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MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Colorado River Basin Regional Water Quality Control Board

CERTIFIED MAIL No.: 7013 0600 0000 1712 0873

March 18, 2014

Gretchen Gutierrez, Chief Executive Officer
Desert Valleys Builders Association
75100 Mediterranean
Palm Desert, CA 92211

Dear Ms. Gutierrez:

SUBJECT: RESPONSE TO COMMENTS FROM DESERT VALLEYS BUILDER ASSOCIATION REGARDING PROPOSED REVISIONS TO THE CLEAN WATER ACT SECTION 303(d) LIST OF IMPAIRED WATER BODIES IN THE COLORADO RIVER BASIN REGION

Thank you for your letter received by the Colorado River Basin Water Board on March 12, 2014, regarding proposed revisions to the Clean Water Act (CWA) Section 303(d) List of the impaired water bodies in the Colorado River Basin Region. Your comments (quoted in *italics*) are addressed below in the order presented in your letter.

Comment 1

"While the DVBA is not a MS4 Permittee, the construction industry is directly affected by the proposed revisions and changes. After reviewing materials provided to the DVBA, we believe the evidence clearly confirms that the Coachella Valley Stormwater Channel (CVSC) does not qualify for listing status. Positive tests were conducted prior to the implementation of Best Management Practices (BMP). The diversion of particular runoff has eliminated dry weather MS4 contamination of the CVSC."

Response 1

Colorado River Basin Water Board staff disagrees that the CVSC should not be listed on the Section 303(d) List. Although the diversion of particular runoff has eliminated MS4 dry weather contamination to CVSC, as you stated in your comment, the available data used in our assessment clearly supports the CVSC listings. The Colorado River Basin Water Board is mandated, pursuant to CWA Section 303(d), to add, or not to list waters depending on whether the applicable water quality standards (WQSs) are being met.

ELLEN WAY, CHAIR | ROBERT PERDUE, EXECUTIVE OFFICER

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Comment 2

"Additionally, we support the comments provided by the Permittees of the Coachella Valley (copy attached) addressing the need for better standards and data reporting strategies."

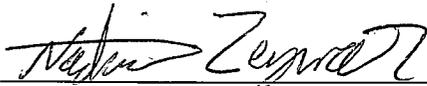
Response 2

Colorado River Basin Water Board staff agrees with the comments provided by the MS4 permittees that the assessment methodology for the toxicity listing should be modified to be consistent with the State's 303(d) Listing Policy as well as other Regional Boards. A disparity existed in assessment and interpretation of data among the regional water quality control boards, and it is Board staff's understanding that the Board is moving in the direction of applying consistent assessment methodology in all regional water quality control boards and the State Water Resources Control Board. Therefore, Board staff will modify the Lines of Evidence, which explains the assessment methodology, and will incorporate the modification into the related tables.

In conclusion, Colorado River Basin Water Board staff will be continuing to recommend that the proposed changes to the 303(d) List be approved by the Colorado River Basin Water Board.

If you have further questions, please contact me at (760) 776-8942 or Dr. Jeong-Hee Lim at (760) 776-8940.

Sincerely,



Nadim Shukry-Zeywar
Senior Environmental Scientist
TMDL Unit Chief
Colorado River Basin Regional Water Quality Control Board

JHL/sw

Enclosure: Colorado River Basin Water Board Response to MS4 Permittees' comment letter

cc: Tom Vandenberg, OCC, SWRCB

File: 2012 section 303(d) List