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COACHELLA VALLEY WATER DISTRICT

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January 30, 2006

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



Dear Ms. Potter:

**Subject: Revision to 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.

The District disagrees with the State Water Resources Control Board's (Board) determination to add specific listings for the Colorado River, All-American Canal and Coachella Valley Stormwater Channel.

The enclosed comments identify the deficiencies in the Board's analysis and recommendation to add impaired water listings for these water segments. We encourage the Board to withdraw the specific listings identified in our comments for the Colorado River, All-American Canal and Coachella Valley Stormwater Channel.

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

Yours very truly,

Steve Bigley
Water Quality Manager

Enclosure/1/as

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

1. Recommendation to list the Colorado River for manganese. The State Water Resources Control Board (Board) proposes to list the water segment of the Colorado River from Imperial Reservoir to the California Mexico Border as water quality limited for manganese. This is based on two water samples collected from the Reservation Main Drain 4 that exceeded the secondary drinking water maximum contaminant level (MCL) of 50 parts per billion (ppb).

There are several reasons that would make it wrong to list the Colorado River as impaired for manganese. First, the two water samples were not collected from the Colorado River and are therefore are not representative of the water segment proposed to be listed. Second, the Reservation Main Drain 4 is one the Bard Valley drains which does not have a municipal beneficial use, which would be required to list the water segment as water quality limited based on exceeding a drinking water MCL.

Finally, manganese does not have a primary drinking water MCL. The California and federal secondary MCL of 50 ppb for manganese is a non-enforceable secondary consumer acceptance limit. Failing to meet this consumer acceptance limit does not limit the beneficial use of the water for municipal purposes. Many communities find water exceeding consumer acceptance limits is a cost effective water supply that meets their needs. It would be inappropriate for a regulatory agency to determine a community's level of consumer acceptance. Community's have the right to use water supplies they find acceptable.

We respectfully request that the Board withdraw the recommendation to list the Colorado River as water quality limited for manganese.

2. Recommendation to list the All American Canal for specific conductance, sulfate and total dissolved solids. The Board proposes to list the All American Canal as water quality limited for specific conductance, sulfate and total dissolved solids. For each parameter, the only justification for these listings is water quality data exceeding recommended secondary MCL's. The failure in the analysis used for each of these parameters is identical so for the purposes of this discussion all 3 parameters will be referenced collectively as "salinity."

The All American Canal receives no point or non-point sources of discharge and is directly linked to the Colorado River. The All American Canal is effectively equal to the Colorado River supply. The Colorado River water quality objective for salinity has been the subject of great consideration by your Board and many stakeholders. The Seven States Colorado River Salinity Control Forum has addressed salinity for the Colorado River which included developing a water quality objective of 879 milligrams per liter (mg/L) for the lower segment of the Colorado River. The Board has recently reviewed

this water quality objective and has recommended no changes to this objective. Over 95% of the tests performed during a 5-year period ending in 2003 show the All American Canal consistently meets this salinity objective. There is insufficient water quality data to indicate the All American Canal exceeds the water quality objective for salinity.

Board staff is incorrectly applying recommended secondary MCL's as enforceable drinking water standards as if these recommended consumer acceptance limits had to be met in order to maintain the municipal beneficial use. This is not the case. The recommended secondary MCL is actually a subjective determination of the level of a constituent associated with a higher degree of consumer acceptance based on taste, odor or appearance. It is inappropriate for the Board to decide the degree of acceptance for these subjective qualities. Even if one were to give credence to these subjective qualities, the fact remains that the All American Canal consistently meets the upper secondary MCL for specific conductance, sulfate and total dissolved solids. The All American Canal continues to be an important drinking water supply for Imperial Valley cities. Consumer confidence reports prepared each year show the water supplied to these cities meets drinking standards.

The Board has failed to provide sufficient data to support listing the All American Canal as water quality limited for specific conductance, sulfate and total dissolved solids. We respectively request that the Board withdraw the recommendation to list the All American Canal as water quality limited for these parameters.

3. Recommendation to list the Coachella Valley Storm Water Channel for toxaphene. The Board proposes to list the water segment of the Coachella Valley Storm Water Channel from Lincoln Street to the outlet into the Salton Sea as water quality limited for toxaphene. This decision is based on the detection of toxaphene at levels exceeding the National Academy of Sciences (NAS) guideline of 100 nanograms per gram (ng/g) in 3 of 8 whole fish composite samples collecting between 1992 and 2001. The fish exceeding this guideline were collected from the Coachella Valley Storm Water Channel at the Lincoln Street monitoring station. The tilapia was collected in 1996 and the red shiner were collected in 2000-2001.

