



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

OCTOBER 8, 2010
Tom Howard
Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

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DIVISION OF WATER QUALITY

Dear Mr. Howard:

The Environmental Protection Agency (EPA) has reviewed the request for approval of the State Water Resources Control Board (State Water Board) Water Quality Control Plan for Ocean Waters of California. I am pleased to inform you that we are approving this plan.

The Water Quality Control Plan for Ocean Waters of California (Ocean Plan) was originally adopted by the State Water Board on November 2, 1972. (Resolution No. 72-45) Amendments to the Ocean Plan were adopted by the State Water Board in 1978, 1983, 1988, 1990, 1997, 2001, 2005, and mostly recently in 2009, under Resolution No. 2009-0072. The California Office of Administrative Law approved the regulatory action on March 10, 2010. The complete submission package was received by EPA on June 16, 2010.

Today's Action

Section 303(c) of the Clean Water Act (CWA) requires EPA to approve or disapprove new or revised state-adopted water quality standards. The State regulatory provisions that are subject to EPA's approval authority under Section 303(c) are those addressing antidegradation, beneficial uses, water quality criteria, and implementation of water quality standards for surface waters. EPA has determined the changes to the Ocean Plan are subject to EPA's section 303(c) approval authority.

The Plan clarifies that metals are expressed as total recoverable metals. Furthermore, the section concerning compliance schedules was removed, and replaced with a section stating that the compliance schedules in NPDES permits are authorized in accordance with the provisions of the State Water Board's Compliance Schedule Policy. Further amendments include: correcting toxicity definitions and references (Appendix I), updating the list of exceptions to the Ocean Plan (Appendix VII), and changing references to the Department of Health Services (DHS) to the Department of Public Health (DPH) in conjunction with their recent split. Lastly, maps of California's ocean waters, bays, and estuaries were inserted.

Pursuant to CWA section 303(c) and the implementing federal regulations at 40 CFR 131, EPA hereby approves this amendment. EPA's approval is based on our finding that the amendment is consistent with the requirements of the CWA and EPA's regulations at 40 CFR 131.5 and 131.6.

Public Participation

EPA compliments the State on its efforts to include the public in the development and review of new and revised water quality standards. Public involvement is an integral component of a successful water quality program. On May 5, 2005, the State Water Board held a public hearing for the triennial review of the Ocean Plan to receive additional public comment for potential revisions of the Ocean Plan. On June 26, 2007, a scoping meeting was held regarding the potential Ocean Plan amendments. The public comment period closed on August 31, 2009. Responses to public comments are included in the draft Staff Final Report (September, 2009). Based upon our review, the public review procedures followed by the State in the development of State Water Board Resolution No. 2009-0072 were consistent with the procedural requirements for public participation in triennial reviews, adoption, and revision of state water quality standards.

ESA Consultation with the Services on EPA's Action


Section 7(a)(2) of the Endangered Species Act states that each federal agency shall ensure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species (listed species) or result in the destruction or adverse modification of critical habit. EPA has determined that today's action will have no effect on federally listed threatened or endangered species or critical habitat because the amendments are considered to be an administrative matter and have no further impact.

Relationship to other Water Quality Control Plans

As the amendments are strictly administrative in nature, they will not have any regulatory effect and do not constitute changes to the objectives contained in the Ocean Plan. Among other edits, they merely codify the Compliance Schedule Policy within NPDES, previously adopted by the State Water Board. Moreover, these amendments do not affect or supersede any other plan.

EPA commends the State Water Board staff for its excellent work in updating the Ocean Plan. If there are any questions regarding EPA's action, please contact Janet Hashimoto, of my staff, at (415) 972-3452 or Terry Fleming at (415) 972-3462. As always, EPA looks forward to continued cooperation with the State in achieving our mutual environmental goals.

Sincerely,

 8 October 2010
Alexis Strauss
Director, Water Division

cc:

Dominic Gregorio (SWRCB)
Rik Rasmussen (SWRCB)
Thomas Gardner (Mail Code 4305)