



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

JAN 15 2009

OFFICE OF THE
REGIONAL ADMINISTRATOR

Mr. Robert E. Perdue
Executive Officer
California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, California 92260

RE: Approval of the Use of Freshwater Aquatic Life Criteria for the City of Holtville
NPDES Permit, NPDES No. CA0104361

Dear Mr. Perdue:

The U.S. Environmental Protection Agency ("EPA") has reviewed the *Biological Assessment of the City of Holtville Wastewater Treatment Facility Discharge Location* (the "Bioassessment") for consideration of the use of alternative freshwater aquatic life criteria in 40 CFR 131.38 by the City of Holtville for a portion of the Alamo River. On February 11, 2008, the City of Holtville submitted the Bioassessment to EPA and requested that freshwater criteria be applied to its wastewater discharge into the Alamo River. In the bioassessment, the City of Holtville indicated that its request applied to the receiving waters of the Alamo River at the discharge point from the City of Holtville's wastewater treatment facility in Holtville, California. The Holtville wastewater treatment facility is currently discharging into the Alamo River under the National Pollutant Discharge Elimination System ("NPDES"), Order No. R7-2006-0050, NPDES Permit No. CA0104361.

In accordance with 40 CFR 131.38, EPA is proposing to approve the use of freshwater aquatic life criteria only in the portion of the Alamo River specified in the City of Holtville's February 11, 2008, submittal as the receiving waters for the wastewater discharged from the City of Holtville's wastewater treatment facility.

Scope of EPA's Tentative Approval

Today's tentative approval applies to the use of alternative freshwater criteria on a site-specific basis that is subject to EPA's approval authority under 40 CFR 131.38(c)(3). For waters with salinities between 1 and 10 ppt, such as the portion of the Alamo River defined herein, 40 CFR 131.38(c)(3) provides that such waters be addressed as follows:

"For waters in which the salinity is between 1 and 10 parts per thousand as defined in paragraphs c(3)(i) and (ii), the applicable criteria are the more stringent of the freshwater or saltwater criteria. However, the [EPA] Regional Administrator may approve the use of the

alternative freshwater or saltwater criteria if scientifically defensible information and data demonstrate that on a site-specific basis the biology of the water body is dominated by freshwater aquatic life and that freshwater criteria are more appropriate; or conversely, the biology of the water body is dominated by saltwater aquatic life and that saltwater criteria are more appropriate. Before approving any change, EPA will publish for public comment a document proposing the change."

Thus, pursuant to 40 CFR 131.38(c)(3), the Colorado River Basin Regional Water Quality Control Board adopted Order No. R7-2006-0050, NPDES No. CA0104361 for the City of Holtville on June 21, 2006, with the most stringent of the freshwater or saltwater criteria.

Approval to use freshwater criteria in a segment of the Alamo River, defined as the City of Holtville's wastewater treatment facility discharge point into the Alamo River, would not apply to the Alamo River in its entirety, but only to the portion that is the subject of today's tentative approval.

Discussion and EPA's Tentative Approval

Tierra Environmental Services (on behalf of the City of Holtville) conducted a site-specific assessment of the biology of the Alamo River surrounding the discharge location, pursuant to 40 CFR 131.38(c)(3), to determine whether the species observed are more typical of a freshwater or saltwater environment. The Bioassessment was conducted at the discharge location into the Alamo River. Sampling stations were established at the outfall, 100 meters upstream from the outfall, and 100 meters downstream from the outfall. At each sampling station the following data were collected: water salinity, dominant vegetation, and aquatic invertebrates. The water salinity was 0 parts per thousand at the three sampling locations indicating that both the outfall water and the water occurring in the river from agricultural uses are fresh. According to the Bioassessment, freshwater species of fish that were observed included mosquito fish and red shiner. Aquatic invertebrates collected were epifaunal molluscs with hydrobiids as the dominant taxa followed by snails of the family Planorbidae. These taxa are freshwater taxa. In addition, plant species included arrow weed, salt cedar and four-wing saltbush which can tolerate some salinity, but are equally well adapted to fresh water environments.

EPA agrees with the conclusion that the Alamo River in the vicinity of the City of Holtville's wastewater treatment facility is more typical of a freshwater ecosystem than a saltwater system. Therefore, EPA believes that the freshwater criteria are appropriate. However, prior to a final decision, in accordance with 40 CFR 131.38(c)(3), EPA shall give public notice that it is proposing to approve the use of alternative freshwater aquatic life criteria for this portion of the Alamo River. EPA shall jointly public notice this letter with the Colorado River Basin Regional Water Quality Control Board's public notice for the proposed re-opening of the City of Holtville's NPDES permit, Order No. R7-2006-0050, NPDES Permit No. CA0104361. EPA will take into consideration and respond to comments received by EPA during the public comment period.

If there are any questions regarding our tentative approval action, please contact Matthew Mitchell, of the Standards and TMDL Office, at (415) 972-3508. As always, we look forward to continued cooperation with the Colorado River Basin Regional Water Quality Control Board in achieving our mutual environmental goals.

Sincerely,

Allen Stanss 15 January 2009
for Wayne Nastri
Regional Administrator

cc: John Carmona, CA RWQCB, RB7
Frank Cornejo, City of Holtville