

WARREN D. WILLIAMS
General Manager-Chief Engineer



1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
FAX 951.788.9965
www.rcflood.org

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

February 5, 2015



Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Dear Ms. Townsend:

Re: Comment Letter - 303(d) List Portion of
the 2012 California Integrated Report

The Riverside County Flood Control and Water Conservation District (District) appreciates the opportunity to provide comments on the proposed Clean Water Act Section 303(d) list portion of the 2012 California Integrated Report. This letter is submitted on behalf of the Municipal Separate Storm Sewer (MS4) Permittees in the Whitewater River Region, (the District, County of Riverside, Coachella Valley Water District, and Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, and Rancho Mirage).

On March 12, 2014, the Whitewater River Region MS4 Permittees (Permittees) submitted comments to Colorado River Region Water Quality Control Board (Region 7) staff regarding the proposed addition of listings for total ammonia (i.e., ammonia and nitrogen) and toxicity in the Coachella Valley Stormwater Channel (Decision ID 30522 and 30527, respectively). The Permittees wish to reiterate some of the concerns that were raised in that comment letter, and specifically request that:

- This comment letter be added to the record for the 303(d) list portion of the 2012 California Integrated Report; the Permittees provide lines of evidence herein which more specifically characterize flows in the Coachella Valley Stormwater Channel (CVSC), and identify that MS4 discharges are not a source for the proposed new listings for toxicity and total ammonia; and
- The State modify the assessment methodology for the proposed toxicity listing in the CVSC to be consistent with the State's 303(d) Listing Policy¹.

The Permittees wish to ensure that a 303(d) listing, not caused by MS4 discharges, does not trigger unnecessary actions by the Permittees under the current² or future MS4 Permit. Page 14 of the draft staff report³ states that potential sources for listings will only be identified by the Water Boards, "when a specific source analysis has been performed as part of a TMDL or other regulatory process." The Permittees are unclear on why a specific source analysis would need to be conducted if readily available evidence exists now, during the listing process, which can assist with more accurate

¹ Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List, September 2004

² Order No. R7-2013-0011

³ Draft Staff Report - 2012 California Integrated Report, Clean Water Act Sections 303(d) and 305(b). State Water Resources Control Board. December 31, 2014

characterization of potential sources for the proposed listing. Additionally, Section 6.1.2.2 of the State's 303(d) Listing Policy requires Regional Boards to identify potential pollutant sources "as specifically as possible" when creating the waterbody fact sheets used to describe the basis for proposed listings. Detailed information to support the requested actions is provided below.

COMMENT NO. 1 – MS4 DISCHARGES ARE NOT A SOURCE FOR THE PROPOSED NEW LISTINGS FOR TOXICITY AND TOTAL AMMONIA IN THE COACHELLA VALLEY STORMWATER CHANNEL (CVSC)

1. Dry Weather MS4 Discharges are not a Source of Flow in the CVSC, and therefore, are not Contributing to Impairment

As described below, there are several lines of evidence which demonstrate that dry weather MS4 discharges are not a source of flow in the CVSC.

- **Composition of CVSC Flows**

The CVSC is the only perennially flowing receiving water in the Whitewater River MS4 permit area; however, as noted in the current Whitewater River Region MS4 Permit⁴, MS4 discharges do not constitute a significant source of those flows (emphasis added):

"The CVSC is the 25 mile long, constructed downstream extension of the Whitewater River channel, beginning west of Washington Street in La Quinta and ending on the north shore of the Salton Sea. The lower 17-mile reach of the CVSC is the only surface waterbody in the Whitewater River Region that features perennial flow; *these flows are dominated by effluent from NPDES permitted POTW discharges, rising groundwater, and agricultural return flows.*"⁵

- **Regional Soil Type**

Whitewater River Region soil types limit the ability for dry weather MS4 flows to reach the CVSC, as noted in the current MS4 Permit⁶ (emphasis added):

"The predominant soil types within the Whitewater River Region are classified as Carsitas and Myoma.⁷ *These sands are extremely pervious, and promote rapid infiltration of runoff.*"

⁴ Order No. R7-2013-0011, pg. 12, 3rd bullet

⁵ U.S. Geological Survey National Streamflow Information Program; California Regional Water Quality Control Board, Colorado River Basin, *Basin Plan*, Table 2-3; Coachella Valley Final Water Management Plan, September 2002; Coachella Valley Water Management Plan 2010 Update, Draft Report, December 2010

⁶ Order No. R7-2013-0011, pg. 11, 3rd bullet; pg. 11, 5th bullet

⁷ "Soils of the Coachella Valley." Coachella Valley Water District <http://www.cvwd.org/conservation/soils.php>

"Due to the small percentage of the Whitewater River Watershed and the Whitewater River Region in urban land uses, Permittee requirements for New Developments to retain Urban Runoff, and natural soil conditions, *Urban Runoff constitutes a minor percentage of the total flow* in the Whitewater River during storm conditions. During non-storm conditions, Urban Runoff discharges to Receiving Waters in the Whitewater River Region are also relatively minor based on flow volume."

