CERTIFIED MAIL No.: 7013 0600 0000 1712 0897

March 18, 2014

Linsey J. Dale, Executive Director
Imperial County Farm Bureau
1000 Broadway Street
El Centro, CA 92243

Dear Ms. Dale:

SUBJECT: RESPONSE TO COMMENTS FROM IMPERIAL COUNTY FARM BUREAU 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 comment letter dated March 12, 2014, regarding proposed revisions to the Clean Water Act (CWA) Section 303(d) List of impaired water bodies in the Colorado River Basin Region of the Colorado Regional Water Quality Control Board (Colorado River Basin Water Board). Your comments (quoted in *italics*) are addressed below in the order presented in your comment letter.

Comment 1

Chloride listing – "Of all the new listing proposals for the 303(d) List Chloride is the most onerous.... [¶][¶] The proposed standard of 230 mg/L of chloride was used in establishing the WARM water quality criteria/objective. The highly elevated chloride levels from the Colorado River and chlorides coming from Mexico, shown to be considerably above 230 mg/l, make achievement of the Standard impossible.... [¶] As for the Salton Sea, an inland salt water body, it seems impractical to even list chloride as impairment. Chloride levels will only increase as the Sea shrinks in future years. There is no economical or known way to solve this problem."

Response 1

Colorado River Basin Water Board staff understands that achieving chloride water quality standards (WQSs) in the Alamo River, New River, and Salton Sea will be a difficult task. However, the Colorado River Basin Water Board is mandated, pursuant to CWA Section 303(d), to add, to remove, or not to list waters depending on whether the applicable WQSs are being met. The purpose of the CWA Section 303(d) updates is not to specify any control measures, to identify any impairment sources, and/or to take regulatory actions on the impairment. Instead, the purpose is simply to carry out this federal statutory requirement by identifying those water bodies not meeting, or not expected to meet, applicable WQSs after the application of certain technology-based controls. Thus, these updates, by themselves, do not require the farming

community or any other dischargers to take any actions with respect to the pollutants listed on the 303(d) List. If or when the Colorado River Basin Water Board decides to address these impairments, and depending on the available data at that time, some actions for impairment control may be developed by the Board for dischargers identified as being potentially responsible for the impairments.

Comment 2

Total Ammonia listing for the New River and Salton Sea – "The use of anhydrous ammonia as an agricultural fertilizer has diminished greatly in Imperial Valley in the past five years as a result of more stringent regulations, which are enforced locally by Imperial County CUPA. The predominant nitrogen fertilizer used is urea. [¶] *In the Mexicali Valley, which drains into the New River, anhydrous ammonia continues to be used extensively in agriculture... because it is the cheapest form of fertilizer.* [¶] *The level of ammonia sampled by the Regional Water Quality Control Board in the New River between 2005 and 2008 at the International Border and at the New River outlet at the Salton Sea show high ammonia levels at the border and much lower ammonia levels at the New River outlet at the Salton Sea....* [¶] *This period of sampling was done during a time when farmers in the Imperial Valley used anhydrous ammonia extensively. As mentioned previously, in the past five years the use of anhydrous ammonia as a fertilizer in Imperial Valley has diminished greatly. A farmer directed TMDL for ammonia in Imperial Valley may not have any significant affect* [sic] *on the amounts of ammonia currently found in the New River since farmers for the most part, have switched to urea as a source of nitrogen fertilizer."*

Response 2

Based on the available data, Colorado River Basin Water Board staff agrees that Mexico is the major contributor of total ammonia impairment in the New River. Therefore, Board staff will modify the "*Potential* source" from "Unknown" to "Out of State" source. Also, with respect to your comment that a farmer directed TMDL for ammonia may not have any significant effect due to the greatly reduced use of anhydrous ammonia as the nitrogen fertilizer, please see Response to Comment 1 regarding the purpose of the CWA Section 303(d) List updates.