Before explaining why this recommendation should be withdrawn from the proposed 303(d) revision, we would like to identify inaccurate information provided in the proposed listing. The water segment is listed as "Coachella Valley Storm Channel." This title is incorrect and fails to specify the specific segment of the Coachella Valley Storm Water Channel that is proposed to be listed. The correct name for this receiving water as listed in the Basin Plan is the "Coachella Valley Storm Water Channel" and the segment is "from Lincoln Street to the outlet into the Salton Sea."

The listing also 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 Coachella Valley Storm Water Channel.

One final inaccuracy is found in the Board staff recommendation which states, "SWRCB staff concludes that the water body-pollutant combination should be placed on the section 303(d) list because applicable water quality standards are exceeded and a pollutant combination contributes to or causes the problem." This is not true. The Basin Plan for this region does not contain an applicable water quality standard or objective for toxaphene. There is no data to indicate toxaphene is present in the water body. The National Academy of Sciences guideline for toxaphene is not a water quality standard or objective.

The only evidence provided to support the decision to list the Coachella Valley Storm Water Channel for toxaphene is the results of tissue tests performed on 3 fish consisting of red shiner and tilapia. Neither of these fish species are native to water bodies in the tributaries to the Salton Sea Basin. Red shiner is a popular bait fish and tilapia was introduced to the Salton Sea many years ago. Tissue results performed on these fish do not provide sufficient evidence to support the proposed listing.

Board staff is unable to support a connection between the Coachella Valley Storm Water Channel and toxaphene exposure in these 3 fish. As a popular bait fish, the red shiner collected are likely to have been farm raised 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.

Tilapia are also known to inhabit fish farm ponds known to discharge to the Coachella Valley Storm Water Channel. One of the country's most productive fish aquaculture facilities is located just upstream of the Lincoln Street monitoring station. This fish farm uses tilapia in their treatment ponds to help clean fish farm effluent prior to discharge. Tilapia exposed to toxaphene tainted fish food could have easily been released from this fish farm's major discharge outfall and migrated a short distance to the Lincoln Street monitoring station. Tilapia present in the Coachella Valley Storm Water Channel in 1996 also could have been exposed to toxaphene in another water body including the New and Alamo River's and then migrated through the Salton Sea and up the Coachella Valley Storm Water Channel to the Lincoln Street monitoring station.

There is evidence that toxaphene exposure may have occurred in one of these adjacent water bodies. The Board is proposing to list 3 additional water segments, Imperial Valley Drains, New River and Alamo River, in the Salton Sea Basin as water quality limited for toxaphene. There is a clear difference in the evidence supporting these listings when compared to the justification provided for listing the Coachella Valley Storm Water Channel for toxaphene. For the New and Alamo River, toxaphene was detected in fish tissue of channel catfish and carp as well as in the water column. Channel catfish and

carp are well documented sedentary inhabitants of these water bodies and it would be highly unlikely that these fish would have been exposed to toxaphene in some other receiving water. For the Imperial Valley Drains, toxaphene was found in all 8 of the sailfin molly, mosquito fish and carp that were tested. Once again, these freshwater inhabitants would have been unable to migrate through the Salton Sea from another receiving water so it is likely that at least one of these 8 fish was exposed to toxaphene in the drains. These water bodies do provide evidence that tilapia could have been exposed to toxaphene in the one of these 3 receiving waters and migrated into the Coachella Valley Storm Water Channel.

Board staff has used a binomial test to determine that the 3 out of 8 fish tissue samples that exceeded the NAS guideline for toxaphene in the Coachella Valley Storm Water Channel supports this listing. Board staff has determined the minimum number of exceedances that would justify the proposed listing is 2. However, the minimum sample size required to perform a valid binomial test is 16. Simply discarding the bait fish from the evaluation would provide insufficient exceedances to list the water body for toxaphene even when applying a binomial test to a data set that only contains 8 samples. The statistical evaluation of the data set does not provide sufficient evidence to rule out the null hypothesis that less than 3 percent of the samples exceeded the toxaphene guideline.

Board staff has failed to provide sufficient evidence to support listing the Coachella Valley Storm Water Channel as water quality limited for toxaphene. There is no sediment or water column data indicating toxaphene is present in this water body. No water quality standard or objective for toxaphene has been exceeded in this water body. Board staff failed to use an adequate sample size to perform a valid binomial test on fish tissue samples. Board staff has used fish tissue sample results for fish that are not native to the Coachella Valley Storm Water Channel and are likely to have been exposed to toxaphene in another water body.

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