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COACHELLA VALLEY WATER DISTRICT

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October 19, 2006

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Song Her
State Water Resources Control Board
Executive Office
1001 I Street, 24th Floor
Sacramento, CA 95814

Dear Ms. Her:

Subject: Comment Letter-2006 Federal Clean Water Act, Section 303(d) List of Water Quality Limited Segments for California

Thank you for giving the District the opportunity to comment on the proposed revisions to the 303(d) list of impaired water segments for California.

We encourage the State Water Resources Control Board to remove the specific listings identified in our enclosed comments for the All-American Canal, Coachella Valley Stormwater Channel and Colorado River.

If you have any questions, please call me at extension 2286.

Yours very truly,

Steve Bigley
Water Quality Manager

Enclosure/1/as

cc: Dave Bolland (with enclosure)
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SB:md\eng\wr\06\oct\comments-clean water

Coachella Valley Water District
Comments on
Revision to Federal Clean Water Act Section 303(d) List of
Water Quality Limited Segments for California

1. Impaired water listing for pathogens in the Coachella Valley Stormwater Channel. This listing reports 69 miles for the estimated size affected for this segment. The Coachella Valley Stormwater Channel (CVSC) is an engineered stormwater channel built in the mid-1940's to convey regional stormwater run-off from the Whitewater River Channel to the Salton Sea. The CVSC begins near a geographical feature called Point Happy, where the CVSC intersects Washington Street in the City of La Quinta and extends approximately 22 miles to the Salton Sea. Monitoring performed to support listing this channel as impaired for pathogens was limited to the 17 mile segment with perennial flows beginning at the Valley Sanitary District outfall, where the CVSC intersects Dillon Road, and extending to the Salton Sea. The CVSC upstream of this outfall is a dry wash with no perennial flows. The "name" and "estimated size affected" portions of the subject listing titled "Proposed 2006 CWA Section 303(d) List of Water Quality Limited Segments" should be revised as follows:

Region	Type	Name	CALWater Watershed	Pollutant/ Stressor	Potential Sources	Estimated Size Affected	Proposed TMDL Completion
7	R	Coachella Valley Stormwater Channel (Dillon Road to Salton Sea)	71947000	Pathogens	Source Unknown	17 Miles	2006

2. Recommendation to list the All American Canal for specific conductance, sulfate and total dissolved solids. The State Water Resources Control Board (SWRCB) proposes to list the All American Canal (ACC) as water quality limited for specific conductance, sulfate and total dissolved solids. According to the proposed listing and summary of comment responses, SWRCB staff believes this listing is needed because these parameters occur in the ACC at levels exceeding the recommended secondary maximum contaminant levels (MCL's) for drinking water and narrative objectives that apply to this water body require protection of beneficial uses including municipal drinking water (MUN).

   SWRCB staff has failed to recognize that water can contain specific conductance, sulfate and total dissolved solids at levels above the recommended secondary MCL and below the upper secondary MCL with no affect on the MUN beneficial use. In comments provided to SWRCB staff, staff from the Colorado River Basin Regional Water Quality Control Board have objected to the proposed impaired water listing for the ACC and have provided data indicating the upper secondary MCL's for specific conductivity, sulfate and total dissolved solids are not exceeded in the ACC.

   California Department of Health Services staff has acknowledged the confusion that has occurred when entities interpret California secondary drinking water standards. As a result, the

California Department of Health Services recently adopted revisions to the California Code of Regulations, Secondary Water Standards. On September 27, these revisions became effective for all California public water systems. These regulations were revised to clarify that the secondary MCL's listed for total dissolved solids, specific conductance, chloride and sulfate are "Consumer Acceptance Contaminant Level Ranges." These regulations state that no fixed consumer acceptance contaminant level has been established for these parameters and that concentrations ranging to the Upper contaminant level are acceptable for public water supplies. No corrective action is required for water supplies with contaminant levels occurring between the recommended and upper portion of the consumer acceptance contaminant level range.

This revision to California drinking water standards occurred after the initial comment period closed on the proposed 303(d) listing. SWRCB staff needs to reevaluate the proposed ACC listing based on this regulatory action. Salinity levels in the All American Canal are below the upper level of the consumer acceptance contaminant level range. No impairment of the municipal beneficial use exists in the All American Canal for total dissolved solids, specific conductance and sulfate.

Significant resources have been spent by many State and governmental agencies participating in the Colorado River Salinity Control Forum to understand, acknowledge and manage elevated salinity levels in the Colorado River. The SWRCB reaffirmed the conclusions and recommendations for salinity management provided by this Forum in October 2005 and no salinity impairment is proposed for the Colorado River. Like the Colorado River, which supplies the All American Canal and is the source of drinking water for over 23 million people, the All American Canal continues to be an important drinking water supply for the public. The salinity, including specific conductance, sulfate and total dissolved solids, in the ACC is a result of processes occurring within the Colorado River watershed upstream of the ACC and is not the result of controllable discharges into the ACC. It would be unreasonable and inconsistent to condemn the All American Canal to an impaired water status, when your agency has already concluded the Colorado River is not impaired for these same parameters.

