



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

DWQ

FEB 16 2007

Tom Howard
Acting Executive Director
California State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Dear Mr. Howard:

The U.S. Environmental Protection Agency (EPA) has reviewed the amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) that revises the Early Life Stage Implementation Provision of the Inland Surface Water Ammonia Objectives for Freshwaters. I am pleased to inform you that we are approving this amendment pursuant to section 303(c) of the Clean Water Act and implementing regulations at 40 CFR Part 131.

The subject amendment was adopted by the Los Angeles Regional Water Quality Control Board (LARWQCB, Regional Board) on December 1, 2005, under Resolution No. R4-2005-014. It was approved by the State Water Resources Control Board (SWRCB) on July 19, 2006 under SWRCB Resolution No. 2006-0053. These actions were approved by the California Office of Administrative Law (OAL) on August 31, 2006. The State Board submitted the amendment to USEPA Region 9 on October 25, 2006. That package was received by EPA Region 9 on October 27, 2006.

Summary of Approved Amendment


The LARWQCB Resolution No. R4-2005-014 Basin Plan Amendment revises Chapter 3, "Water Quality Objectives" of the Basin Plan and, specifically, the implementation provision included as part of the freshwater ammonia objectives relative to the protection of Early Life Stages (ELS) of fishes in inland surface waters. In summary, the ELS provision relaxes the 30-day average ammonia objective at low ambient temperatures (less than 15 degrees Celsius or less than 59 degrees Fahrenheit) where ELS are absent. Where ELS are considered present at temperatures less than 15 degrees Celsius, more stringent ammonia objectives are required. Currently, the Basin Plan contains ammonia objectives to protect ELS of fishes in inland surface waters by using the beneficial use "SPWN" as a proxy for ELS present waters. This amendment to freshwater ammonia objectives revises the current approach of using "SPWN" as a proxy and instead relies on knowledge of where fish reproduction occurs in the LA Region at temperatures below 15 degrees Celsius together with information on the physical conditions that may preclude reproduction and early development in significant numbers in certain water bodies.

ESA Consultation with the Services on EPA's Action

Section 7(a)(2) of the Endangered Species Act states that each federal agency shall ensure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species (listed species) or result in the destruction or adverse modification of critical habitat. On October 30, 2006, and December 5, 2006, EPA Region 9 initiated informal consultation with the U.S Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), respectively, regarding today's action. In a separate action in December, 1999, EPA published the *1999 Update of Ambient Water Quality Criteria for Ammonia* (EPA-822-R-99-14) under CWA section 304(a). Pursuant to the August 2002 Memorandum of Agreement Between the Environmental Protection Agency, Fish and Wildlife Service, and National Marine Fisheries Service Regarding Enhanced Coordination Under the Clean Water Act and Endangered Species Act (MOA, EPA-823-R-02-003), EPA is consulting with the USFWS and NMFS on the national 304(a) ammonia criteria. The MOA provides that, during the national 304(a) consultations, EPA may approve state water quality criteria that are identical to or more stringent than the existing 304(a) criteria, pending results of the national consultations, and that such action will be covered by the national consultation. The early life stage designation and resultant ammonia objectives for the Los Angeles Region are as stringent as the national criteria. Accordingly, EPA is deferring further consultation on this action pending completion of consultation on the final national criteria, and is approving this amendment subject to the results of the consultation under section 7 of the ESA.

EPA commends the Los Angeles Regional Board staff for its excellent work in amending and updating the ammonia standards of the Basin Plan. If there are any questions regarding EPA's action, please contact Suesan Saucerman, of my staff, at 415-972-3522. As always, EPA looks forward to continued cooperation with the State in achieving our mutual environmental goals.

Sincerely,


Alexis Strauss 16 February 2007
Director, Water Division

cc: Johnathan Bishop (LARWQCB)
 Darrin Polhemus (SWRCB)
 Caroline Whitehead (EPA HQ)