Additionally, as required by Phase 1 of the Bacterial Indicator TMDL at CVSC, the City of Coachella submitted and received Region 7 approval for its Quality Assurance Project Plan (QAPP) in May of 2013. One of the objectives of the City's QAPP is to conduct monthly monitoring to assess whether flows from the City's three MS4 outfalls have surface connectivity with flows in the CVSC. In accordance with Phase 1 implementation of the TMDL, this monitoring data is submitted to Region 7 staff on a quarterly basis, and it provides evidence that as of May 2013, discharges from MS4 outfalls to the CVSC have not occurred. The Permittees request that State Board staff review this data, as it can provide additional valuable insight regarding MS4 contribution to flows in the CVSC.

- **Diversion of All MS4 Outfalls to CVSC to Drywells**

There are only three MS4 outfalls which outlet to the proposed listed reach of the CVSC. As of 2011, all three of these outfalls have been diverted to dry wells⁸, thereby ensuring that no discharges occur from the City of Coachella's MS4 to the CVSC during dry weather. During a site walk with City of Coachella staff on March 14, 2013, Region 7 staff confirmed the presence and functionality of the drywell diversions. The current MS4 Permit⁹ features language which reflects implementation of these BMPs:

"The City of Coachella has proactively implemented structural Best Management Practices (BMPs) to effectively infiltrate all Dry Weather Urban Runoff prior to reaching MS4 Outfalls regulated by the CVSC Bacterial Indicators TMDL. These structural BMPs were completed in 2011 with additional modifications planned to improve the effectiveness of the Avenue 52 outfall controls. These BMPs ensure that there are no discharges from the City's MS4 during Dry Weather."

The analysis used for the proposed 303(d) listings is based on data from 2005 – 2008, and therefore, does not take this major change to the MS4 into account.

The lines of evidence above demonstrate that dry weather MS4 discharges are not responsible for flows in the CVSC. In addition, as dry weather discharges from MS4 outfalls are now being diverted, any remaining impairment issues cannot be attributable to MS4 discharges.

⁸ Personal communication, Berlinda Blackburn, Environmental/Regulatory Programs Manager, City of Coachella, September 1, 2011

⁹ Order No. R7-2013-0011, pg. 16, Finding 44

2. Wet Weather MS4 Discharges Did Not Cause the Exceedances on Which the Proposed 303(d) Listings are Based

The basis for the proposed listings is data collected through the Surface Water Ambient Monitoring Program (SWAMP) on the following dates:

- October 26, 2005;
- May 2, 2006;
- May 8, 2007;
- October 22, 2007;
- April 22, 2008; and
- October 29, 2008

According to rainfall records for these years (see Attachment A, Table A-5 - Table A-10), no wet weather discharges occurred on the day of, or 72 hours prior to these sample dates. Therefore, MS4 wet weather discharges did not cause the exceedances on which the proposed listings are based.

In summary, as demonstrated by the multiple lines of evidence above, neither dry weather nor wet weather MS4 discharges are contributing to the impairments proposed as new listings for the CVSC.

COMMENT NO. 2: MODIFY THE ASSESSMENT FOR THE TOXICITY AND TOTAL AMMONIA LISTINGS TO BE CONSISTENT WITH THE STATE'S 303(D) LISTING POLICY

The supporting documentation for the proposed toxicity listing in the CVSC identifies two of seven samples as exceeding the objective; these two exceedances were collected in 2005 and 2006. Since that time, all dry weather MS4 discharges have been diverted (see Comment #1); existence of these diversions has been verified by Region 7 staff. Section 6.1.5.3 of the State's 303(d) Listing Policy specifically states:

"If the implementation of a management practice(s) has resulted in a change in the water body segment, only recently collected data [since the implementation of the management measure(s)] should be considered."

Therefore, consistent with Comment No. 1 and Comment No. 2, it is important to accurately determine the source of exceedances, and also when exceedances occurred relative to the implementation of management actions. As demonstrated in this comment letter, the source of the exceedances are not MS4 discharges.

In summary, the Permittees request that (1) the lines of evidence provided herein be placed on the record for the 303(d) list portion of the 2012 California Integrated Report; these lines of evidence more specifically characterize flows in the CVSC, and identify that MS4 discharges are not a source for the proposed new listings for toxicity and total ammonia, and (2) the assessment for the toxicity and total ammonia listings be revised, consistent with the State's 303(d) Listing Policy.

