



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

APR 28 2015

Mr. Samuel Unger  
Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, California 90013

Dear Mr. Unger:

The U.S. Environmental Protection Agency (EPA) Region 9 reviewed the State Water Resources Control Board (SWRCB) Resolution Number 2014-0069 (Los Angeles Regional Water Quality Control Board Resolution Number R14-10); *The SWRCB Amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to Incorporate an Averaging Period for Chloride Water Quality Objectives in Reaches 4B, 5 and 6; Incorporate New Site Specific Objectives for Chloride in Reaches 5 and 6; and Revise the Total Maximum Daily Load for Chloride in the Upper Santa Clara River* (the Amendment). By this letter I am pleased to inform you that I am approving the Amendment.

The Amendment was adopted by the Los Angeles Regional Water Quality Control Board (Regional Board) on October 9, 2014 under Resolution No. R14-10, and approved by the State Water Resources Control Board (SWRCB) on December 16, 2014, with OAL certification on March 18, 2015. The complete Resolution was submitted to EPA Region 9 on April 22, 2015. This action pertains only to the proposed chloride site specific objectives (SSOs) for the specified reaches of the Santa Clara River. The TMDL action is dealt with separately.

The Amendment makes revisions to the Basin Plan in Chapter 3 (Water Quality Objectives). The Amendment proposes site specific objectives in the Upper Santa Clara River for chloride of 150 mg/L in Reaches 6 and the upstream portion of 5 (upstream of the Valencia WRP outfall 001); and 100 mg/L for the downstream portion (downstream of the Valencia WRP outfall 001) of Reach 5 and Reach 4B. A footnote "m" has been added to Table 3-10 that assigns all chloride objectives a three-month rolling average period, and a 3-month rolling average replaces a 12-month average in Table 3-10a for Reach 6 and the upstream part of Reach 5.

Section 303(c) of the Clean Water Act (CWA) and 40 C.F.R. § 131 require EPA to approve or disapprove new or revised state-adopted water quality standards. The State regulatory provisions which are subject to EPA's approval authority include antidegradation, beneficial uses, and water quality criteria; as such, a portion of the Basin Plan Amendment are subject to EPA's approval authority. Pursuant to CWA § 303(c) and the implementing federal regulations at 40 CFR 131, EPA hereby approves this amendment. EPA's approval is based on our finding that the amendment is consistent with the requirements of the CWA and EPA's regulations at 40 CFR 131.5 and 131.6.

## Public Participation

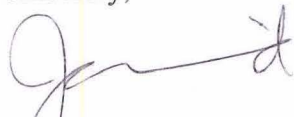
Public involvement is an integral component of a successful water quality program and EPA Region 9 notes that the State and Regional Boards included the public in the development of the Amendment. Based upon our review of the administrative record for the Amendment, the public review procedures followed by the State in the development of the Amendment were consistent with the procedural requirements for public participation in triennial reviews, adoption, and revision of state water quality standards.

## Endangered Species Act Section 7

Section 7(a)(2) of the Endangered Species Act (ESA) states each federal agency shall ensure 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. 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 initiated consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (the Services) on April 22, 2015 regarding the chloride criteria adopted in this amendment. The MOA provides that, during consultation, EPA may approve state water quality criteria identical to or more stringent than the existing 304(a) criteria, pending the results of the consultation. Adopting the site specific criteria for chloride that are more stringent than the EPA recommended 304(a) criterion will have no adverse impact on endangered species or associated habitat. The Amendment results in no modification of the physical environment, and changes no beneficial uses. EPA has determined that this action is not likely to adversely affect federally listed threatened or endangered species or critical habitat because the water quality standards for protection of aquatic life and wildlife are more stringent than the national criteria. Additionally, consistent with ESA Section 7(d), we find that our approval of the chloride criteria for the USCR will not make any irreversible or irretrievable commitment of resources that have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternatives which would not violate Section 7(a)(2) of the ESA.

EPA commends the Los Angeles Regional Board staff for its thorough work in developing the site specific objectives for chloride in this amendment to the Basin Plan. If there are any questions regarding EPA's action, please contact Suesan Saucerman at 415-972-3522. As always, EPA looks forward to continued cooperation with the State in achieving our mutual environmental goals.

Sincerely,



Jane Diamond  
Director, Water Division

cc: Deborah Smith (LARWQCB)  
Jenny Newman (LARWQCB)  
Celine Gallon (LARWQCB)  
Rik Rasmussen (SWRCB)