Dear Ms. Cantú:

The purpose of this letter is to clarify EPA's decision concerning California's decision not to include on its 2002 Section 303(d) list South San Francisco Bay (SSFB) for copper and nickel. I would like to clarify that EPA's June 5, 2003 decision does not apply to the State's decision not to list SSFB for copper and nickel. EPA is not taking any action at this time on the State's listing decision concerning SSFB copper and nickel.

EPA is deferring its decision on the SSFB copper and nickel listing assessments because EPA is in the process of acting to clarify the applicable water quality standards. There are currently two sets of copper and nickel water quality standards in effect for SSFB. The State of California adopted and EPA recently approved site-specific water quality standards for SSFB copper and nickel that were intended to replace the copper and nickel standards previously promulgated by EPA through the California Toxics Rule (CTR). SSFB meets the new site-specific standards but may not meet the old CTR standards. EPA is in the process of de-promulgating the CTR copper and nickel standards for SSFB and expects to complete this de-promulgation in Summer, 2003. Following the de-promulgation action, SSFB will have one set of applicable copper and nickel numeric standards. EPA believes it is reasonable to defer action on this specific Section 303(d) listing decision for the short time before the federal de-promulgation is complete. EPA expects to approve the State decision not to include SSFB copper and nickel on the Section 303(d) list immediately following completion of the de-promulgation.

EPA did not include this deferral of action on SSFB copper and nickel listing decisions in our June 5, 2003 decision letter through a drafting oversight, for which I apologize. Please call me at (415) 972-3572 or David Smith at (415) 972-3416 if you have questions.

Sincerely yours,

Alexis Strauss  
Associate Regional Administrator