

## Appendix D: Second Response to Comments

Comment Deadline: Saturday, October 24, 2020 at 5:00 pm<sup>4</sup>

### Notice of Opportunity for Public Comment, Public Workshop and Public Hearing on the 2020 Triennial Review of the Water Quality Control Plan for the Colorado River Basin Region

Comment Letter #	Date	Commenter	Affiliation
Geraci-17	10/08/2020	Jeff Geraci	Public (Palm Desert resident)
Lakic-18	10/22/2020	Nikola Lakic	Graduate Eng. Architect, Geothermal Worldwide Inc.
Coachella-19	10/23/2020	Berlinda Blackburn	Environmental/Regulatory Program Manager, City of Coachella
Alianza-20	10/24/2020	Patricia Leal Ryan Sinclair	Program Manager, Alianza Coachella Valley Associate Professor of Environmental Microbiology, Loma Linda University
IID-21	10/24/2020	Tina L. Shields	Water Department Manager, Imperial Irrigation District (IID)
Salton-22	10/24/2020	Nancy Del Castillo Veronica Mora Veronica Ledezma Martinez Maria Rodriguez Sandoval Roxanna Catherman Chavez Graciela M. Ramos Alma A. Garibay Miriam Juarez Maria Maldonado Rocio Rivera Rogelio Flores Robles Rogelio Flores Maria G. Vega	Public (Salton City residents)

Comments on the Triennial Review List will be considered when revising the Draft 2020 Triennial Review List and Staff Report, released at the beginning of this comment period on September 25, 2020. The revised documentation will be presented at a public hearing scheduled for December 10, 2020.

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<sup>4</sup> It is the practice of the State and Regional Water Boards to follow Code of Civil Procedure section 12a, such that if a comment period ends on a weekend or holiday, it is automatically extended to the next business day. Therefore, comments were accepted until Monday, October 26.

Comment Number	Triennial Review Project	Comment Summary	Response
Geraci-17.01	26	<p>Commenter disagrees with the Regional Water Board’s response to a comment submitted by the Coachella Valley Water Keeper (CVWK) during the first comment period, presented in comments <a href="#">CVWK-15.10 and CVWK 15.-07</a>. CVWK requested to remove language suggesting that the Salton Sea’s primary purpose is to accept agricultural return flows, and the Regional Water Board staff proposed to remove such language in response. Mr. Geraci states that he disagrees because “the Salton Sea has been federally designated as a repository for agricultural drainage” and “agricultural drainage is what independently sustains the Sea.”</p>	<p>In its comments, CVWK was seemingly referring to Basin Plan Chapter 3, Section II.C.1, which reads, in part: “However, the achievement of this water quality objective shall be accomplished without adversely affecting the primary purpose of the Salton Sea, which is to receive and store agricultural drainage, seepage, and storm waters.” Regional Water Board Staff proposed to revise this language through Project 26, “Administrative Update to the Basin Plan.” This language is not appropriate because suggesting that the “primary purpose” of a water body is transport and storage of wastewater can lead to an incorrect conclusion that the transport and storage of wastewater is considered to be a beneficial use, which is inconsistent with 40 Code of Federal Regulations section 131.10(a). This language is not the same as the Executive Order of Withdrawal referenced by Mr. Geraci, which is cited in Chapter 2 Section I as follows: “Executive Order of Withdrawal (Public Water Reserve No. 114, California No. 26), signed by the President of the United States on February 26, 1928, withdrew from all forms of entry all public lands of the United States in the Salton Sea area lying below the elevation of 220 feet below sea level for the purpose of creating a reservoir in Salton Sea for storage of wastes and seepage water from irrigated land in the Imperial Valley.” This language is not proposed for revision at this time. Staff does not propose any action in response to this comment.</p>
Geraci-17.02	26	<p>It should be duly noted in the Basin Plan that the Sea is responsible for mass mortalities of wildlife, and that the USEPA has stated that waters high in selenium and pesticides, such as Salton Sea, should not be used as habitat.</p>	<p>Comment noted. Additional public participation opportunities will be available during the development of this amendment, at which time the commenter can re-submit this comment with supporting evidence.</p>
Geraci-17.03	26	<p>Additional language should also be incorporated into the Basin Plan, including the statement by USEPA that treatment wetlands and habitat are not compatible activities.</p>	<p>Please see response to comment Geraci-17.02.</p>

