UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

OFFICE OF THE
REGIONAL ADMINISTRATOR

AUG 01 2007

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 El Centro Wastewater Treatment Plant NPDES Permit, NPDES No. CA0104426

Dear Mr. Perdue:

The U.S. Environmental Protection Agency ("EPA") has reviewed the *Bioassessment of the Central Drain to the Alamo River At the City of El Centro 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 Central Drain. On May 24, 2007, the City of El Centro submitted the Bioassessment to EPA and requested that freshwater criteria be applied to their wastewater discharge into the Central drain which empties into the Alamo River. In this letter, the City of El Centro indicated that its request applied to the receiving waters of the Central Drain at the discharge point from its wastewater treatment facility in El Centro, California. Enclosed is the letter and Bioassessment for your review. The City of El Centro is currently discharging into the Central Drain under the National Pollutant Discharge Elimination System ("NPDES"), Order No. R7-2004-0004, NPDES Permit No. CA0104426.

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 Central Drain specified in the City of El Centro's May 24, 2007, letter (copy enclosed), as the receiving waters for the wastewater discharged from the El Centro 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 Central Drain 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. R7-2004-0004, NPDES No. CA0104523 for the City of El Centro on March 30, 2004, with the most stringent of the freshwater or saltwater criteria for copper and nickel.

Approval to use freshwater criteria in a segment of the Central Drain, defined as the El Centro Wastewater Treatment Plant's discharge point into the Central Drain, would not apply to the Central Drain 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 El Centro conducted a site-specific assessment of the biology of the Central Drain 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 Central Drain. Sampling stations were established 200 meters upstream from the discharge and 100 meters downstream from the discharge. 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 1 part per thousand (ppt). According to the Bioassessment, Bermuda grass (*Cynodon dactylon*), saltgrass (*Distichlis spicata*), and Indian sweetclover (*Melilotus indica*) are the predominate plant species at both sampling points. Indian sweetclover is indicative of freshwater systems. Saltgrass, despite its common name, does not require saline soils while Bermuda grass can tolerate some salinity but is most common in freshwater systems. The Bioassessment also identified freshwater aquatic invertebrates such as epifaunal molluscs which dominated each site with physids followed by snails of the family Planorbidae. In addition to the molluscs, freshwater crustaceans, insect midges, and other insects were collected. These included the detached claws of crayfish which are also freshwater taxa.

EPA agrees with the conclusion that the presence of freshwater vegetation (such as Indian sweetclover) and freshwater invertebrates (including snails of the families Physidae and Planorbidae and the detached claws of crayfish) suggests that the portion of the Central Drain, as specified herein, is a freshwater environment. Therefore, EPA believes that the freshwater criteria for all pollutants 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 Central Drain. 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 El Centro's NPDES permit, Order No.

R7-2004-00004, NPDES Permit No. CA0104426. 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 CWA Standards and Permits 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 Wayne Nastri
Regional Administrator

Enclosure

Cc: Jose Cortez, CA RWQCB, RB7 (w/o Enclosure)
Randy Hines, City of El Centro (w/o Enclosure)