



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105-3901**

MAR 18 2010

**OFFICE OF THE
REGIONAL ADMINISTRATOR**

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

Dear Mr. Perdue:

The U.S. Environmental Protection Agency ("EPA") has reviewed a biological evaluation for consideration of the use of alternative freshwater aquatic life criteria in 40 CFR 131.38 by the City of Coachella Publicly Owned Treatment Works ("POTW") for a portion of the Whitewater River Channel/Coachella Valley Storm Water Channel ("Channel"). On December 22, 2009, the City of Coachella submitted the biological evaluation to EPA. On March 3, 2010, the City of Coachella sent an e-mail which clarified its intent to request that freshwater criteria be applied to the receiving waters of the Channel. The POTW is currently discharging into the Channel under the National Pollutant Discharge Elimination System ("NPDES"), Order No. R7-2005-0083, NPDES Permit No. CA0104493.

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 Channel specified in the City of Coachella's December 22, 2009 submittal as the receiving waters for the wastewater discharged from its POTW.

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 parts per thousand, such as the portion of the Channel 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. R7-2005-0083, NPDES No. CA0104493 for the City of Coachella's POTW, with the most stringent of the freshwater or saltwater criteria.

Approval to use freshwater criteria in a segment of the Channel, defined as the Coachella POTW discharge point into the Channel, would not apply to the Channel in its entirety, but only to the portion that is the subject of today's tentative approval.

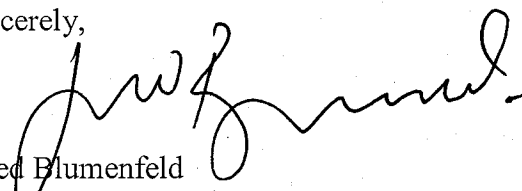
Discussion and EPA's Tentative Approval

The City of Coachella conducted a site-specific assessment of the biology of the Channel 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 biological evaluation was conducted at the discharge location into the Channel. Sampling stations were established at the outfall, 100 meters above the outfall, and 100 meters below the outfall. At each sampling station the following data were collected: water salinity, dominant vegetation, and aquatic invertebrates. The water salinity was measured at just above 1 part per thousand. According to the evaluation, the presence of freshwater organisms (tilapia and poeciliidae), wildlife associated with riparian areas, and dominant vegetation (willows, cottonwoods, and cattail) indicate that the Channel is a freshwater ecosystem. Organisms such as the barnacle, pileworm, and brackish water snail which are common in saltwater ecosystems, including those found downstream from the Salton Sea, were not observed in the Channel near the point of discharge.

EPA agrees with the conclusion that the Channel at the point of discharge of the City of Coachella POTW 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 Channel. 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 Coachella's NPDES permit, Order No. R7-2006-0049, NPDES Permit No. CA0104370. 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 Standards and TMDL 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,


Jared Blumenfeld
Regional Administrator

cc: John Carmona, Colorado River Basin Regional Water Quality Control Board
Brett Daniels, City of Coachella
Jerry Jimenez, City of Coachella