board.

The benefit of the proposed salt offset program would be the avoidance of significant desalting costs of water released into Lake Elsinore and its back basin wetlands as a part of the construction dewatering process. Other options such as discharging the construction water into the Inland Empire Brine Line (IEBL) brine pipeline which conveys high saline brine to downstream OCSD treatment plants for treatment before ocean discharge would also be cost prohibitive and not desired by the downstream agencies. Local Lake Elsinore agencies have stated that despite the increased salinity levels of the water coming from the Summerly construction dewatering, the value of dewatering project flow for lake and back basin wetlands replenishment to offset lake and wetlands evaporation overshadows the impact of the increased salinity impacts to the lake and back basin wetlands.