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

Reply to:
WTR-5

MAY 19 2005

Celeste Cantú, Executive Director
California State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Dear Ms. Cantú:

The U.S. Environmental Protection Agency ("EPA") has reviewed an amendment to the *Water Quality Control Plan, Los Angeles Region* ("Basin Plan") for the coastal watersheds of Los Angeles and Ventura Counties which updates ammonia water quality objectives and implementation procedures applicable to inland surface waters not characteristic of freshwater (including enclosed bays, estuaries and wetlands) (hereinafter, "inland waters") with beneficial use designations for the protection of aquatic life. This amendment was adopted by the Los Angeles Regional Water Quality Control Board ("Regional Board") on March 4, 2004 (Regional Board Resolution No. 2004-022), and approved by the State Water Resources Control Board ("State Board") and State Office of Administrative Law on July 22, 2004 (State Board Resolution No. 2004-0044) and September 14, 2004, respectively. Section 303(c) of the Clean Water Act ("CWA") requires EPA to approve or disapprove new or revised state-adopted water quality standards. By this letter, EPA is approving the 2004 amendment to Chapter 3, *Water Quality Objectives*, of the Basin Plan, as detailed below.

Scope of EPA's Approval

Today's action applies only to those portions of the 2004 amendment subject to EPA's water quality standards approval authority under CWA section 303(c). Section 303(c) requires EPA to review and approve or disapprove new or revised water quality standards submitted by a state. For purposes of section 303(c), water quality standards generally include designated uses and water quality criteria (or "beneficial uses" and "water quality objectives," respectively, under California law), and antidegradation policies. In addition, under EPA's water quality standards regulation, a state has discretion to include in its standards "policies generally affecting their application and implementation, such as mixing zones, low flows and variances." 40 C.F.R. § 131.13. Though adoption of such policies is optional for a state, such implementation policies are also subject to EPA review and approval under section 303(c). Id.

EPA has determined that implementation provision number 5, *Translation of Objectives into Effluent Limits*, of the 2004 amendment (see p. 2 of Attachment A to Resolution No. 2004-

022) establishes procedures expressly to implement specified EPA National Pollutant Discharge Elimination System ("NPDES") permit regulations at 40 C.F.R. Part 122, Subpart C, and is outside the purview of today's action.

Attachment A to Resolution No. 2004-022 contains the new saltwater ammonia water quality objectives and implementation provisions subject to review and approval. For inland waters, the new water quality objectives for un-ionized ammonia (NH_3) are a fixed one-hour average concentration of 0.233 mg/L and a fixed 4-day average concentration of 0.035 mg/L. These objectives are independent of pH, temperature, or salinity. In accordance with new implementation provision number 1, *Determination of Freshwater, Brackish Water or Saltwater Conditions*, these objectives apply to inland waters in which the salinity is equal to or greater than 10 parts per thousand ("ppt"), 95 percent or more of the time; in inland waters where the salinity is greater than 1 but less than 10 ppt, the more stringent of either the current freshwater ammonia objective or new saltwater ammonia objective applies. Implementation provision number 6, *Receiving Water Compliance Determination*, describes methods by which inland water salinity levels are used to determine the applicable ammonia objective when evaluating instream compliance with the Basin Plan's freshwater and saltwater ammonia objectives. Upon EPA approval, the new saltwater ammonia objectives for inland waters with aquatic life beneficial use designations and two implementation provisions, each described above, entirely replace the current Basin Plan ammonia objectives and implementation provisions based on EPA's 1984 304(a) water quality criteria for ammonia.

ESA Consultation with the Services on EPA's Action

Section 7(a)(2) of the Endangered Species Act ("ESA") states 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, or result in the destruction or adverse modification of critical habitat. EPA has entered into national consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service (collectively, the "Services") on CWA section 304(a) ambient water quality criteria protecting aquatic life. This consultation includes EPA's water quality criteria for ammonia. In a memorandum of agreement, EPA and the Services have agreed that if, during the national consultation, EPA proposes to take an action approving numeric water quality criteria that are identical to EPA's existing 304(a) criteria, such action will be covered by the national consultation; such actions by EPA are subject to revision based on the results of the national consultation. See 66 Fed. Reg. 11202-11217. Today, EPA is taking action on the 2004 amendment which contains saltwater ammonia objectives identical to EPA's existing 304(a) criteria for ammonia in saltwater.

EPA's Approval

Because we find the 2004 amendment to be consistent with CWA requirements, we hereby approve it; this approval is subject to revision based on the results of the national consultation described above.

If there are any questions regarding our action, please contact Robyn Stuber, of my staff, at (415) 972-3524. As always, we look forward to continued cooperation with the State in achieving our mutual environmental goals.

Sincerely,

Alexis Strauss, Director
Water Division 19 May 2005

cc: Jonathan Bishop, Los Angeles Regional Water Quality Control Board
Stan Martinson, State Water Resources Control Board, Division of Water Quality
Catherine Kuhlman, North Coast Regional Water Quality Control Board
Bruce H. Wolfe, San Francisco Bay Regional Water Quality Control Board
Roger W. Briggs, Central Coast Regional Water Quality Control Board
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Harold J. Singer, Lahontan Regional Water Quality Control Board
Robert E. Perdue, Colorado River Basin Regional Water Quality Control Board
Gerard J. Thibeault, Santa Ana Regional Water Quality Control Board
John Robertus, San Diego Regional Water Quality Control Board
Diane Noda, U.S. Fish and Wildlife Service, Ventura Office
Jim Bartel, U.S. Fish and Wildlife Service, Carlsbad Office
James Lecky, National Marine Fisheries Service, Southwest Region
Claudia Fabiano, U.S. Environmental Protection Agency, Office of Science and Technology
Manjali Vlcan, U.S. Environmental Protection Agency, Office of Science and Technology