

Berchtold, Kurt@Waterboards

From: Hashimoto, Janet <Hashimoto.Janet@epa.gov>
Sent: Wednesday, March 01, 2017 11:24 AM
To: Berchtold, Kurt@Waterboards
Cc: OROS, DANIEL; Flemming, Terrence@EPA
Subject: EPA comments on revising the Newport Bay fecal coliform TMDL

Dear Kurt:

EPA understands that the Santa Ana Regional Water Quality Control Board is considering the withdrawal of the Newport Bay fecal coliform TMDL and is planning to develop a Newport Bay enterococcus TMDL based on the enterococcus standards promulgated by EPA in 2004. EPA does not support removing the Newport Bay fecal coliform TMDL prior to approval of a revised TMDL. This TMDL provides an important backstop to assure progress is made to continue efforts to control sources of fecal bacteria to Newport Bay, especially given that the compliance date for the existing TMDL has already passed. #1

There is no provision in the EPA regulations or guidance to allow removal of a TMDL while the waterbody remains impaired. Therefore, we will require the Newport Bay fecal coliform TMDL to remain in place. EPA also recommends that the Regional Board take no action at this time and wait for the State Water Resources Control Board to finalize the amendments to the Water Quality Control Plan for the Inland Surface Waters, Enclosed Bays and Estuaries to establish bacteria objectives and statewide implementation procedures, which is expected in 2017. For bays and estuaries, this bacteria policy will establish a uniform enterococcus objective for the protection of primary recreation and is intended to supersede existing Regional Board bacterial objectives. #2

EPA appreciates the Regional Board efforts to establish a Newport Bay enterococcus TMDL but this should be done after the State Board action and not before. If you would like to discuss our concerns further, please feel free to call me or Daniel Oros, standards and TMDL liaison to the Santa Ana Regional Board (415-972-3583 or oros.daniel@epa.gov).

Sincerely,
Janet Hashimoto



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