



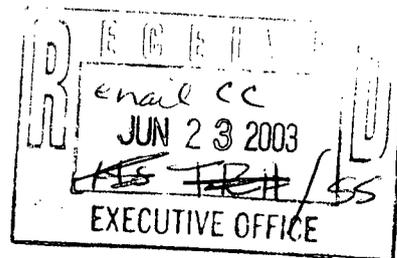
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

#1619

JUN 18 2003



Ms. Celeste Cantú  
Executive Director  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

DWQ Received  
Chief's Office

JUL 1 2003

KAH/CJW

cc: Smith

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 depromulgating the CTR copper and nickel standards for SSFB and expects to complete this depromulgation in Summer, 2003. Following the depromulgation 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 depromulgation 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 depromulgation.

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*  
Alexis Strauss 18 June 2003  
Associate Regional Administrator