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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 0866

March 18, 2014

Arturo Diaz, Water Quality Planning Manager
Riverside County Flood Control and Water Conservation District
1995 Market Street
Riverside, CA 92501

Dear Mr. Diaz:

SUBJECT: RESPONSE TO COMMENTS ON 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 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

"Dry weather MS4 discharges are not a source of flow in the Coachella Valley Stormwater Channel (CVSC) and therefore are not contributing to impairment."

Response 1

Colorado River Basin Water Board staff appreciates your information regarding dry weather MS4 discharge and regional soil type, and efforts by implementing BMPs to ensure that no dry weather MS4 discharge into the CVSC occurs. However, Board staff can neither specify sources of impairments to the CVSC nor identify the responsible parties for the impairment at this time. Board staff can only confirm that CVSC is impaired with respect to the constituents listed. Also, 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 responsible parties, to identify any impairment sources, to develop any control measures, 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 MS4 Permittees or other affected communities to take any

ELLEN WAY, CHAIR | ROBERT PERDUE, EXECUTIVE OFFICER

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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

"Wet weather MS4 dischargers did not cause the exceedances on which the proposed 303(d) listings are based."

Response 2

Based on rainfall data that you provided Colorado River Basin Water Board staff agrees that wet weather MS4 discharges did not cause the exceedances on which the proposed 303(d) listings are based. However, as mentioned in Response 1 to Comment 1, 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. Please see Response 1 to Comment 1 for further information regarding the purpose of the CWA Section 303(d) updates.

Comment 3

"Clarify that the proposed new listings for toxicity and ammonia in the Coachella Valley Stormwater Channel (CVSC) are not caused by MS4 discharges by revising the potential sources from unknown sources to the specific sources of the impairment."

Response 3

Colorado River Basin Water Board staff disagrees with your comment requesting that the Board clarify that the proposed new listings for toxicity and ammonia in the Coachella Valley Stormwater Channel are not caused by the MS4 discharges by revising the potential sources from "unknown sources" to the specific sources of the impairment. Board staff considers the potential sources as "unknown" because Board staff does not have any information that specific sources cause toxicity and ammonia impairment in the CVSC. Based on the readily available data, however, Board staff identified CVSC as impaired by toxicity, total ammonia, and other pollutants. If you have information regarding which sources are causing toxicity and ammonia impairment in the CVSC, please let Board staff know. Until these specific sources are identified, Board staff cannot accommodate your request.

Comment 4

"Modify the assessment methodology for the toxicity listing to be consistent with the Listing Policy as well as other Regional Boards."

Response 4

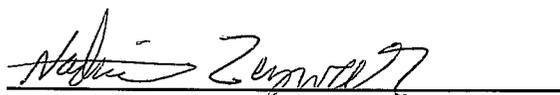
Colorado River Basin Water Board staff agrees with your comment on assessment methodology for the toxicity. A disparity existed in assessment and interpretation of data among the regional water quality control boards, and it is Board staff's understanding that the Board is moving in the

direction of applying consistent assessment methodology in all regional water quality control boards and the State Water Resources Control Board. 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 continue to recommend that the potential sources of toxicity and total ammonia in the CVSC be listed as "unknown," but will modify the assessment methodology in accordance with your recommendations.

If you have further questions or comments 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
Warren D. William, General Manager-Chief Engineer, Riverside County Flood Control and
Water Conservation District

File: 2012 section 303(d) List