



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

JAN 26 2007

David S. Beckman
Natural Resources Defense Council, Inc.
1314 Second Street
Los Angeles, CA 90048

Mark Gold
Heal the Bay
2701 Ocean Park Blvd., Suite 150
Santa Monica, CA 90405

Tracy J. Egoscue
Santa Monica BayKeeper
P.O. Box 10096
Marina del Rey, CA 90295

Dear Messrs. Beckman and Gold and Ms. Egoscue:

Under the June 24, 2004 amendment to the consent decree in *Heal the Bay, et al., v. Leavitt, et al.*, TMDLs in Analytical Unit 37 addressing toxicity in the San Gabriel River are to be established by March 24, 2007. Analytical Unit 37 includes three segments previously listed for toxicity: San Gabriel River reaches 1 and 3, and Walnut Creek. Subsequent to the consent decree amendment, additional monitoring has been performed, and EPA and the Regional Board have assessed the available monitoring data, including recent data from 2003 and 2004-06. Based on that assessment, we have determined that no TMDLs are required for toxicity for those segments. The basis for our determination is attached as Enclosure 1. As we discussed by telephone, we are hereby providing notice of this determination under paragraphs 8 and 9 of the consent decree.

If you have questions, please call me at (415) 972-3448.

Sincerely yours,

A handwritten signature in black ink, appearing to read "P. Kozelka", written over a horizontal line.

Peter Kozelka
Regional TMDL Team Leader

Enclosure: San Gabriel Watershed Toxicity Assessment