

COLORADO RIVER SWRCB OF CALIFORNIA

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10/25/06 BdMtg Item 10
303(d) List
Deadline: 10/20/06 5pm



October 17, 2006

Ms. Song Her
Clerk to the SWRCB
State Water Resources Control SWRCB
1001 I Street
Sacramento, CA 95814

**Comment Letter - 2006 Federal CWA Section 303(d) List**

Dear Ms. Her:

The Colorado River Board of California (CRB) is the California State agency charged with protecting California's rights and interests in the resources provided by the Colorado River and in representing California in discussions and negotiations regarding the Colorado River and its management. The CRB appreciates the opportunity to provide comments on the proposed revision to the federal Clean Water Act (CWA) Section 303(d) List of Water Quality Limited Segments for California. The following comments are directed at those constituents that are related to the Colorado River.

Recommendation to list the All-American Canal for specific conductance, sulfate and total dissolved solids

The State Water Resources Control Board (SWRCB) proposes to list the All-American Canal (AAC) as water quality limited for specific conductance, sulfate, and total dissolved solids. Prior to addressing the specific constituents listed, the data, and the SWRCB's justifications, it would be appropriate to discuss the issues related to the control of salinity in Colorado River water, because all of the concerned constituents listed in the proposed revision are salinity-related.

The federal government and the seven Colorado River Basin states, through the Colorado River Basin Salinity Control Forum (Forum), have been working since 1974 to manage the Colorado River's salinity. The Forum, comprised of the representatives of each of the seven Colorado River Basin states, provides important interstate and interagency coordination and guidance for the salinity control program and the combined efforts of the federal agencies and states. California's representatives on the Salinity Control Forum are the Executive Director of the State Water Resources Control SWRCB, the Executive Director of the Colorado River SWRCB, and the Deputy General Manger of The Metropolitan Water District of Southern California. The salinity control program implemented by the federal government and the states is reducing the salt load in Colorado River water while water use in the basin continues to increase. Together, the participating federal agencies and the states have made significant strides toward keeping the salinity concentration of the Colorado River within a range that does not limit the benefits derived from the various uses of the River.

Section 303 of the CWA requires that water quality standards be reviewed from time to time, but at least once during each three-year period. Accordingly, the Forum every three years, reviews the water quality standards for salinity consisting of numeric criteria and a plan of implementation for salinity control for the Colorado River system. The Forum prepares a triennial review report and submits it to each of the Basin states for adoption. The states adopt the water quality standards and the United States Environmental Protection Agency approves them. The most recent triennial review by the Forum was completed in 2005 and in February 2006 the SWRCB adopted the water quality standards recommended in the 2005 Review. The adopted numeric salinity criteria for the three stations on the lower main stem of the Colorado River are as follows (these numeric criteria are flow-weighted average annual total dissolved solids concentrations):

Below Hoover Dam	723 mg/L
Below Parker Dam	747 mg/L, and
At Imperial Dam	879 mg/L

Past water quality data indicates that Colorado River water quality meets these criteria. The applicable criterion adopted by the SWRCB should apply to any diversions from the Colorado River. The AAC diverts water directly from Colorado River at Imperial Dam. The AAC was constructed for the purpose of delivering water from the Colorado River to the Imperial and Coachella Valleys.

Review of the SWRCB's fact sheets.

The SWRCB's justification for placing these constituents on the CWA list of water quality limited segments is based on the conclusions that the samples collected in a three-year period exceed the Secondary Maximum Contaminant Level (MCL) for water supplied to the public by community water systems (emphasis added). The SWRCB report indicates the following:

For the specific conductance, it is indicated that the Secondary MCL is 900 micromhos for water supplied to the public and the Upper Secondary MCL is 1,600 micromhos. All six annual samples (from 1998 to 2003) and 59 of the 65 monthly samples exceeded the Secondary MCL, and none of the annual samples, but only one monthly sample exceeded the Upper Secondary MCL.

For the sulfates, it is indicated that the secondary MCL for water supplied to public is 250 mg/L and the Upper Secondary MCL is 500 mg/L for the water supplied to the public. Fifty three of the 66 monthly samples exceeded the Secondary MCL, but none exceeded the Upper Secondary MCL.

