



FACT SHEET

Water Quality Standards; Proposed Withdrawal of Aquatic Life Copper and Nickel Criteria in South San Francisco Bay, California

Summary

The U.S. Environmental Protection Agency (EPA) is proposing to withdraw federal aquatic life copper and nickel water quality criteria in south San Francisco Bay (the area south of Dumbarton Bridge). The State of California has adopted numeric aquatic life copper and nickel water quality objectives for south San Francisco Bay, and EPA has approved these objectives because they meet the requirements of the Clean Water Act. The federal criteria are no longer necessary because EPA has approved the criteria the State adopted.

Background

In 2000, EPA found that California's water quality standards did not meet the requirements of the Clean Water Act (CWA). In accord with the CWA, EPA subsequently promulgated federal numeric water quality criteria for priority toxic pollutants for inland surface waters and enclosed bays and estuaries in the State of California. This regulation is known as the California Toxics Rule *or* CTR. These water quality criteria became the approved water quality criteria for toxic pollutants for all purposes and programs under the Clean Water Act [see 40 CFR 131.38].

Since EPA promulgated the CTR for California, the State has adopted numeric aquatic life copper and nickel water quality criteria for south San Francisco Bay. The State calls these criteria site-specific objectives. EPA found that the State's numeric site-specific objectives fully protect the designated uses of California's waters in south San Francisco Bay, and are consistent with the CWA and federal regulations. Thus, EPA recognizes that the federal aquatic life copper and nickel criteria in south San Francisco Bay are no longer necessary.

About this Regulation

Why is EPA seeking to remove the federal criteria now?

The State of California has adopted site-specific objectives that meet the requirements of the CWA. When EPA approves a state's adopted water quality criteria that meet the requirements of the CWA, EPA issues a rule withdrawing the federal criteria.

What criteria will apply after EPA removes the federal criteria?

After the action to remove the federal criteria is finalized, the applicable aquatic life copper and nickel criteria in south San Francisco Bay will be the State-adopted site-specific objectives, which EPA has already approved.

Will California's Site-Specific Objectives Protect Designated Uses?

Yes, California's site-specific objectives will be protective of the designated uses in south San Francisco Bay, California.

Will there be an Additional Burden on the Regulated Community?

This proposed rule imposes no costs on the regulated community. Removal of the federal criteria will not result in more stringent water quality standards..

Will it Change the Way National Pollutant Discharge Elimination System (NPDES) Permits are Written in California?

When this proposed rule is finalized, the California Regional Water Quality Board for the San Francisco Bay Region will no longer have to write permits using both federal and state water quality standards for south San Francisco Bay; it will only need to comply with state water quality standards. The State of California is the NPDES permit writing authority and will implement the site-specific objectives in new and renewed permits. EPA will retain oversight authority.

What will be the Result of Today's Proposed Action?

EPA's proposed rule, when finalized, will remove federally promulgated aquatic life copper and nickel water quality criteria in south San Francisco Bay, California. California's aquatic life copper and nickel site-specific objectives will then become the only applicable aquatic life water quality criteria for copper and nickel in south San Francisco Bay.

How to Get Additional Information or to Submit Comments

For additional information about this proposed rule, or to submit comments, please contact Diane E. Fleck, P.E., Esq., U.S. EPA Region 9, Water Division (WTR-2), 75 Hawthorne Street, San Francisco, California 94105; phone 415 972-3480, fax 415 947-3537; e-mail: Fleck.Diane@EPA.gov. Alternatively, you may contact Brian Thompson, U.S. EPA Headquarters, Office of Water (4305T), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460; phone 202 566-0382; fax 202 566-0409; e-mail Thompson.Brian@EPA.gov.

You can find the *Federal Register* notice that describes this action on the Internet at <http://www.epa.gov/waterscience/standards>. The notice tells you how to get more information, how to submit comments, and how to review the complete administrative record.