



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901



February 5, 2015

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100,
Sacramento, CA 95812-2000

Re: Comment Letter—303(d) List portion of the 2012 California Integrated Report

EPA commends the Regional Board and State Board staff for the transparency of the process with respect to data used in the assessment and the applicable standards. We thank you for this opportunity to provide comments to the State Board. Our comments are based on our preliminary review and we have not yet thoroughly reviewed the list and record. Our goal is to insure that the 303d list is approvable by EPA Region 9 and to avoid if possible the need for EPA to make changes to the list.

We recommend all the waterbody-pollutant combinations proposed for Category 4b by Regional Board 7 be placed into Category 5 of the 303d list (see Attachment). After reviewing the data and the justifications for 4b, we find the justifications do not adequately describe how the pollution controls identified will achieve water quality standards. We acknowledge that the programs that they have in place may partially address the impairments and would not object to these having a lower priority for TMDL development.

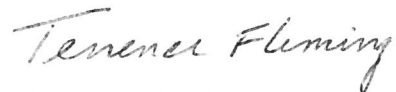
We also recommend that the State Board change the Regional Board 6 categorization for Carson River East Fork for the elements boron, phosphorus and sulfate from 4b to 5. While the Regional Board has issued a Waste Discharge Requirement requiring BMPs to control these pollutants, the controls are insufficient to meet water quality standards in the Basin Plan. This is due to high influent concentrations associated with the Grover Hot Springs. We also recommend keeping Amargosa River (Willow to confluence of Badwater) to the 303(d) list as it exceeds the chronic freshwater standard for arsenic. Both of these may be due to uncontrollable natural sources. However, the State Board's Water Quality Control Policy for Addressing Impaired Waters states that, "*If the failure to attain standards is due to the fact that the applicable standards are not appropriate to natural conditions, an appropriate regulatory response is to correct the standards.*" Alternately the State Board could address this program by implementing a natural source exclusion in the Inland Surface Waters, Bays and Estuaries Policy.

We request the Board to add Topaz Lake which borders Nevada to the 303(d) list. State Board staff assessed trout data from Topaz Lake and concluded that mercury concentrations were below the evaluation guidelines. However, EPA added Topaz Lake to the Nevada 303(d) list on October 23, 2014 due to high mercury concentrations in bass, a species that is more likely to

accumulate mercury. As this is a trans-boundary lake, the bass caught by Nevada DEP should be considered by the State Board in this or future listing cycles.

Finally, we are aware that at least one Regional Board approved some off-cycle listings/de-listings. We encourage the State Board to consider and incorporate such off-cycle decisions future 303(d) listing decisions.

Sincerely,

A handwritten signature in cursive script that reads "Terrence Fleming".

Terrence Fleming
Water Quality Assessment Section

ATTACHMENT

EPA recommends placing the following waterbody-pollutant combinations in Category 5.

Regional Board 6
Amargosa River (Willow to Confluence with Badwater)
Arsenic
Carson River, East Fork
Boron (22786)
Phosphorus (28343)
Sulfates (22588)
Topaz Lake
Mercury
Regional Board 7
Alamo River
Chlordane (21900)
Chlorpyrifos (19152)
DDT (Dichlorodiphenyltrichloroethane) (24579)
Diazinon (21846)
Dieldrin (18381)
PCBs (Polychlorinated biphenyls) (18799)
Toxaphene (18478)
Imperial Valley Drains
Chlordane (19120)
DDT (Dichlorodiphenyltrichloroethane) (22439)
Dieldrin (19124)
PCBs (Polychlorinated biphenyls) (19472)
Toxaphene (19123)
New River (Imperial County)
Chlordane (18325)
Chlorpyrifos (19265)
DDT (Dichlorodiphenyltrichloroethane) (24346)
Diazinon (22290)
Dieldrin (18229)
PCBs (Polychlorinated biphenyls) (22760)
Toxaphene (18128)
Palo Verde Outfall Drain and Lagoon
DDT (Dichlorodiphenyltrichloroethane) (22307)
Toxaphene (22320)

