



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

AUG 12 2004

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

CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES REGION

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Dear Ms. Cantú:

The U.S. Environmental Protection Agency (EPA) has reviewed an amendment to the *Water Quality Control Plan, Los Angeles Region* (Basin Plan) for the coastal watersheds of Los Angeles and Ventura Counties to suspend recreational (REC-1 and REC-2) beneficial uses in engineered channels during unsafe wet weather conditions and create a new Table 2-1a "Recreational Beneficial Uses of Inland Surface Waters," which applies the High Flow Suspension beneficial use to 39 water body segments. This amendment was adopted by the Los Angeles Regional Water Quality Control Board (Regional Board) on July 10, 2003 under Resolution No. 2003-010. The Basin Plan amendment was approved by the State Water Resources Control Board (SWRCB) on November 19, 2003 under SWRCB Resolution No. 2003-0071 and approved by the State Office of Administrative Law on January 30, 2004. A summary of waters affected by this action is listed on pages 8-9 to 8-18 of the Regional Board's Administrative Record in the table titled *Recreational Beneficial Uses of Inland Surface Waters*. By this letter, we approve in whole the 2003 amendment to Chapter 2 "Beneficial Uses" and the addition of Table 2-1a. Our action is further detailed below.

Scope of EPA's Approval

Today's action is subject to EPA's water quality standards approval authority under Clean Water Act section 303(c). Section 303(c) requires EPA to review and approve or disapprove new or revised water quality standards submitted by a state. For purposes of section 303(c), water quality standards generally include designated uses and water quality criteria (or "beneficial uses" and "water quality objectives," respectively, under California law), and antidegradation policies.

ESA Consultation with the Services on EPA's Action

Section 7(a)(2) of the Endangered Species Act ("ESA") states 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 or result in the destruction or adverse modification of critical habitat. EPA has determined that today's action

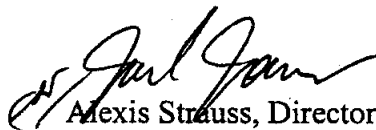
will have no effect on any federally listed endangered or threatened species or critical habitat.

Discussion and EPA's Approval

EPA has determined that the Regional Board's proposal to suspend recreational use(s) assigned to engineered flood control channels during and immediately after defined storm events maintains protection of recreational uses and approves this amendment to the Basin Plan. The rationale for this suspension is that these storm events result in high flows/velocities that create physically unsafe conditions that cannot be remedied. Engineered channels are defined by the Regional Board as inland, flowing surface water bodies with a box, V-shaped, or trapezoidal configuration that have been lined on the sides and /or bottom with concrete. Suspensions apply on days with rainfall greater than or equal to ½ inch and 24 hours following the end of the ½-inch or greater rain event. During these storm events it is the policy of Los Angeles County to lock the access gates to these channels due to the inherent danger of recreating in these channels during storm events, thus preventing individuals from engaging in recreational activities in the channel. The policy of Ventura County is to keep access gates to these flood control channels locked at all times. A categorical suspension of recreational use(s) during and immediately following defined storm events for inland, flowing engineered channels where access is restricted or prohibited is a practical approach and does not reduce public health protection in these channels since the recreational use(s) do not exist under the proposed conditions for the suspension. In all other respects, the REC-1 and REC-2 use designations as well as all other beneficial use designations, and the associated objectives set to protect those uses, remain in effect and fully protected. Furthermore, within three years of the effective date of the amendment, the Regional Board intends to reconsider the continued appropriateness of the suspension of recreational uses in engineered channels during and immediately following the defined storm events.

If there are any questions regarding our action, please contact Robyn Stuber at (415) 972-3524 or Sara Roser at (415) 972-3513. As always, we look forward to continued cooperation with the State in achieving our mutual environmental goals.

Sincerely,


Alexis Strauss, Director
Water Division

12 August 2004

cc: Jonathan Bishop, Los Angeles Regional Water Quality Control Board
Stan Martinson, State Water Resources Control Board, Division of Water Quality
Catherine Kuhlman, North Coast Regional Water Quality Control Board
Bruce H. Wolfe, San Francisco Bay Regional Water Quality Control Board
Roger W. Briggs, Central Coast Regional Water Quality Control Board
Thomas R. Pinkos, Central Valley Regional Water Quality Control Board
Harold J. Singer, Lahontan Regional Water Quality Control Board

Phil Gruenberg, Colorado River Basin Regional Water Quality Control Board
Gerard J. Thibeault, Santa Ana Regional Water Quality Control Board
John Robertus, San Diego Regional Water Quality Control Board
Diane Noda, U.S. Fish and Wildlife Service, Ventura Office
Jim Bartel, U.S. Fish and Wildlife Service, Carlsbad Office
James Lecky, National Marine Fisheries Service, Southwest Region
Tonya Fish, U.S. Environmental Protection Agency, Office of Water (4305)
Claudia Fabiano, U.S. Environmental Protection Agency, Office of Water (4305)