

US EPA ARCHIVE DOCUMENT



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

March 1, 2013

Mike Fulton
Director
Water Quality Division
Arizona Department of Environmental Quality
1110 W. Washington St.
Phoenix, Arizona 85007

Dear Mr. Fulton:

Thank you for submitting Arizona's 2010 303(d) List of Impaired Waters and supporting documentation pursuant to Clean Water Act (CWA) Section 303(d). We received the submittal on October 17, 2012. I am pleased that EPA can approve Arizona's determination to list each of the waters and pollutants that the State identified as requiring a total maximum daily load (TMDL) under CWA Section 303(d); however, EPA finds that the State omitted from that list several waters and associated pollutants which meet federal listing requirements. EPA is therefore acting today to partially approve and partially disapprove the State's submittal.

EPA carefully reviewed the final submittal including the State's listing decisions, assessment methodology, and supporting data and information. EPA finds that Arizona's 2010 list of water quality limited segments requiring TMDLs partially meets the requirements of Section 303(d) of the Clean Water Act and EPA's implementing regulations. Accordingly, pursuant to 40 CFR 130.7(d), EPA hereby approves each of the State's listings of water quality limited segments requiring a TMDL identified in the 2010 303(d) List, Category 5 Waters.

During our review, we also identified several waters and associated pollutants that meet federal listing requirements but were not included in Arizona's 2010 303(d), Category 5 Waters list. Accordingly, EPA is today identifying the waters and associated pollutants listed in Table 1 of the enclosure as waters requiring a TMDL pursuant to 40 CFR 130.7(d)(2). The statutory and regulatory requirements, a summary of our review of Arizona's compliance with applicable requirements, and our rationale for adding the waters and pollutants identified in Table 1 are also described in the enclosure.

We appreciate your inclusion of prioritization of water quality limited segments requiring TMDL development, as identified in Appendix C of Arizona's 2010 Integrated 305(b) Assessment and 303(d) Listing Report. We understand these schedules to serve the purpose of priority rankings required by 40 CFR 130.7(b). We are not taking action on these schedules as federal regulations do not require EPA to act upon TMDL schedules or priority rankings; however, we expect the prioritization will guide the State's future TMDL development efforts.

The public participation process provided by the Arizona Department of Environmental Quality included several opportunities for the public to participate or submit written comments. The State's public participation activities were consistent with federal requirements.

EPA will solicit public comments on the additions to the State's 303(d) list identified in Table 1 of the enclosure. We will provide a responsiveness summary for comments received on these additions and will advise if any revision to EPA's determination is found to be appropriate.

If you have questions concerning this decision, please call me at (213) 244-1832, or Karin Graves at (415) 972-3153.

Sincerely,



John Kemmerer
Acting Director, Water Division

Enclosure

cc:

Linda Taunt, Deputy Director, Water Division, ADEQ
Jason Sutter, Water Quality Planning Supervisor, ADE