For the total dissolved solids (TDS), it is indicated that Secondary MCL is 500 mg/L and the Upper Secondary MCL is 1,000 mg/L for the water supplied to the public. All six annual samples (from 1998 to 2003) and 64 of the 65 monthly samples exceeded the Secondary MCL, and none of the annual samples, but only one monthly sample exceeded the Upper Secondary MCL.

It was emphasized earlier that the Secondary MCLs that the SWRCB indicates, apply to the water that is supplied to the public. With respect to the Secondary MCLs for specific conductance, sulfates, and total dissolved solids, no fixed consumer acceptance contaminant level has been established [Title 22, California Code of Regulations, Section 64449(d)]. Constituent concentrations ranging to the Upper contaminant level are acceptable if it is neither reasonable nor feasible to provide more suitable waters [Title 22, California Code of Regulations, Section 64449(d)(1)]. Also, it should be noted that the data presented by the SWRCB are for raw water rather than for potable water supplied to the public by community water systems. Based upon the annual drinking water reports to the consumers and the Department of Health Services by Imperial Irrigation District, the drinking water supplied to the consumers meets water quality standards.

Based upon the above discussion, the CRB requests that the SWRCB withdraw the recommendation to list the AAC as "water quality limited" for these constituents. About 98 percent of the 3.0 million acre-feet of water diverted annually, is used for irrigation and only two percent for domestic use. Generally, surface waters on the CWA 303(d) list are impaired to the extent that one or more beneficial uses are lost. Like the Colorado River, this is not the case for the AAC, which is an extension of the Colorado River.

Recommendation to list the Colorado River (Imperial Reservoir to California-Mexico Border) for Selenium

The SWRCB proposes to list the Colorado River (Imperial Reservoir to California-Mexico Border) as water quality limited for selenium. The SWRCB's justification is based upon five samples collected in 1992, 1999, and 2000-2001 on largemouth bass. It is indicated that three of the five samples exceeded the Office of Environmental Health Hazard Assessment (OEHHA) 2 ug/g tissue screening value guideline.

Some of the samples were collected at a point near Needles, which is about 200 miles upstream from Imperial Reservoir, and other samples were collected above Senator Wash Dam, which is northwest of Imperial Reservoir. The reach of the Colorado River from Imperial Reservoir to the California-Mexico Border is recommended to be listed as water quality limited for selenium, which needs further explanation and justification. Furthermore, this decision is based upon limited data that may not be sufficient to substantiate such a decision.

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In relation to the Salton Sea Ecosystem Restoration Plan, the consultant collected 18 fish samples for selenium analysis along the Colorado River in May of 2005. The sample locations are the Lake Havasu Area, the Blythe Area and the Lake Martinez Area. The selenium results range from 0.56 to a maximum of 2.26 $\mu\text{g/g}$ fish tissue screening value. The results for all 10 samples from the Blythe Area were below the 2 $\mu\text{g/g}$ OEHHA fish tissue screening value guideline, only one of the five samples in the Lake Martinez Area exceeded 2 $\mu\text{g/g}$ (2.06 $\mu\text{g/g}$), and four of the five samples from Lake Havasu Area exceeded 2 $\mu\text{g/g}$ (the sample with the maximum value was 2.26 $\mu\text{g/g}$). These data clearly do not support the SWRCB's decision to recommend that the reach of the Colorado River from Imperial Reservoir to California-Mexico Border be listed as water quality limited for selenium.

In addition, it has been demonstrated that the Colorado River Basin salinity control program has reduced both the salinity and the selenium concentrations in the Colorado River. Therefore, it may be concluded that selenium in Colorado River water will be further reduced in the future as salinity control measures are implemented. With this discussion, the CRB requests that either the SWRCB withdraw its recommendation to list the Colorado River from Imperial Reservoir to the California-Mexico border as water quality limited for selenium or reevaluate its recommendation based upon the acquisition of additional data.

If you have any questions or require more information, please call me at (818) 500-1625.

Sincerely,



Gerald R. Zimmerman
Executive Director

c: Celeste Cantu, Executive Director, State Water Resources Control Board
Roger Patterson, Assistant General Manager, Metropolitan Water District of Southern California