



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

Trevor Baggiore
Director, Water Quality Division
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, Arizona 85007

By Email Only

Re: Arizona's List of Impaired Waters under Clean Water Act (CWA) section 303(d)
(2020-2022 List)

Dear Director Baggiore,

I am writing to notify you that the U.S. Environmental Protection Agency (EPA) is affirming its June 16, 2022 addition of two waterbodies to the Subject List, pursuant to 40 C.F.R. § 130.7(d)(2). EPA added Santa Fe Lake (Coconino County) and Horsethief Lake (Yavapai County) to the List because these waterbodies did not meet Arizona's water quality standards for mercury in fish-tissue and thus, require Total Maximum Daily Loads (TMDLs) under Clean Water Act Section 303(d).

EPA also solicited public comment on June 30, 2022 pertaining to this action and no comments were received. After considering the administrative record, EPA hereby affirms its June 16, 2022 decision to add Santa Fe Lake and Horsethief Lake to Arizona's 2020-2022 Impaired Waters List.

I look forward to our continued partnership to protect Arizona's water quality and advance human health and wildlife protection. Please call me if you would like to discuss further, or your staff may contact Matt Bolt at (415) 972-3575 or bolt.matthew@epa.gov with specific questions concerning this decision.

Sincerely,

Tomás Torres
Director, Water Division

Enclosures


cc: Erin Jordan, ADEQ

Summary of Public Notification Process on EPA’s Action to Add Waters to Arizona’s 2020-2022 List of Impaired Waters due to mercury-in-fish-tissue, under Clean Water Act section 303(d)

On June 16, 2022, EPA issued its decision to partially approve Arizona’s 2020-2022 List of Impaired Waters requiring Total Maximum Daily Loads (TMDLs) under Clean Water Act (CWA) section 303(d). EPA disapproved the State’s decision not to list Santa Fe Lake (Coconino County) and Horsethief Lake (Yavapai County) for mercury-in-fish-tissue because EPA found these waterbodies did not meet Arizona’s water quality standards for mercury-in-fish-tissue that protects fish consumption uses. EPA therefore found the State’s decision was inconsistent with CWA Section 303(d) and EPA implementing regulations at 40 C.F.R. § 130.7(d)(2) and added Santa Fe Lake and Horsethief Lake to Arizona’s 2020-2022 List for mercury-in-fish-tissue impairments.

On June 30, 2022, EPA began a public comment period on its action to add Santa Fe Lake and Horsethief Lake as impaired by mercury to Arizona’s 2020-2022 List. EPA solicited public comment by posting public notices on the national EPA Public Notices website (attached), EPA Pacific Southwest website, and through the Arizona Department of Environmental Quality’s email subscription list for the Clean Water Act assessments. EPA’s comment period was open for 45 days and closed on August 15, 2022.

EPA received no comments on EPA’s decision to add Santa Fe Lake and Horsethief Lake to Arizona’s 2020-2022 List for mercury-in-fish-tissue impairments. EPA affirms its decision to add Santa Fe Lake and Horsethief Lake to Arizona’s 2020-2022 List for mercury-in-fish-tissue impairments. No modifications are being made to EPA’s June 16, 2022 decision.

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Public Notice: EPA's Action to Add Waters to Arizona's 2020-2022 List of Impaired Waters due to Methylmercury in Fish Tissue under Clean Water Act, Section 303(d)

How to Comment

Comments Due: August 15, 2022

All interested persons wishing to comment on EPA's action to add waters to Arizona's 2020-2022 List of Impaired Waters under Clean Water Act, Section 303(d) may submit written comments to:

Matt Bolt (bolt.matthew@epa.gov)
(415) 972-3578

To ensure that they are considered, comments must be submitted in writing (by email) on or before August 5, 2022.

We encourage electronic submittals, but if you are unable to submit comments electronically or need other assistance, please reach out to the contact listed in the notice. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please reach out to the listed contact by email or phone or EPA Region 9's Environmental Information Center <<https://epa.gov/epalibraries/region-9-environmental-information-centerlibrary-services>> will help route you: r9.info@epa.gov or phone line or (415) 947-8000 option 5, then option 4.

EPA Documents for the Arizona Section 303(d) List <<https://epa.gov/tmdl/epa-documents-arizona-section-303d-list>>

Publish Date: June 30, 2022

Summary

EPA is soliciting public comments on its action to add two waterbodies as impaired by methylmercury in fish tissue to Arizona's 2020-2022 List of Impaired Waters under Clean Water Act, Section 303(d).

The Clean Water Act (CWA) requires each state identify those waters within its boundaries that do not meet applicable state water quality standards. This list is referred to as the Section 303(d) List of Impaired Waters and is approved or disapproved by EPA.


On June 16, 2022, EPA issued its decision to partially approve and partially disapprove Arizona's 2020-2022 List of Impaired Waters <<https://epa.gov/tmdl/epa-documents-arizona-section-303d-list>>. EPA found Arizona's decision not to list two waters was inconsistent with the provisions of Arizona's water quality standards for methylmercury in fish tissue. These criteria are designed to protect the public from exposure to harmful levels of mercury when consuming fish from Arizona waterways. EPA has identified Horsethief Lake (Yavapai County) and Santa Fe Lake (Coconino County) as impaired by methylmercury in fish tissue and as requiring Total Maximum Daily Loads (TMDLs) under Clean Water Act, Section 303(d).

EPA is soliciting public comments on the addition of these two waterbodies as impaired by methylmercury in fish tissue. After considering public comments and making any revisions EPA deems appropriate, EPA will transmit the listing to the State.

Applicants or Respondents

Arizona Department of Environmental Quality, Surface Water Standards, Monitoring & Assessment Unit
United States

Related Documents

-  EPA Letter: Arizona's 2020-2022 List of Impaired Waters under Clean Water Act (CWA) section 303(d) (2020-2022 List) (pdf)
<<https://www.epa.gov/system/files/documents/2022-06/az20222-ir-303d-epa-partial-approval-decision-2022-06-16.pdf>> (264.23 KB, June 16, 2022)
EPA's letter to Arizona Department of Environmental Quality partial approval of Arizona's 2020-2022 List of Impaired Waters under Clean Water Act (CWA) section 303(d) (2020-2022 List).

Contact Us <<https://epa.gov/publicnotices/forms/contact-us-about-public-notices-us-epa>> to ask a question, provide feedback, or report a problem.

LAST UPDATED ON JULY 11, 2022



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