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U.S. Environmental Protection Agency Testimony on Section 303(d) List Decision
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1. We are near agreement on the final list.

- EPA agrees with > 99.9% of listing assessments; State did a very good job.
- EPA probably will partially disapprove to add a few waters and/or pollutants.

Waters that need to be added:

RB1:

Humboldt Bay PCBs (80% exceedence of screening levels, n=5)

RB2:

Lake Merced DO and pH (46-93% exceedence rates depending on station, n=14)

RB3:

Chumash Ck RB3 DO (15%, n=230)

Llagas Ck RB3 DO (18%, n=90)

Los Osos Ck RB3 DO (18%, n=251)

Orcutt Solomon Ck RB3 boron (15%, n=34)

San Antonio Ck RB3 boron (67%, n=6)

RB4:

Calleguas Ck Reach 4 boron (85%, n=13), sulfate (93%, n=15), TDS (80%, n=15)

Waters that MAY need to be added, but record unclear:

RB2:

San Francisco Bay PAHs (water column and sediment exceedences)

Lake Merritt DO (unclear basis for delisting)

RB8

Bolsa Chica Cu (100%, n=4), Ni 100%, n=4)

- EPA will request that State provide data on these waters and basis for not listing.

2. The State Board should adopt the list today.

- The list is 4 months late and should be adopted without further delay.
- With very minor exceptions, we support entire proposed decision.
- The State Board should not have to consider large amounts of data and information submitted at the last minute—consider in next listing cycle.

3. The TMDL targeting commitments are very important and must be met.

- The State makes reasonable commitments to develop TMDLs over next two years.
- EPA expects those schedules to be met.

4. The State should ensure monitoring list waters are monitored.

- Unless these waters are monitored, the credibility of this approach will be in doubt.
- EPA working with State staff now to build sustainable monitoring approach.

5. The next list is required by April, 2004.

- EPA understands this is an unusual situation and are working with staff on options.
- Not a viable option to ask EPA to do it.