Comment Number	Triennial Review Project	Comment Summary	Response
Geraci-17.04	26	The following information should be included in the proposed language revision that describes current restoration plans: that the Salton Sea’s salinity will continue to increase regardless of any plans that have been proposed to date; that there are no plans to control the salinity within the Salton Sea; and that there are no plans or funding to manage the water quality of the Sea, including salinity.	Please see response to comment Geraci-17.02.
Geraci-17.05	N/A	Expanding the beneficial uses as requested by the CVWK is unnecessary since the beneficial uses are already described in the Basin Plan.	Comment noted. The Regional Water Board staff did not propose to expand Salton Sea’s beneficial uses in response to any of the comments.
Geraci-17.06	N/A	The term ‘agricultural pollution’ as used by CVWK to describe agricultural wastewater is inappropriate and misleading.	Comment noted.
Lakic-18.01	N/A	Commenter provided comments on the Salton Sea Management Program and requested the Board to consider their proposed project for the Salton Sea.	These comments fall outside of the scope of the 2020 Triennial Review of the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan.) These comments were addressed in the first comment period, please see response to comment <a href="#">Lakic-06.01</a> .
Coachella-19.01	18	The City requests the record for the action to adopt the Proposed Triennial Review List reflect that the City’s MS4 does not discharge into CVSC and, therefore, is not a known, suspected, or potential source of the pollutants identified as impairing CVSC.	Comment noted. This information will be retained in the Triennial Review administrative record.

Comment Number	Triennial Review Project	Comment Summary	Response
Alianza-20.01	N/A	<p>“We officially request that the Triennial Review workshop presentations, Triennial Review list, meeting notifications, the basin plan, and any relevant materials be available in Spanish at least 72 hours in advance.”</p>	<p>We are committed to making our public participation process accessible to the community. On September 25, 2020 a Public Notice announcing the second comment period, the October 7 workshop, and the December 10 public hearing was provided in English and Spanish and was transmitted to our mailing lists via a bilingual email. The Triennial Review List was translated into Spanish, published on our <a href="#">Basin Planning program page</a> and transmitted to our mailing lists via a bilingual email on October 7, more than two weeks before the end of the associated comment period. The October 8 workshop had live Spanish interpretation and the Spanish recording of that meeting is accessible online through our <a href="#">video archive</a>. Although the presentation slides were not available in Spanish, all essential information was communicated orally and captured by the interpreters. We have requested interpretation for the December 10 public hearing and the Spanish recording of that meeting will be accessible online through our <a href="#">video archive</a>. Although we will make an effort to translate relevant materials, their completion and availability date cannot be guaranteed. If the workshop presentation and other content cannot be translated in time for the public hearing, all essential information will once again be communicated orally and captured by the interpreters. Our goal with translation is to provide information that is essential to understanding the purpose and impact of the proposed action and to address any questions or comments.</p>

Comment Number	Triennial Review Project	Comment Summary	Response
Alianza-20.02	N/A	“We request that once available, the updated basin plan be translated in Spanish and made accessible as soon as possible.”	The Triennial Review is a continuous process that does not result in a single update of the Basin Plan, but multiple updates over a three-year period, and the process is continued through the next Triennial Review period. At the end of the 2020 Triennial Review, not all of the projects will have been completed and thus it is not possible to identify a point in time when an updated Basin Plan will be available. Translating the entire Basin Plan and continuously updating both versions is not achievable at this time due to the length of the document and the limited translation resources shared between all Water Boards statewide. We will strive to provide information to the public and to all interested parties such that they can understand it, whether it be in Spanish or any language other than English as it is requested.
Alianza-20.03	N/A	Prioritize remote community engagement by providing translated materials, documents, and interpretation services in English and Spanish.	We will strive to provide information in the native languages of the communities impacted by the actions of the Colorado River Basin Water Board, and to engage those communities in the public participation process.
Alianza-20.04	N/A	Develop a water monitoring and data collection plan for pesticides and nutrients of the Salton Sea with easy data access to the public, such as a report similar to an annual consumer confidence report that a drinking water utility produces. The priorities are in all parameters mentioned about the Salton Sea in the categories of pesticides/herbicides, Microbial water quality indicators, Algal organisms, gypsum, sulfides and nutrients.	This comment was addressed in the first comment period, please see response to comment <a href="#">Alianza-09.06</a> .
Alianza-20.05	1-5, 7, 16, 18, 21, 22, 23	Prioritize the Salton Sea TMDL list with enforceable permits to improve water quality.	This comment was addressed in the first comment period, please see response to comment <a href="#">Alianza-09.09</a> .
Alianza-20.06	N/A	Make the list of TMDLs available on the Regional Water Board’s website for public access.	The list of TMDLs is currently available on the Regional Water Board’s website for public access on our <a href="#">TMDL program page</a> . The list will be updated after the 2020 Triennial Review is approved, to be consistent with the Triennial Review List.

