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**California Regional Water Quality Control Board
Colorado River Basin Region**

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Arnold Schwarzenegger
Governor

TO: Dorothy Rice
Executive Director
State Water Resources Control Board

FROM: Robert Perdue 
Executive Officer
**COLORADO RIVER BASIN
REGIONAL WATER QUALITY CONTROL BOARD**

DATE: January 18, 2008

**SUBJECT: REQUEST TO WITHDRAW THE COACHELLA VALLEY STORM
WATER CHANNEL BACTERIAL INDICATORS TMDL FROM STATE WATER
RESOURCE CONTROL BOARD PUBLIC HEARING CONSIDERATION FOR A
PERIOD OF 18 MONTHS**

Pursuant to the advice provided by Mr. Rik Rasmussen, Planning Standards and Implementation Unit Chief, on January 11, 2008, I hereby request, on behalf of the Colorado River Basin Regional Water Quality Control Board, that the State Water Resources Control Board withdraw public hearing consideration of adoption of the Coachella Valley Stormwater Channel (CVSC) Bacterial Indicators TMDL for a period of 18 months.

Background

The Regional Board adopted the CVSC Bacterial Indicators TMDL on May 16, 2007. Since then, State Water Resources Control Board staff reviewed the TMDL and the administrative record. The State Board is currently accepting public comments for the CVSC TMDL until January 22, 2008. The State Board staff tentatively planned on the March 18, 2008, Public Hearing for consideration of adoption of the CVSC Bacterial Indicators TMDL.

When the Regional Board adopted the TMDL in May 2007, the Regional Board directed their staff to hold three public stakeholder workshops to provide an opportunity for further stakeholder involvement, to clarify TMDL requirements, and to help move TMDL implementation forward. The first workshop was held on July

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25, 2007; the second workshop was held on November 19, 2007. The third workshop has not been scheduled yet. In general, the commenters raised several concerns about the agricultural community in Coachella Valley being named as a Responsible Party (RP) for TMDL Implementation. It is the agricultural community's view that agricultural practices in the lower Coachella Valley do not result in a discharge to the CVSC, and therefore, they contend that agricultural dischargers in the lower Coachella Valley should not be identified as an RP for TMDL implementation. Preliminary monitoring data from Coachella Valley Water District has supported the agricultural community viewpoint.

Justification

At this time, based on comments received from the agricultural community in the two workshops held to date, it appears that Regional Board staff does not have sufficient data to determine whether agricultural discharges are discharging E. coli into the CVSC. To fill this data gap, over the next 18 months, agricultural dischargers and the Coachella Valley Water District are proposing to form a Task Force to develop a monitoring plan, to conduct monitoring for approximately one year and submit a report for the Regional Board's consideration. When sufficient data are collected and analyses of those data demonstrate that these potential sources are, in fact, discharging E. coli into the Coachella Valley Stormwater Channel, then the owners/operators of these sources will be notified of their responsibilities as an RP with regards to this TMDL.

Given the lack of data concerning the potential contribution of agricultural discharges to the CVSC, the Regional Board may decide to amend the CVSC Bacterial Indicators TMDL to conditionally remove agricultural dischargers as an RP until such time as sufficient data are collected and analyzed from other sources suspected of contributing to the bacterial impairment of the CVSC. The conditional removal of the agricultural dischargers as an RP would be done through a revised TMDL that would be publicly noticed and readopted at a subsequent Regional Board public hearing.

If you have any questions, please do not hesitate to contact me at (760) 776-8938.

RP/mc

cc: Regional Board Members
Darrin Polhemus
Rik Rasmussen
Michael Buckman