We respectively request that the SWRCB withdraw the recommendation to list the All American Canal as impaired for total dissolved solids, specific conductance and sulfate.

3. Recommendation to list the Colorado River for selenium

The SWRCB proposes to list the Colorado River (Imperial Reservoir to California-Mexico Border) as water quality limited for selenium. The SWRCB's justification is based on fish tissue test results for five samples collected in 1992, 1999, and 2000-2001 on largemouth bass. It is indicated that three of the five samples exceeded the Office of Environmental Health Hazard Assessment (OEHHA) 2 *ug*/g tissue screening value guideline.

The five fish tissue samples do not provide a scientifically robust data set to support the proposed listing. A larger study of fish tissue samples representative of water supplying the subject segment was developed for the Salton Sea Ecosystem Restoration Plan in May 2005, when 18 fish samples were collected and tested for selenium. The sample locations included sites from the Lake Havasu to Lake Martinez area, which is immediately upstream of the Imperial Dam. The selenium results range from 0.56 to a maximum of 2.26 *ug*/g fish tissue screening value.

The results for all 10 samples from the Blythe Area were below the 2 *ug*/g OEHHA fish tissue screening value guideline and only one of the five samples in the Lake Martinez Area exceeded 2 *ug*/g (2.06 *ug*/g). This larger data set does not support the SWRCB's decision to recommend that the reach of the Colorado River from Imperial Reservoir to California-Mexico Border be listed as water quality limited for selenium.

We believe recommendations for listing water quality limited segments need to be based on robust data and not supported solely by the results of 3 fish tissue samples. The Colorado River is one of the most important water bodies and sources of drinking water in the U.S. Although the subject listing is limited to 11 miles upstream of the Mexico border, it is difficult for the perception that comes with an impaired water status to be segmented by the public. This water body deserves a level of testing that recognizes the significance of an impaired water listing for a source of drinking water for over 23 million people.

We respectively request that the Board withdraw the recommendation to list the Colorado River as impaired for selenium.

4. Recommendation to list the Coachella Valley Stormwater Channel for toxaphene. The listing incorrectly reports 69 miles for the estimated size affected for this segment. As explained in comment 1, the CVSC is only 22 miles in total length. The "Weight of Evidence" section of the staff report supporting this proposed list states, "3. Three of the 8 samples exceeded the NAS Guideline and this exceeds the allowable frequency listed in Table 3.1 of the Listing Policy. The Coachella Valley Storm Channel from Lincoln Street to the outlet into the Salton Sea only should be placed on the list." Your response to comment number 145.5 states, "The water body name has been corrected in the fact sheet." However, the fact sheet for the final draft list is still incorrect. The fact sheet needs to be revised and the Colorado River Basin portion of the listing titled "Proposed 2006 CWA Section 303(d) List of Water Quality Limited Segments" needs to be revised as follows:

Region	Type	Name	CALWater Watershed	Pollutant/ Stressor	Potential Sources	Estimated Size Affected	Proposed TMDL Completion
7	R	Coachella Valley Stormwater Channel (Lincoln Street to Salton Sea)	71947000	Toxaphene	Source Unknown	2 Miles	2019

The corrections provided above should not be interpreted as support for the proposed listing. We maintain that the CVSC should not be listed as impaired for toxaphene for the following reasons:

- The listing incorrectly identifies "sediment" for the matrix listed in the lines of evidence. The administrative record contains no sediment data supporting the proposed listing for toxaphene in the CVSC.

- The Basin Plan does not contain a water quality objective of 0.005 mg/L for selenium applicable to the CVSC as indicated in the SWRCB response to comments. The toxaphene drinking water standard of 0.005 mg/L does not apply to the CVSC which is not designated for municipal beneficial uses. No data exists to indicate toxaphene is present in the CVSC. We have performed water monitoring for toxaphene within the subject segment at our monitoring station where Lincoln Street and Avenue 72 intersect the CVSC for 18 years. The results of this monitoring, summarized in the attached table 1, confirm no toxaphene is found in water within the CVSC.

- The only evidence provided to support the decision to list the CVSC for toxaphene is the results of tests performed on 8 fish, 3 of which consisted of two red shiners and one tilapia containing toxaphene in levels exceeding the NAS guidelines for fish tissue. Tissue results performed on these fish do not provide sufficient evidence to link toxaphene in the fish tissue samples to exposure in the CVSC. Red shiner is a popular bait fish used for fishing in the Salton Sea downstream of the CVSC. The red shiners collected may have been bait fish that were raised in a farm where they were exposed to toxaphene when consuming fish food contaminated with toxaphene. Toxaphene is one of many persistent organochlorine pesticides that has been used historically on crops and is found in fish food. Studies show that toxaphene occurs in farm raised fish at concentrations significantly higher than in wild fish. Fish food does not undergo the same level of quality control as does other food crops used for human consumption so it is common to find contaminants in food used at fish farms. It would be inappropriate to use bait fish like red shiner that are likely to have been raised in another water body to support the proposed toxaphene listing. Without the results of fish tissue samples from the 2 red shiners, there is insufficient evidence to support the proposed listing.

