



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

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

RE: Guadalupe River Watershed Mercury
Total Maximum Daily Loads (TMDLs)

Dear Ms. Rice:

Thank you for submitting the amendment to the Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) containing the total maximum daily loads (TMDLs) for mercury in certain waters within the Guadalupe River watershed. Based on EPA's review of the TMDL submittal under Clean Water Act (CWA) section 303(d), I have concluded the TMDLs adequately address the pollutant of concern and, upon implementation, will result in attainment of the applicable water quality standards for the Guadalupe River watershed. All required elements are adequately addressed; therefore, the TMDLs are hereby approved pursuant to CWA section 303(d)(2).

The California Regional Water Quality Control Board, San Francisco Region (Regional Board), adopted the Basin Plan amendment under Resolution No. R2-2008-0089 on October 8, 2008. The California State Water Resources Control Board (State Board) approved the Basin Plan amendment on November 17, 2009 under Resolution No. 2009-0082, and the California Office of Administrative Law (OAL) approved the amendment on February 24, 2010. EPA received the State Board's request for approval of the amendment on January 4, 2010, and OAL's approval letter on February 25, 2010. The State of California adopted the TMDLs to address mercury for: Guadalupe Reservoir, Guadalupe Creek, Alamos Creek, and the Guadalupe River upstream of tidal influence, identified as impaired on the State's 2006 CWA section 303(d) list; and Almaden Reservoir and Lake Almaden, identified as impaired by the TMDL submittal.

Concurrent with the TMDLs, the State Board included a request for CWA section 303(c) approval of revised water quality objectives for mercury in certain waters of the Guadalupe River watershed. EPA is addressing the revised water quality objective for mercury in separate correspondence.


Based on EPA's review of the TMDL submittal under CWA section 303(d)(2), I have concluded the TMDLs adequately address the pollutant of concern and, upon implementation,

will result in attainment of all applicable water quality standards. The TMDLs include waste load and load allocations as needed, considers seasonal variations and critical conditions, and provides an adequate margin of safety. The State provided sufficient opportunities for public review and comment on the TMDLs and demonstrated how public comments were considered in the final TMDLs.

The State's submittal also contains a detailed plan for implementing the TMDLs. Current federal regulations do not define TMDLs as containing implementation plans; therefore, EPA is not taking action on the implementation plan provided with the TMDLs. However, EPA generally concurs with the State's proposed implementation approaches.

The enclosed review discusses the basis for this decision in greater detail. I appreciate the State's work to adopt these TMDLs and look forward to our continuing partnership in TMDL development. If you have questions concerning this action, please call me at (415) 972-3572 or Diane Fleck at (415) 972-3480.

Sincerely yours,


Alexis Strauss
Director, Water Division

1 June 2010

Enclosure

cc: Bruce H. Wolfe, California Regional Water Quality Control Board,
San Francisco Bay Region