



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

MAR 30 2009

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

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CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES REGION

Dear Ms. Rice:

The U.S. Environmental Protection Agency (EPA) has reviewed the amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to adopt Site-Specific Objectives (SSOs) for Ammonia in select water bodies of the Santa Clara River, Los Angeles River, and San Gabriel River Watersheds. I am pleased to inform you that we are approving those portions of the amendment that establish water quality objectives, pursuant to section 303(c) of the Clean Water Act and implementing regulations at 40 CFR Part 131. This approval is subject to the results of consultation under section 7(a)(2) of the Endangered Species Act (ESA) with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) (collectively, the Services).

The subject amendment was adopted by the Los Angeles Regional Water Quality Control Board (LARWQCB, Regional Board) on June 7, 2007, under Resolution No. R4-2007-005. It was approved by the State Water Resources Control Board (SWRCB) on January 15, 2008 under SWRCB Resolution No. 2008-0004. These actions were approved by the California Office of Administrative Law (OAL) on May 12, 2008. The State Board submitted the amendment to USEPA Region 9 for review on July 18, 2008.

Summary of Approved Amendment

The LARWQCB Resolution No. R4-2007-005 Basin Plan Amendment to adopt SSOs for Ammonia takes ionic composition into account for several receiving waters to develop site-specific 30-day average (chronic) ammonia objectives for a subset of inland surface waters in three watersheds in Los Angeles and Ventura Counties. The SSOs take into account differences in toxicity of ammonia between the local water chemistry and that of the test water used in the development of the national ammonia criteria. The ammonia objectives for the SSOs were derived using EPA's "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses", 1985, "1999 Update of Ambient Water Quality Criteria for Ammonia", 1999, and "Interim Guidance on Determination and Use of Water-Effect Ratios for Metals", 1994.

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 certain provisions addressing implementation of water quality standards for surface waters. EPA has determined that the Basin Plan amendment, as described above, is subject to EPA's section 303(c) approval authority.

EPA has determined that portions of this amendment which establishes ammonia criteria as protective as those currently applicable for these water bodies in the Los Angeles Region are subject to EPA's CWA section 303(c) approval authority. EPA finds that Regional Board staff made appropriate use of the EPA's 1985 *Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses*, EPA's 1994 *Interim Guidance on Determination of Use of Water-Effect Ratios for Metals*, and EPA's 1999 *Update of Ambient Water Quality Criteria for Ammonia* (EPA-822-R-99-014 December 1999) in reaching their conclusions regarding the use of WERs and calculations of the SSOs in the Regional Board's jurisdiction. The LARWQCB's Staff Report adequately demonstrates that, given available data and expert opinion, the SSOs are protective of aquatic life.

Pursuant to CWA section 303(c) and the implementing federal regulations at 40 CFR 131, EPA hereby approves this amendment, subject to the results of the ESA section 7(a)(2) consultation with the Services. 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, and our understanding that the Regional Board will ensure that the SSOs will not compromise the protection of downstream waters.

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. R4-2007-005 and State Board Resolution No. 2008-0004 are 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

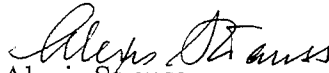
Section 7(a)(2) of the Endangered Species Act states that each federal agency shall ensure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species (listed species) or result in the destruction or adverse modification of critical habitat. On July 21, 2008, EPA Region 9 initiated

informal consultation with the U.S. Fish and Wildlife and National Marine Fisheries Service regarding today's action.

Pursuant to the August 2002 *Memorandum of Agreement Between the Environmental Protection Agency, Fish and Wildlife Service, and National Marine Fisheries Service Regarding Enhanced Coordination Under the Clean Water Act and Endangered Species Act* (MOA, EPA-823-R-02-003), EPA is consulting with the USFWS and NMFS on the national 304(a) ammonia criteria. The MOA provides that, during the national 304(a) consultations, EPA may approve state water quality criteria that are identical to or more stringent than the existing 304(a) criteria, pending results of the national consultations, and that such action will be covered by the national consultations. Because the use of WERs is authorized in EPA's *1999 Update of Ambient Water Quality Criteria for Ammonia* (EPA-822-R-99-014 December 1999), the SSOs submitted are considered "as stringent as" existing 304(a) criteria. Accordingly, EPA is deferring further consultation on this action pending completion of consultation on the final national criteria, and is approving this amendment subject to the results of the consultation under section 7 of the ESA.

EPA commends the Los Angeles Regional Board staff for its work on the site-specific ammonia amendment. 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,

 30 March 2009
Alexis Strauss
Director, Water Division

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