Board staff has failed to provide sufficient evidence to support listing the CVSC as water quality limited for toxaphene. There is no sediment or water column data indicating toxaphene is present in this water body. Contrary to the SWRCB response to comments, there is no water quality objective for toxaphene in the Basin Plan for the Colorado River Basin. Board staff has not provided adequate evidence to link fish tissue sample results to toxaphene exposure in the CVSC.

We respectively request that the Board withdraw the recommendation to list the Coachella Valley Storm Water Channel as water quality limited for toxaphene.

Table 1. Toxaphene Monitoring Summary for the Coachella Valley Stormwater Channel
(Avenue 72 at Lincoln Street Sample Station)

Sample ID/ Lab reference number	Sample date	Method number	Lab	Detection Limit	Results
A6E2422-01	5/26/2006	EPA 608	Babcock	1.0 ug/L	ND
A5K1545-01	11/16/2005	EPA 608	Babcock	1.0 ug/L	ND
A5E1603-01	5/18/2005	EPA 608	Babcock	1.0 ug/L	ND
A4K1692-01	11/18/2004	EPA 608	Babcock	1.0 ug/L	ND
A4E1519-01	5/20/2004	EPA 608	Babcock	1.0 ug/L	ND
A3L0491-01	12/3/2003	EPA 608	Babcock	1.0 ug/L	ND
A3E0920-03	5/21/2003	EPA 608	Babcock	1.0 ug/L	ND
A2J1303-05	10/29/2002	EPA 608	Babcock	1.0 ug/L	ND
A2E1120-05	5/22/2002	EPA 625	Babcock	50 ug/L	ND
L892769-001	11/27/2001	EPA 608	Babcock	1.0 ug/L	ND
L84823-001	5/16/2001	EPA 608	Babcock	1.0 ug/L	ND
L77690-009	11/28/2000	EPA 608	Babcock	1.0 ug/L	ND
L69202-001	5/9/2000	EPA 608	Babcock	1.0 ug/L	ND
L62280-001	11/22/1999	EPA 608	Babcock	1.0 ug/L	ND
L54920-001	5/12/1999	EPA 608	Babcock	1.0 ug/L	ND
L49290-002	12/15/1998	EPA 608	Babcock	1.0 ug/L	ND
L41912-002	5/20/1998	EPA 608	Babcock	1.0 ug/L	ND
L35010-001	11/5/1997	EPA 608	Babcock	1.0 ug/L	ND
L35010-001	11/5/1997	EPA 625	Babcock	50 ug/L	ND
L30086-002	6/10/1997	EPA 608	Babcock	1.0 ug/L	ND
L30086-002	6/10/1997	EPA 625	Babcock	250 ug/L	ND
L27716-002	3/26/1997	EPA 608	Babcock	1.0 ug/L	ND
L27716-002	3/26/1997	EPA 625	Babcock	50 ug/L	ND
L23320002	11/13/1996	EPA 625	Babcock	50 ug/L	ND
L18804-003	6/25/1996	EPA 625	Babcock	50 ug/L	ND
L12131-006	11/8/1995	EPA 625	Babcock	50 ug/L	ND
L9315-001	7/19/1995	EPA 625	Babcock	50 ug/L	ND
L3241-001A	11/30/1994	EPA 625	Babcock	10 ug/L	ND
940520-1440	5/19/1994	EPA 625	Babcock	10 ug/L	ND
931014-1055	10/13/1993	EPA 625	Babcock	10 ug/L	ND
930324-2030	3/24/1993	EPA 608/8080	Babcock	0.24 ug/L	ND
930324-2034	3/24/1993	EPA 625	Babcock	10 ug/L	ND
92318-584	3/17/1992	EPA 625	Babcock	10 ug/L	ND
10-039-1	10/2/1991	EPA 608	BC Analytical	1.0 ug/L	ND
02-371-1	2/21/1991	EPA 608	BC Analytical	0.5 ug/L	ND
08-404-2	8/20/1990	EPA 608	BC Analytical	0.5 ug/L	ND
11-165-1	11/8/1989	EPA 608	B & C Lab.	0.5 ug/L	ND
05-300-1	5/15/1989	EPA 608	B & C Lab.	0.5 ug/L	ND
04-125-1	4/6/1989	EPA 608	B & C Lab.	0.5 ug/L	ND
02-058-1	1/31/1989	EPA 608	B & C Lab.	0.5 ug/L	ND

B&C Lab. = Brown and Caldwell Laboratories
Babcock = E.S. Babcock and Sons, Inc.
ND = Not detected