Comment Number	Triennial Review Project	Comment Summary	Response
Alianza-20.07	N/A	Make updated agricultural waivers and monitoring requirements of waivers accessible online, and make this information easily available for the public to access with links to related parameters and TMDLs.	Updated agricultural permits and associated monitoring requirements are accessible online on our <a href="#">Irrigated Lands Regulatory Program (ILRP) page</a> . The permit that currently implements an approved TMDL alternative, General WDRs for Agricultural Dischargers in the Palo Verde Valley and Palo Verde Mesa, has the associated impairment control plan linked on the ILRP page. On the <a href="#">TMDL program page</a> , all approved and tentative TMDLs implemented by agricultural permits are linked to the associated permits.
Alianza-20.08	N/A	Collaborate with responsible local water agencies to monitor and protect drinking water sources and ensure that they meet all appropriate water quality standards.	This comment was addressed in the first comment period, please see response to comment <a href="#">Alianza-09.12</a> .
Alianza-20.09	26	Local groundwater and surface water sources should be prioritized for beneficial use by local disadvantaged communities that currently struggle with obtaining safe drinking water.	This comment was addressed in the first comment period, please see response to comment <a href="#">Alianza-09.13</a> .
Alianza-20.10	9	Seek state funding to support infrastructure implementation costs to serve several disadvantaged communities throughout the East Coachella Valley to replace the failing Septic tank or Cesspool systems.	This comment was addressed in the first comment period, please see response to comment <a href="#">Alianza-09.17</a> .
Alianza-20.11	9	These cesspools and failing on-site systems impact to water quality of nearby surface waters and nearby wells by adding more nutrients and microbial contaminants. Please respond by addressing the water quality standards of nearby impacted groundwater.	This comment will be addressed through Project 9, “Onsite Wastewater Treatment Systems (OWTS) Prohibitions in Areas Where OWTS Pose a Threat to Water Quality.”
Alianza-20.12	28	Currently, the downstream portion of the Whitewater River is labeled as the “Coachella Stormwater Channel.” We request to use the original name for the entire water stream: Whitewater River in all documents including in the Basin Plan and discontinue labeling it as the “Coachella Stormwater Channel” for clarity and consistency.	This comment was addressed in the first comment period, please see response to comment <a href="#">Alianza-09.19</a> . There will be additional public participation opportunities during the development of the amendment associated with Project 28, “List Certain Unlisted Waterbodies and Applicable Beneficial Uses, And Designate Miscellaneous Beneficial Uses to Listed Waterbodies,” at which time the commenter can re-submit this comment with supporting evidence.

