



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

VIA U.S. MAIL and EMAIL

June 11, 2019

Eileen Sobeck  
Executive Director  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, California 95812-0100

Dear Ms. Sobeck,

The Environmental Protection Agency (EPA) is in receipt of the March 13, 2019 submittal by the California Water Resources Control Board seeking the EPA's review of the State's revised southern Delta salinity objective, pursuant to Clean Water Act (CWA or the Act) section 303(c). The State's submittal included a two-page cover letter and a two-page enclosure (titled Table 2, Water Quality Objectives for Agricultural Beneficial Use), and directed the EPA to a website for additional record information that the State claims supports the revised salinity objective.

The EPA is committed to taking timely action on state CWA submittals, consistent with its statutory deadlines. However, States must provide the minimum requirements for water quality standard submittals for the EPA to timely act on those submittals. The EPA's regulations, promulgated at 40 C.F.R. section 131.6, identify the minimum requirements that "must be included in each State's water quality standards submitted to EPA for review," as follows:

- (a) Use designations consistent with the provisions of sections 101(a)(2) and 303(c)(2) of the Act.
- (b) Methods used and analyses conducted to support water quality standards revisions.
- (c) Water quality criteria sufficient to protect the designated uses.
- (d) An antidegradation policy consistent with section 131.12.
- (e) Certification by the State Attorney General or other appropriate legal authority within the State that the water quality standards were duly adopted pursuant to State Law.
- (f) General information which will aid the agency in determining the adequacy of the scientific basis of the standards which do not include the uses specified in section 101(a)(2) of the Act as well as information on general policies applicable to State standards which may affect their application and implementation.

Section 131.5(a)(8) provides that EPA's review of a State's submission involves, among other things, a determination of "[w]hether the State submission meets the requirements included in section 131.6." The State's March 13, 2019 submittal is not consistent with EPA's

implementing regulations because it does not include a number of these minimum requirements. Pursuant to section 303(c)(3) of the Act, this letter provides notice of these deficiencies in the State's submittal. The State's generic reference to its website without identifying any of the elements required under section 131.6 is not sufficient to meet these requirements or allow for the EPA to conduct a substantive review of the revised salinity standard. Please submit to the EPA the minimum required information specified in 40 C.F.R. section 131.6 specific to the salinity standard within 90 days of this letter, consistent with section 303(c)(3) of the Act and 40 C.F.R. section 131.21(a)(2).

Sincerely,

A handwritten signature in black ink that reads "Michael Stoker". The signature is written in a cursive style with a long, sweeping underline.

Michael Stoker  
Regional Administrator

Cc: Eric Oppenheimer  
Erik Ekdahl  
Michael Lauffer