

Feds set new water quality standards for California

Pollution limits lacking since 1994

By Steve Lawrence
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Sacramento—Federal officials are issuing new water quality standards for California's rivers, lakes and streams to fill a gap created when a court ruling struck down an earlier plan in 1994.

“For the past several years California has been the only state in the nation without water quality criteria for some of the most dangerous toxics,” Felicia Marcus, the U.S. Environmental Protection Agency's regional administrator for the Pacific Southwest, said Friday. “This measure will fill the gap until the state completes its own rule making.”

The EPA adopted a regulation, known as the California Toxics Rule, that sets numerical limits designed to protect humans and animals from 64 pollutants, including mercury, dioxin, selenium, PCBs and dissolved metals.

Those numbers will be the basis for pollution limits in discharge permits issued to businesses and municipalities by California's nine regional water quality control boards.

California officials adopted a set of water quality standards in 1991 to meet federal requirements, but they were overturned by a 1994 court ruling that found that the plans did not adequately address the economic impact of the regulations, said Fran Vitulli, a spokeswoman for the state Water Resources Control Board.

State and federal officials agreed to divide the work of drafting new standards.

The federal EPA adopted the numbers: How many parts per million of copper, for example, can be present in a body of water without exceeding safe levels?

The state portion of the project is a plan that will tell permit drafters how to use the numbers.

That plan is currently awaiting approval from the state Office of Administrative Law, Vitulli said.

Over the past six years, permit drafters have been using their “best professional judgment” in settling pollution limits and that has often led to challenges from industry and environmentalists, she said.

“The action by the EPA is going to help regional water boards defend the limits they have put into their permits,” Vitulli added.

Catherine Kuhlman, associate director of the water division in the EPA's San Francisco office, said the state could decide to revise the federal numbers to meet local needs.

"That's what we expect them to do," she said. "These numbers need to be revised every three years. By making them state numbers then the state once again retains full control of the program." The state could decide, for instance, that tougher limits are needed around the San Francisco Bay because residents there eat more fish than the statewide average.

Or state officials could take the position that the federal numbers are overly protective, she said.

Kuhlman said there were several reasons why it took officials so long to draft new anti-pollution requirements.

"It took us a while to work through with the state who was going to do the job of putting the criteria in place," she said.

"Once we made the decision between us that the EPA was going to do that, it was quite a process to get through." Officials with one major environmental group, the Sierra Club, did not immediately return a phone call from a reporter seeking comment on the criteria.