Comment Number	Triennial Review Project	Comment Summary	Response
IID-21.01	24	<p>Certain groundwater in the region is unsuitable for the municipal beneficial and domestic supply beneficial use (MUN) pursuant to the exceptions set forth in the State Water Resources Control Board (State Water Board) Resolution 88-63, the “Sources of Drinking Water” Policy (Resolution 88-63). The Basin Plan currently fails to appropriately designate groundwater beneficial uses by applying the four exceptions listed in Resolution 88-63. Where groundwater exhibits any one of the four conditions, it is inappropriate for the MUN designation.</p>	<p>Resolution 88-63 does not direct the Regional Water Boards to de-designate MUN from groundwaters that have the listed exceptions, but rather allows them not to designate MUN to groundwaters that have those conditions. Presently the Basin Plan is consistent with the exceptions in Resolution 88-63 because groundwater beneficial uses are designated by Hydrologic Units, which may cover multiple groundwater aquifers that may or may not meet the exceptions. We recognize that a more thorough assessment of groundwater is necessary to effectively characterize the subbasins throughout the region and to ensure that beneficial uses are designated appropriately. Project 24, “Delineate Groundwater Beneficial Uses by Groundwater Subbasin and/or Aquifer,” is meant to resolve this issue. Staff does not propose any additional action in response to this comment.</p>
IID-21.02	24	<p>The Regional Water Board has listed this particular project as being number twenty-four (24) on a priority listing of twenty-nine (29) projects in the 2020 Triennial Review list, once again putting this project in jeopardy of non-completion during the 2020 Triennial Review. Given the repeated delays in implementing this project and the economic and regulatory impacts associated with its non-completion, IID requests that the Regional Water Board reassess the priority level of the project to Delineate Groundwater Beneficial Uses by Groundwater Sub-basin and/or Aquifer, such that it will likely be completed during the 2020 Triennial Review period.</p>	<p>Because Project 24, “Delineate Groundwater Beneficial Uses by Groundwater Subbasin and/or Aquifer,” is expected to take more than three years to complete and it is not an ongoing project, it is not possible to complete it during the 2020 Triennial Review period, which ends in December 2023; however, it is possible to start this project during this time. Based on the ranking criteria, the project is ranked 7, which is the second highest rank available to new projects that have not been assigned to staff yet. When staff resources become available, the ten highest ranking new projects ranked as six and seven will potentially be initiated, with consideration for the available staff’s expertise and availability. Staff does not propose any action in response to this comment.</p>

Comment Number	Triennial Review Project	Comment Summary	Response
IID-21.03	15	<p>IID further stresses and reiterates the importance of a project that would revisit the surface water beneficial use categories currently set forth in the Basin Plan and applied to desert washes and manmade agricultural channels in the Colorado River Basin, given that the designations are overly broad and do not accurately or adequately reflect the characteristics of these types of surface waters. IID disagrees that the development of site-specific water quality objectives for the Salton Sea Watershed will address the issues raised by IID’s May 27, 2020 comment letter. Therefore, IID reiterates its prior request that the Regional Water Board include a Triennial Review project that would specifically address the inappropriate designation of beneficial use categories for the New River and Alamo River, which can be dominated by agricultural runoff from the Imperial Valley, and the Imperial Valley agricultural drains, which are themselves agricultural drainages that cannot support the beneficial uses assigned to them.</p>	<p>In its May 27, 2020 comment letter, IID stated: “The level of protection provided by the applicable beneficial use designation should bear a rational relationship to the quality of the water that initially created the aquatic habitat or potential recreational feature.” Thus, in its request to re-consider beneficial uses for the Salton Sea tributaries, the key concern appears to be the “level of protection” associated with those beneficial uses, or specifically the effluent limitations for discharges to those water bodies. Effluent limitations are based on water quality objectives, which are associated with individual beneficial uses. Therefore, these concerns would in fact be addressed by Project 15, “Salton Sea Watershed Site-Specific Objectives.” In the Staff Report Appendix B, the description for this project states: “Staff recommends developing site-specific water quality objectives for the Salton Sea and/or its tributaries for selenium, salinity, chloride, and/or other pollutants as necessary.”</p> <p>The commenter has not provided sufficient evidence that the beneficial uses for Salton Sea tributaries are inappropriate. Note that in Basin Plan Table 2-2, beneficial uses for these waterbodies have footnotes specifying the limitations referenced by the commenter. Staff does not propose any action in response to this comment.</p>

