

**DEPARTMENT OF WATER RESOURCES**

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(916) 653-5791



January 31, 2006

303 (d) Deadline: 1/31/06

SP

Ms. Selica Potter, Acting Clerk to the Board  
State Water Resources Control Board  
Executive Office  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, California 95814

Dear Ms. Potter:

The Department of Water Resources (DWR) has reviewed the State Water Resources Control Board's (SWRCB) September 2005 DRAFT staff report recommending Revisions of the Clean Water Act Section 303(d) List of Water Quality Limited Segments. This report lists Lake Del Valle as an impaired water body for mercury and polychlorinated biphenyls (PCBs).

Lake Del Valle is a State Water Project (SWP) facility operated by DWR. It stores local watershed runoff and delta water supplied by the South Bay Aqueduct. The reservoir is operated for recreation, water supply, and flood control.

Per the existing 2002 303(d) list, there are currently no reservoirs that are a part of the SWP listed as an impaired water body. Listing this reservoir as an impaired water body for mercury and PCBs could potentially have implications both on DWR's operations as well as on the public's perception of the water quality of their drinking water supply source. Although the proposed listing is based on fish tissue sampling, there is a potential for the public to perceive their drinking water source as contaminated by these constituents. There are historical water quality data available indicating that no mercury or PCBs have been detected in this reservoir. In addition, based on existing watershed studies and monitoring data, there are no identifiable sources for either mercury or PCBs in this water body.

The proposed listing is based solely on fish tissue samples collected in April 2001. Catfish and largemouth bass were found to exceed the mercury guideline, while catfish alone was found to exceed the PCB guidelines. The East Bay Regional Park District stocks Del Valle Reservoir with both catfish and largemouth bass for recreational purposes. About 70% of the stocking is done with small fish (approximately one-pound size) and the remaining 30% consists of "trophy size" fish. In our opinion, using a small sample of stocked fish (many of which are already "trophy size") as the sole indicator of the "impairment" of the water body is questionable based on presently available facts.

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From our understanding, additional sampling of this reservoir has already been completed but the results will not be available for at least six months. Furthermore, sediment sampling has not been conducted. Water sampling and watershed assessments have identified no contamination or potential contaminant source for either mercury or PCBs. A determination of the mercury and PCB tissue content of the stocked fish upon arrival at Lake Del Valle has not been done.

In light of these factors, we request that the SWRCB defer consideration of the listing of this water body as impaired until the next update of the 303(d) list. This deferral would allow State Board staff to: (1) perform sediment sampling in order to provide additional supporting evidence as to whether or not this reservoir should be listed as an impaired water body; (2) investigate the possibility that stocked fish already are contaminated with mercury and/or PCBs from other sources; and (3) review results of the additional sampling already conducted.

We appreciate the opportunity to comment on this document. If you have any questions or comments, please feel free to contact me at (916) 653-9978.

Sincerely,



Daniel F. Peterson, Chief  
Environmental Assessment Branch  
Division of Operations and Maintenance

cc: G.F. Duerig, Zone 7 Water District  
Doug Chun, Alameda County Water District  
Laura Young, Santa Clara Valley Water District  
Neal Fujita, East Bay Regional Parks District  
Terry Erlewine, State Water Contractors