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.