

# Final Rule - EPA Withdrawal of Certain Federal Water Quality Criteria for California

## Summary

The EPA is taking final action to amend the federal regulations to withdraw certain federal water quality criteria for lead, chlorodibromomethane and dichlorobromomethane, applicable to certain waters in California. The State now has adopted, and the EPA has approved, certain criteria for these parameters. Consistent with the emphasis on state primacy for the water quality standards program, the EPA has determined that the federally promulgated criteria for these parameters are no longer needed for certain waters in California. The withdrawal of the federally promulgated criteria will enable California to implement its EPA-approved water quality criteria for these parameters.

## Background

In 2000, the EPA promulgated the California Toxics Rule (CTR) at 40 CFR 131.38. The CTR established numeric water quality criteria for priority toxic pollutants for the State of California, because the State had not complied fully with Section 303(c)(2)(B) of the Clean Water Act (CWA).

The EPA developed the water quality standards program emphasizing state primacy. Although the EPA promulgated toxic criteria for certain states, the Agency prefers that states maintain primacy, revise their own standards, and achieve full compliance. When a state adopts -- and the EPA approves -- water quality criteria that meet the requirements of

the CWA, the Agency then issues a rule to withdraw the pertinent federal criteria applicable to that state.

California has now adopted certain criteria for these parameters. The EPA approved the State's criteria because the EPA determined that the State's criteria were scientifically sound and protective of the designated use(s) of these waters.

## What are the federal criteria that the EPA is withdrawing and where does the rule apply?

The EPA is taking final action to amend the federal regulations to withdraw human health criteria for chlorodibromomethane and dichlorobromomethane for a segment of New Alamo Creek and a segment of Ulati Creek, California. In addition, the EPA is taking final action to amend the federal regulations to withdraw freshwater acute and chronic aquatic life criteria for lead for California's Los Angeles River and its tributaries.

The criteria for these pollutants for other waters in California that are currently part of the CTR will remain in the federal promulgation.

## Public hearing and public comments

On December 11, 2017, the EPA proposed the withdrawal of these certain federally promulgated criteria (see 82 FR 58156, December 11, 2017) and invited public comment for 60 days. In addition, on January 25, 2018, the EPA held an online public hearing so that interested parties could provide oral

comments on this proposed rule.

The EPA received comments on the proposed rule through the public docket. The comments and the EPA's responses are contained in the document "Response to Comments for Water Quality Standards; Withdrawal of Certain Federal Water Quality Criteria Applicable to California: Lead, Chlorodibromomethane and Dichlorobromomethane," which can be accessed at OW docket number EPA-HQ-OW-2017-0303. No changes to the proposed rule were made in response to the comments received.

### **Where can I find more information?**

Contact Diane E. Fleck, U.S. EPA Region 9 at [fleck.diane@epa.gov](mailto:fleck.diane@epa.gov) or 415-972-3527, for more information on California. Contact Bryan "Ibrahim" Goodwin at [goodwin.bryan@epa.gov](mailto:goodwin.bryan@epa.gov) or 202-566-0762, for general and administrative concerns.

To view the final rule and supporting documents, visit EPA's Water Quality Standards website at: <http://www.epa.gov/wqs-tech/water-quality-standards-regulations-california>.

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