

October 20, 2006



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

Dear Ms. Her:

Re: Draft Clean Water Act Section 303(d)
List of Water Quality Limited Segments

The Riverside County Flood Control and Water Conservation District (District), on behalf of the Cities and County of Riverside, appreciates the opportunity to comment on the Draft Clean Water Act Section 303(d) List of Water Quality Limited Segments for 2006 (303(d) List). This letter provides comments on proposed listings and delistings in the Colorado River Region Regional Water Quality Control Board (RWQCB)(Region 7), Santa Ana RWQCB (Region 8) and San Diego RWQCB (Region 9) jurisdictions.

Regions 7 Oppose Inappropriate listing of the Coachella Valley Stormwater Channel for Toxaphene

The District supports comments and testimony submitted by Coachella Valley Water District regarding the inappropriate listing of the Coachella Valley Storm Water Channel for Toxaphene.

Region 8- Oppose Inappropriate listing of Lake for polychlorinated biphenyls

The District supports comments and testimony submitted by and on behalf of the Big Bear Lake TMDL group, including comments by Tim Moore and Risk Sciences, regarding the concerns of the use of the OEHHA screening value for polychlorinated biphenyls as the basis for including waterbodies on the 303(d) List. The District is also concerned with the use of fish tissue samples without supporting ancillary evidence of chemical toxicity. The District requests the removal of Lake Elsinore from the 303(d) List for polychlorinated biphenyls.

Region 9 - Oppose listing of Murrieta Creek for Manganese, and Zinc

The District has again reviewed the data supporting the proposed listing of Murrieta Creek for manganese, and zinc. The District continues to believe that Murrieta Creek was inappropriately listed for these constituents for the following reasons:

Exceedances do not meet the criteria of Section 6.1.5.3 of the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy), and therefore do not meet the criteria of Table 3.1 of the Listing Policy
Both of these constituents were listed based on the same two sets of data:

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- Data collected by RWQCB9 on June 9, 1998 - Two samples were collected on June 9, 1998 at two different locations on Murrieta Creek. Both samples were analyzed for the aforementioned constituents and both exceeded the criteria for each of the aforementioned constituents.
- Data collected by LAW Crandall from 1997 to 2000 - Eleven samples were collected and analyzed for each of the aforementioned constituents. Zero of the samples were in exceedance for each of the aforementioned constituents.

Murrieta Creek is an ephemeral wash with no sustained flows during the dry season at the Calle del Oso Road location, monitored by Regional Board staff. The Cement Factory location received POTW flows, which have since been permanently ceased. Our rainfall records indicate there were no summer rain showers that would have been responsible for the flow at Calle del Oso Road. The samples most likely reflect specific conditions occurring during the day the samples were collected (perhaps an illegal discharge) rather than a chronic water quality condition. Section 6.1.5.3 of the Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy) states that:

"Samples should be representative of the critical timing that the pollutant is expected to impact the water body. Samples used in the assessment must be temporally independent. If the majority of samples were collected on a single day or during a single short-term natural event (e.g. a storm, flood or wildfire), the data shall not be used as the primary data set to support the listing decision... In general, samples should be available from two or more seasons or from two or more events when the effects or water quality objective exceedances would be expected to be clearly manifested".

It is clear that the exceedances for both constituents, which are based on two samples from different reaches of Murrieta Creek were collected on a single date (June 9, 1998). The District requests that these two data points be considered representative of a single exceedance of each Water Quality Objective, consistent with the requirements of Section 6.1.5.3 of the Listing Policy. Based on only a single exceedance of Water Quality Objectives, the constituent would not exceed the allowable frequency listed in Table 3.1, and therefore none of the aforementioned constituents should be listed.

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Closing

In closing, the District would like to thank the State Board for developing a listing policy that provides the basis for the listing/delisting of waterbody/pollutant combinations. Although the District believes that the policy requires continued refinement, such as, requiring supporting chemical evidence for listing based on tissue samples, it is a clear improvement over the efforts in past years. The District looks forward to working with the State Water Resources Control Board and the RWQCBs on programs to further improve the quality of our Receiving Waters. If you have any questions regarding the comments within this letter, please contact Jason Uhley at 951.955.1273.

Very truly yours,

STEPHEN E. STUMP
Chief of Regulatory Division

c: Alex Gann, County Executive Office
Riverside County Management Steering Committee
Riverside County Desert Task Force
Riverside County Technical Advisory Committee
Santa Ana RWQCB
San Diego RWQCB
Colorado River Region RWQCB

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