



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

OFFICE OF THE  
REGIONAL ADMINISTRATOR

MAR 11 2008

Mr. Robert E. Perdue  
Executive Officer  
California Regional Water Quality Control Board  
Colorado River Basin Region  
73-720 Fred Waring Drive, Suite 100  
Palm Desert, California 92260

RE: Approval of the Use of Freshwater Aquatic Life Criteria in City of Calexico Wastewater Treatment Plant NPDES Permit, NPDES No. CA7000009

Dear Mr. Perdue:

The U.S. Environmental Protection Agency ("EPA") has reviewed the *Bioassessment of the New River at the City of Calexico Wastewater Treatment Plant Discharge* (the "Bioassessment") for consideration of the use of alternative freshwater aquatic life criteria in 40 CFR 131.38 for a portion of the New River. On September 27, 2007, the City of Calexico submitted the Bioassessment to EPA and requested that freshwater criteria be applied to its wastewater discharge into the New River. In this letter, the City of Calexico indicated that its request applied to the receiving waters of the New River at the discharge point from its wastewater treatment facility in Calexico, California. The City of Calexico is currently discharging into the New River under the National Pollutant Discharge Elimination System ("NPDES"), Order No. R7-2004-0009, NPDES Permit No. CA700009.

In accordance with 40 CFR 131.38, EPA is proposing to approve the use of freshwater aquatic life criteria only in the portion of the New River specified in the City of Calexico's September 27, 2007 submittal as the receiving waters for the wastewater discharged from the Calexico Wastewater Treatment Plant.

**Scope of EPA's Tentative Approval**

Today's tentative approval applies to the use of alternative freshwater criteria on a site-specific basis that is subject to EPA's approval authority under 40 CFR 131.38(c)(3). For waters with salinities between 1 and 10 ppt, such as the portion of the New River defined herein, 40 CFR 131.38(c)(3) provides that such waters be addressed as follows:

"For waters in which the salinity is between 1 and 10 parts per thousand as defined in paragraphs c(3)(i) and (ii), the applicable criteria are the more stringent of the freshwater or saltwater criteria. However, the [EPA] Regional Administrator may approve the use of the

alternative freshwater or saltwater criteria if scientifically defensible information and data demonstrate that on a site-specific basis the biology of the water body is dominated by freshwater aquatic life and that freshwater criteria are more appropriate; or conversely, the biology of the water body is dominated by saltwater aquatic life and that saltwater criteria are more appropriate. Before approving any change, EPA will publish for public comment a document proposing the change."

Thus, pursuant to 40 CFR 131.38(c)(3), the Colorado River Basin Regional Water Quality Control Board adopted Order No. R7-2004-0009, NPDES No. CA7000009 for the City of Calexico on March 30, 2004, with the most stringent of the freshwater or saltwater criteria for copper.

Approval to use freshwater criteria in a segment of the New River, defined as the Calexico Wastewater Treatment Plant's discharge point into the New River, would not apply to the New River in its entirety, but only to the portion that is the subject of today's tentative approval.

#### **Discussion and EPA's Tentative Approval**

The City of Calexico conducted a site-specific assessment of the biology of the New River surrounding the discharge location, pursuant to 40 CFR 131.38(c)(3), to determine whether the species observed are more typical of a freshwater or saltwater environment. The Bioassessment was conducted at the discharge location into the New River. Sampling stations were established 200 meters upstream from the outfall and 200 meters downstream from the outfall. At each sampling station the following data were collected: water salinity, dominant vegetation, and aquatic invertebrates. The water salinity at 200 meters upstream of the outfall and 100 meters downstream of the outfall was measured at 2.5 parts per thousand (ppt) and 2.0 ppt respectively. According to the Bioassessment, the collections at the outfall were dominated by a single taxa of epibenthic snail of the family Planorbidae, a freshwater taxa. The upstream sampling station was co-dominated by chironomid larvae and planorbid snails. The downstream sampling station was also dominated by chironomid larvae and planorbid snails; however, both were notably less abundant than at the upstream site. Species of chironomids may inhabit freshwater or salt water systems; however, identification of larvae to species level was not possible. No fish were collected in the sampling net. Vegetation at the upstream and downstream sampling sites was dominated by bare ground and sparse iodine bush. The outfall sampling site was covered with concrete rubble and supported very little vegetation.

EPA agrees with the conclusion that the New River in the vicinity of the City of Calexico Wastewater Treatment Plant is more typical of a freshwater ecosystem than a saltwater system. Therefore, EPA believes that the freshwater criteria are appropriate. However, prior to a final decision, in accordance with 40 CFR 131.38(c)(3), EPA shall give public notice that it is proposing to approve the use of alternative freshwater aquatic life criteria for this portion of the New River. EPA shall jointly public notice this letter with the Colorado River Basin Regional Water Quality Control Board's public notice for the proposed re-opening of the City of Calexico's NPDES permit, Order No. R7-2004-0009, NPDES Permit No. CA7000009. EPA

will take into consideration and respond to comments received by EPA during the public comment period.

If there are any questions regarding our tentative approval action, please contact Matthew Mitchell, of the Monitoring and Assessment Office, at (415) 972-3508. As always, we look forward to continued cooperation with the Colorado River Basin Regional Water Quality Control Board in achieving our mutual environmental goals.

Sincerely,

*for*  11 March 2008  
Wayne Nasti  
Regional Administrator

cc: Kirk Larkin, CA RWQCB, RB7  
Arturo Estrada, City of Calexico