Comment 3

Bifenthrin listing – "Regional Water Quality Control Board samples of Bifenthrin found in the New River show that levels at the outlet to the Salton Sea are only 58% of the levels found at the International Border where the New River enters the Imperial Valley. This would suggest that a large percentage of the Bifenthrin found in the New River originates in Mexico. [¶] *The current BMPs used by Imperial County Voluntary Silt/Insecticide TMDL by farmers that reduces the amount of silt leaving their fields as surface runoff, as well as the applicators following the instructions on the label should reduce the movement of silt and pesticides off their fields and should be sufficient to reduce the amount of Bifenthrin moving into the IID drains."*

Response 3

Thank you for the information regarding Bifenthrin usages. Due to the limited available data and source information, Colorado River Basin Water Board staff cannot determine if Mexico is the major contributor of Bifenthrin impairment in the New River at this point. Board staff also appreciates your efforts to reduce silt, which might reduce the amount of Bifenthrin moving into the IID drains, but the purpose of the CWA Section 303(d) updates is not to specify any control

measures. Please see Response to Comment 1 regarding the purpose of the CWA Section 303(d) updates.

Comment 4

Cypermethrin listing- "Sampling by the Regional Water Quality Control Board of Cypermethrin found in the New River show that levels at the outlet to the Salton Sea are 3 to 14 times lower that the levels found at the International Border where the New River enters the Imperial Valley from Mexico. This would suggest that a large percentage of the Cypermethrin found in the New River originates in Mexico. [¶] As with most synthetic Pyrethroids, Cypermethrin breaks down rather rapidly in the environment and has a half-life of only four to twelve days. [¶] ... *A linear regression chart shows the use of Cypermethrin is on the decreased* [sic] even though there was an increase in 2010 and 2011. This increase in recent years is driven by crop changes, new pests that show resistance, and regulatory pressure forcing pesticide manufactures [sic] to discontinue many of their products. [¶] ...*The current BMPs used by Imperial County Voluntary Silt/Insecticide TMDL by farmers which reduces silt leaving their field in the surface runoff water, as well as the applicators following the instructions on the label, should reduce the movement of silt and pesticides off their fields and should be sufficient to reduce the amount of Cypermethrin moving into the IID drains."*

Response 4

Thank you for the information regarding Cypermethrin usages. Due to the limited available data and source information, Colorado River Basin Water Board staff cannot determine if Mexico is the major contributor of Cypermethrin impairment in the New River at this point. Also, please see Response to Comment 3.

Comment 5

Malathion listing- "Sampling by the Regional Water Quality Control Board along the entire length of the Alamo River show that levels increase as they move towards the river's outlet at the Salton Sea. [¶] ... A linear regression chart shows the use of Malathion has been on the decrease since 2006 but showed a sharp rise in 2011. The trend though shows a decrease in use. This increase is driven by crop changes, new pests that show resistance, and regulatory pressure forcing pesticide manufactures [sic] to discontinue many of their products. As newer more environmentally friendly pesticides are registered for use in the Imperial Valley, which are successful in reducing the target pests, the use of Malathion should decline. [¶] *The current BMPs used by Imperial County Voluntary Silt/Insecticide TMDL by farmers as well as the applicators following the instructions on the label should reduce the movement of silt and pesticides off their fields and should be sufficient to reduce the amount of malathion moving into the IID drains."*

Response 5

Thank you for the information regarding Malathion usages. Colorado River Basin Water Board staff also appreciates your efforts to reduce silt, which might reduce the amount of Malathion moving into the IID drains, but the purpose of the CWA Section 303(d) updates is not to specify any control measures. Also, please see Response to Comment 1 regarding the purpose of the CWA Section 303(d) updates.

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, except that the change in sources described in Response 2 will be made.

If you have further any 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

cc: Tom Vandenberg, Office of the Chief Counsel, State Water Resources Control Board

File: 2012 section 303(d) List