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

DEC 28 2010

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

Dear Mr. Howard:

We have received the State Water Resources Control Board (State Board) submittal of the amendments to the Water Quality Control Plan for the North Coast Region (Basin Plan) containing Total Maximum Daily Loads (TMDLs) for temperature, dissolved oxygen (DO), nutrients, and microcystin impairments in the Klamath River in California. Based on EPA's review of the TMDL submittal under Clean Water Act (CWA) Section 303(d), EPA finds the TMDLs adequately address the pollutants of concern and upon implementation will lead to attainment of the applicable water quality standards for the Klamath River in California. All required elements are adequately addressed; therefore, the TMDLs for the Klamath River in California are hereby approved pursuant to CWA Section 303(d)(2).

Concurrent with the TMDL submittal, the State Board included a request for CWA Section 303(c) approval of revised water quality objectives for dissolved oxygen in the Klamath River in California. EPA approved the revised water quality objectives for dissolved oxygen in a separate action dated December 21, 2010.

The State Board adopted the TMDLs to address temperature, dissolved oxygen (DO), nutrients, and microcystin impairments in the Klamath River in California, as identified on the State's 2006 CWA Section 303(d) list. The TMDLs address wasteload and load allocations, the incremental impairments from the dams and natural background conditions. The TMDLs also take into consideration seasonal variations and critical conditions, and provide an adequate margin of safety. The Regional Water Quality Control Board, North Coast Region (Regional Board) and State Board provided multiple opportunities for public review and comment on the TMDLs, and demonstrated how public comments were considered in the final TMDL submittal.

The TMDL submittal also contains a detailed plan for implementing the TMDLs. EPA has reviewed the plan and that review has informed EPA's understanding and approval of the TMDLs. However, EPA is not taking action on the implementation plan provided with the TMDL submittal.

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We recognize that TMDL implementation is a critical next step to realize improvements in water quality in the Klamath River Basin and we strongly encourage the State to continue its important work with responsible parties and affected stakeholders to implement these strategies. EPA will continue to stay involved in the implementation of the TMDLs and facilitate continued coordination with our upstream colleagues, EPA Region 10 and Oregon Department of Environmental Quality (ODEQ). EPA Region 9 also intends to continue our collaboration with the Regional Board, ODEQ, EPA Region 10 and other partners to develop a credible and transparent water quality improvement tracking and accounting program for the watershed that is consistent with and supportive of achieving the allocations and responsibilities identified in the California and Oregon TMDLs.

Section 7(a)(2) of the Endangered Species Act (ESA) 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. EPA has determined that this approval action may affect, but is not likely to adversely affect, federally listed threatened or endangered species, or their critical habitat. On December 9, 2010, EPA initiated informal consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service on our action concerning the TMDLs. We anticipate concluding consultation in the near future. Consistent with ESA Section 7(d), we find that our approval of the TMDLs will not make "any irreversible or irretrievable commitment of resources with respect to the agency action which has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures," which would not violate Section 7(a)(2).

The enclosed staff review discusses the basis for our approval decision in greater detail. EPA commends the Regional Board and State Board on the extraordinary efforts in developing these TMDLs, and including stakeholders and the public in the development and review of the TMDLs. I look forward to continued collaboration toward implementation of these TMDLs and the full restoration of beneficial uses in the Klamath watershed. If you have any questions concerning this approval, please call Alexis Strauss, Director, Water Division, at (415) 972-3572 or Susan Keydel, Water Division at (415) 972-3106.

Sincerely yours,



Jared Blumenfeld
Regional Administrator

Enclosure

cc: Catherine Kuhlman, Executive Officer, Regional Board