Comment Number	Triennial Review Project	Comment Summary	Response
IID-21.04	19	IID is disappointed with the Regional Water Board’s response to IID’s request for the designation of site-specific water quality objectives for the Colorado River. The Colorado River, which has naturally high levels of turbidity and manganese due to the hydrology of the river, and the geology of the surrounding desert landscape, is currently unable to meet certain of the water quality objectives applied to it by the Regional Water Board through the Basin Plan; specifically, the maximum contaminant levels established for the MUN beneficial use for turbidity and manganese. IID urges the Regional Water Board to prioritize a project that would develop site-specific objectives for the Colorado River, rather than developing TMDLs or imposing unnecessarily stringent and costly permit terms that are unlikely to result in achievement of applicable objectives.	Staff proposes to address this comment under Project 19, “Adopt Secondary MCLs as Groundwater and Surface Water Quality Objectives for the Municipal and Domestic Supply Beneficial Use.” Secondary MCLs include turbidity and manganese. In the Staff Report Appendix B, the description for this project states: “Exclusions or site-specific water quality objectives may be considered for certain water bodies where appropriate.” Prior to this sentence, staff proposes to add the following text: “Site-specific water quality objectives for turbidity and manganese will be considered for the Colorado River.”_There will be additional public participation opportunities during the development of the amendment associated with this project, at which time the commenter can provide supporting evidence.
Salton-22.01	1-5, 7,8, 13,14,16, 18, 21, 22, 23, 27	“We are concerned that many waterbody/pollutants have not been addressed for the past 27 years. We urge for the priority to develop and implement TMDLs for all waterbody/pollutants.”	This comment is addressed by all Triennial Review projects that propose to develop Total Maximum Daily Loads (TMDLs), which constitute 15 out of the 29 projects.
Salton-22.02	N/A	“One of our concerns is the levels of sulfur compounds in the Salton Sea; we are not aware of any Water Quality Data by Region 7. Therefore, we are recommending for monitoring within the Salton Sea.”	The Regional Water Board staff will take this into consideration when developing future water quality monitoring plans for the Salton Sea.
Salton-22.03	N/A	“Another request is to conduct monitoring at the point of entries to the Salton Sea. To investigate and determine, the source of pollution.”	The Regional Water Board has performed water quality monitoring at the tributary outlets to the Salton Sea in the past and has scheduled it for the upcoming three years.

Comment Number	Triennial Review Project	Comment Summary	Response
Salton-22.04	N/A	“Additionally, the monitoring of harmful algal blooms, legacy pesticides, pesticides causing developmental/reproductive toxicity and cancer, should be a priority.”	<p>The Regional Water Board does conduct water quality monitoring of harmful algal blooms. The Regional Water Board has scheduled water quality monitoring of legacy pesticides and current use pesticides for the upcoming three years and has been collecting water quality data on those substances through agricultural permits.</p> <p>Available data collected by the Regional Water Board’s Surface Water Ambient Monitoring Program (SWAMP) can be queried and downloaded at:  <a href="https://ceden.waterboards.ca.gov/">https://ceden.waterboards.ca.gov/</a></p> <p>Analyses of the monitoring results are available at:  <a href="https://www.waterboards.ca.gov/water_issues/programs/swamp/">https://www.waterboards.ca.gov/water_issues/programs/swamp/</a>  Data on Harmful Algal Blooms (HABs) can be found on State Water Board’s California HABs Portal at:  <a href="https://mywaterquality.ca.gov/habs/">https://mywaterquality.ca.gov/habs/</a></p> <p>Monitoring data from agricultural permits can be requested from Regional Water Board staff.</p>
Salton-22.05	N/A	“[...] we are recommending for the Water Analyses of all constituents that were tested from 1997- July 2008 [at the New River] to once again be considered for monitoring.”	Comment noted. In 2008 there was a reduction in funding available for the New River monitoring program, creating a need to prioritize which pollutants could be monitored on a monthly basis. Therefore, the number of pollutants included in the analysis was decreased and now include ammonia, nitrogen, phosphorus, total suspended solids, biological oxygen demand, arsenic, and selenium. The funding has not since increased.
Salton-22.06	N/A	“The noncompliance of the Clean Water Act within the Salton Sea Transboundary is inhumane.”	Comment noted.
Salton-22.07	N/A	“We also urge to take into consideration to thoroughly investigate the WDRs within our region, for noncompliance.”	Enforcement of Waste Discharge Requirements (WDRs) is ongoing at the Colorado River Basin Water Board.

Comment Number	Triennial Review Project	Comment Summary	Response
Salton-22.08	1-29	“The Basin Plan should continue to be amended and changes made per Federal and State Statues.”	The purpose of this Triennial Review is to ensure that the Basin Plan is updated to protect water quality and to be consistent with applicable regulations. Accordingly, this comment is addressed by all projects in the 2020 Triennial Review List.
Salton-22.09		“We also encourage to engage with community residents and be mindful of the decision process to build trust and confidence for the sake of all interested parties.”	Comment noted. Regional Water Board staff strives to engage the community during the consideration of projects, permits and decisions by the Board. Regulation in many cases require public comment periods which are used to solicit community input. Staff also engages with community organizations and community members outside of the formal public participation processes to ensure that their concerns are addressed.