



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

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San Francisco, CA 94105-3901

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA CLARA REGION

NOV 18 2009

Dorothy Rice, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Dear Ms. Rice:

The Environmental Protection Agency has reviewed the amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to subdivide Reach 4 of the Santa Clara River into two separate reaches. I am pleased to inform you that we are approving this amendment.

The subject amendment was adopted by the Los Angeles Water Quality Control Board (LARWQCB, Regional Board) on November 1, 2007 under resolution No. R4-2007-018, and approved by the State Water Resources Control Board on October 21, 2008 under Resolution No. 2008-0076. The complete submission package was received by EPA on January 13, 2009.

The amendment changes Figure 2-3, *Major surface waters of the Santa Clara watershed*, in Chapter 2 (Beneficial Uses) of the Basin Plan. The only change in Figure 2-3 is where Reach 4 of the Santa Clara River is subdivided into two reaches, Reach 4A and Reach 4B. The subdivision of Reach 4 does not change any water quality standards, but distinguishes water body segments based on differences associated with their distinct hydrological characteristics and different effects of discharges on water quality in the two reaches. EPA agrees with the rationale presented in the Staff Report that justifies the subdivision of Reach 4, and the specific areas that were subdivided.

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 that the above Basin Plan amendment is subject to EPA's section 303(c) approval authority. 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. Based upon our review of the administrative record for the subject amendment, the public review procedures followed by the State in the development of Regional Board Resolution No. R4-2007-0018 and State Board Resolution No. 2008-0076 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 habitat. EPA has determined that today's action will have no effect on federally listed threatened or endangered species or critical habitat because the water quality standards for protection of aquatic life and wildlife have not been altered.

EPA commends the Los Angeles Regional Board staff for its careful work in subdividing Reach 4 into two separate reaches in this amendment to the Basin Plan. If there are any questions regarding EPA's action, please contact Suesan Saucerman, of my staff, at 415-972-3522. As always, EPA looks forward to continued cooperation with the State in achieving our mutual environmental goals.

Sincerely,


Alexis Strauss
Director, Water Division

cc: Tracy Egoscue (LARWQCB)
Darrin Polhemus (SWRCB)
Trish Rider (EPA HQ) Mail Code 4305-T