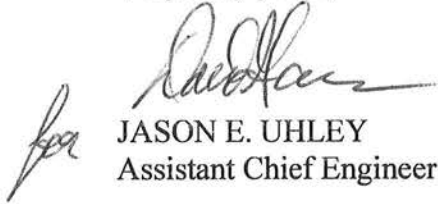
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The MS4 Permittees are committed to water quality in the Colorado River Basin Region and look forward to the continued collaboration with Region 7 staff. Thank you for your consideration of these comments. If you have any questions, please contact me at juhley@rcflood.org or 951.955.1273.

Very truly yours,



JASON E. UHLEY
Assistant Chief Engineer

Attachment: Attachment A - Rainfall Records

SB:cw
P8/167994

ATTACHMENT A: RAINFALL RECORDS

Table A-5. Daily Rainfall for October 2005 (inches). Dark blue lines identify sample collection date (October 26, 2005). Light blue lines indicate prior 72 hours. Sum refers to precipitation within the month. Total refers to annual precipitation to-date. (Source: Riverside County Flood Control and Water Conservation District).

	October 2005				
Day	Banning	Palm Springs	DHS	Rancho Mirage	Cathedral City
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					0.05
15					
16					
17	0.23	0.70	1.18	1.61	0.63
18	1.06	0.90	0.88	0.26	1.13
19					
20			0.01		
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
Sum	1.29	1.60	2.07	1.87	1.81
Total	3.16	1.99	3.57	2.44	2.28

Table A-6. Daily Rainfall for April and May 2006 (inches). Dark blue lines identify sample collection date (May 2, 2006). Light blue lines indicate prior 72 hours. Sum refers to precipitation within the month. Total refers to annual precipitation to-date. (Source: Riverside County Flood Control and Water Conservation District).

Day	April 2006					May 2006				
	Banning	Palm Springs	DHS	Rancho Mirage	Cathedral City	Banning	Palm Springs	DHS	Rancho Mirage	Cathedral City
1										
2										
3										
4	0.01									
5	1.46	0.10	0.08		0.01					
6	0.54	0.09	0.11	0.04	0.01					
7					0.01					
8										
9										
10										
11	0.01									
12										
13										
14										
15	0.39									
16	0.02									
17										
18										
19										
20										
21										
22						0.06				
23						0.01				
24	0.01									
25										
26										
27										
28										
29										
30										
31										
Sum	2.44	0.19	0.19	0.04	0.03	0.07	0.00	0.00	0.00	0.00
Total	11.68	3.61	5.75	3.17	3.21	11.75	3.61	5.75	3.17	3.21

Table A-7. Daily Rainfall for May 2007 (inches). Dark blue lines identify sample collection date (May 8, 2007). Light blue lines indicate prior 72 hours. Sum refers to precipitation within the month. Total refers to annual precipitation to-date. (Source: Riverside County Flood Control and Water Conservation District).

	May 2007				
Day	Banning	Palm Springs	DHS	Rancho Mirage	Cathedral City
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23	0.01				
24					
25					
26					
27					
28					
29					
30					
31					
Sum	0.01	0.00	0.00	0.00	0.00
Total	2.89	0.12	0.12	0.07	0.49

Table A-8. Daily Rainfall for October 2007 (inches). Dark blue lines identify sample collection date (October 22, 2007). Light blue lines indicate prior 72 hours. Sum refers to precipitation within the month. Total refers to annual precipitation to-date. (Source: Riverside County Flood Control and Water Conservation District).

	October 2007				
Day	Banning	Palm Springs	DHS	Rancho Mirage	Cathedral City
1					
2				0.08	
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13	0.06				
14	0.01				
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
Sum	0.07	0.00	0.00	0.08	0.00
Total	0.10	0.02	0.01	0.08	0.03

Table A-9. Daily Rainfall for April 2008 (inches). Dark blue lines identify sample collection date (April 22, 2008). Light blue lines indicate prior 72 hours. Sum refers to precipitation within the month. Total refers to annual precipitation to-date. (Source: Riverside County Flood Control and Water Conservation District).

	April 2008				
Day	Banning	Palm Springs	DHS	Rancho Mirage	Cathedral City
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
Sum	0.00	0.00	0.00	0.00	0.00
Total	13.42	5.23	5.15	2.47	4.27

Table A-10. Daily Rainfall for October 2008 (inches). Dark blue lines identify sample collection date (October 29, 2008). Light blue lines indicate prior 72 hours. Sum refers to precipitation within the month. Total refers to annual precipitation to-date. (Source: Riverside County Flood Control and Water Conservation District).

	October 2008				
Day	Banning	Palm Springs	DHS	Rancho Mirage	Cathedral City
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
Sum	0.00	0.00	0.00	0.00	0.00
Total	0.15	1.41	0.13	0.55	0.65