Administrator Andrew R. Wheeler
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

Sent via email to wheeler.andrew@epa.gov

September 30, 2019

Administrator Wheeler,

Your letter to California of September 26, 2019 criticizes the state for water and safe drinking water violations. And you demand that California take immediate action to address its compliance problems. Your letter is apparently based on the mistaken impression that California has the worst record among the states for compliance with clean water and safe drinking water requirements. Your letter states that California is "failing to meet its obligations" under delegated federal programs. You express "concern" about California safe drinking water violations that "call into question the state's ability to protect the public and administer its SDWA programs in a manner consistent with federal requirements." You cite "numerous exceedances" under the Clean Water Act that "suggests the need for more formal and in-depth EPA oversight."

You target California despite the fact that California has one of the best compliance records in the country. EPA's own data shows that forty-eight states have higher rates of violation for one or both of these programs. So that you can base your decisions on the facts, I attach two charts that show how state compliance rates compare for the same topics on which you criticize California. This is EPA's data, readily available on EPA's website.

This data is compelling evidence that compliance issues are not the real reason for your aggressive stance toward California. If you intend to hold California to account for water violations, the public would expect you to send equally tough oversight letters to the forty-eight states with clean water and safe drinking water noncompliance worse than California's.

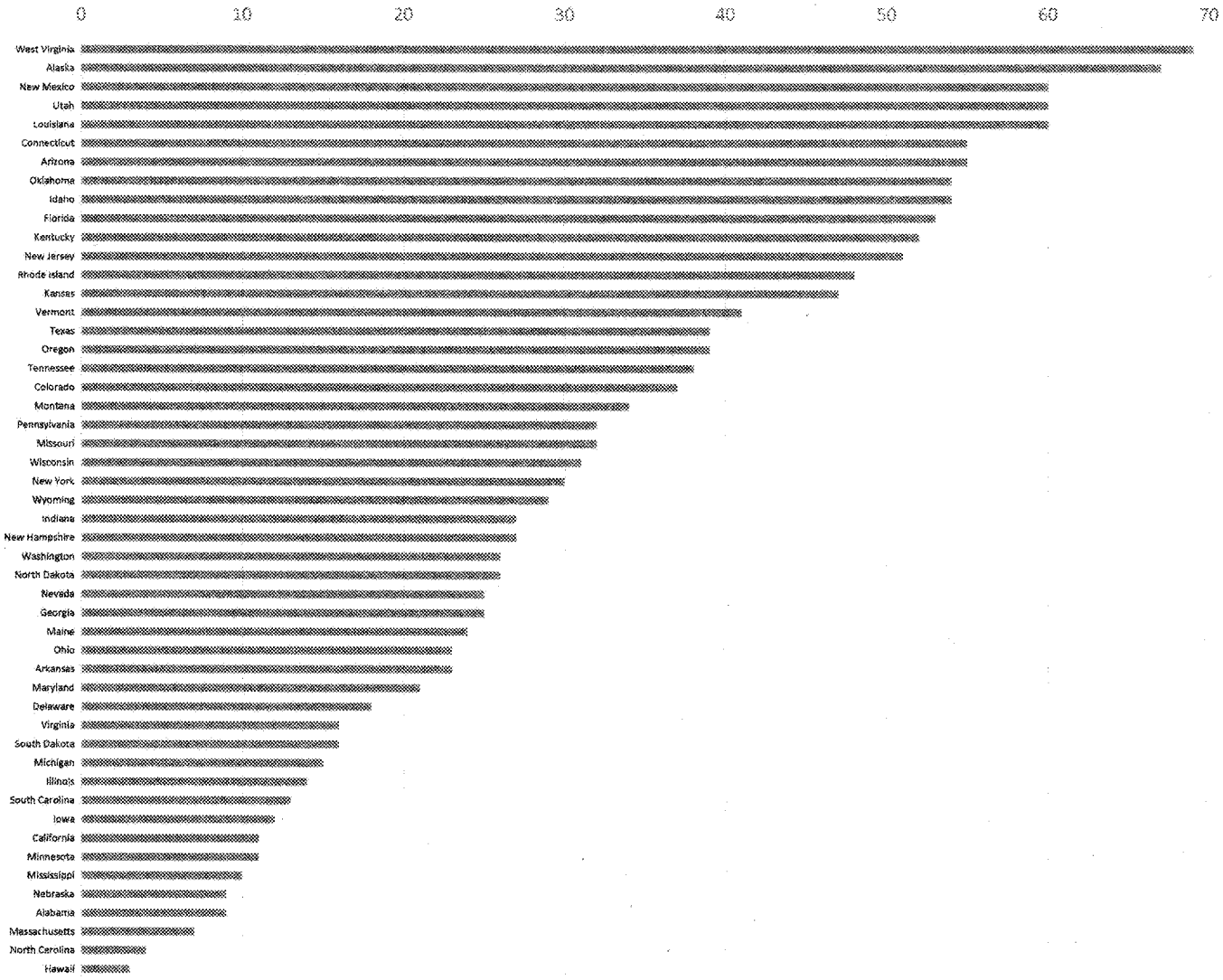
Sincerely,

Cynthia Giles

Cynthia Giles
former Assistant Administrator, EPA Office of Enforcement and Compliance Assurance

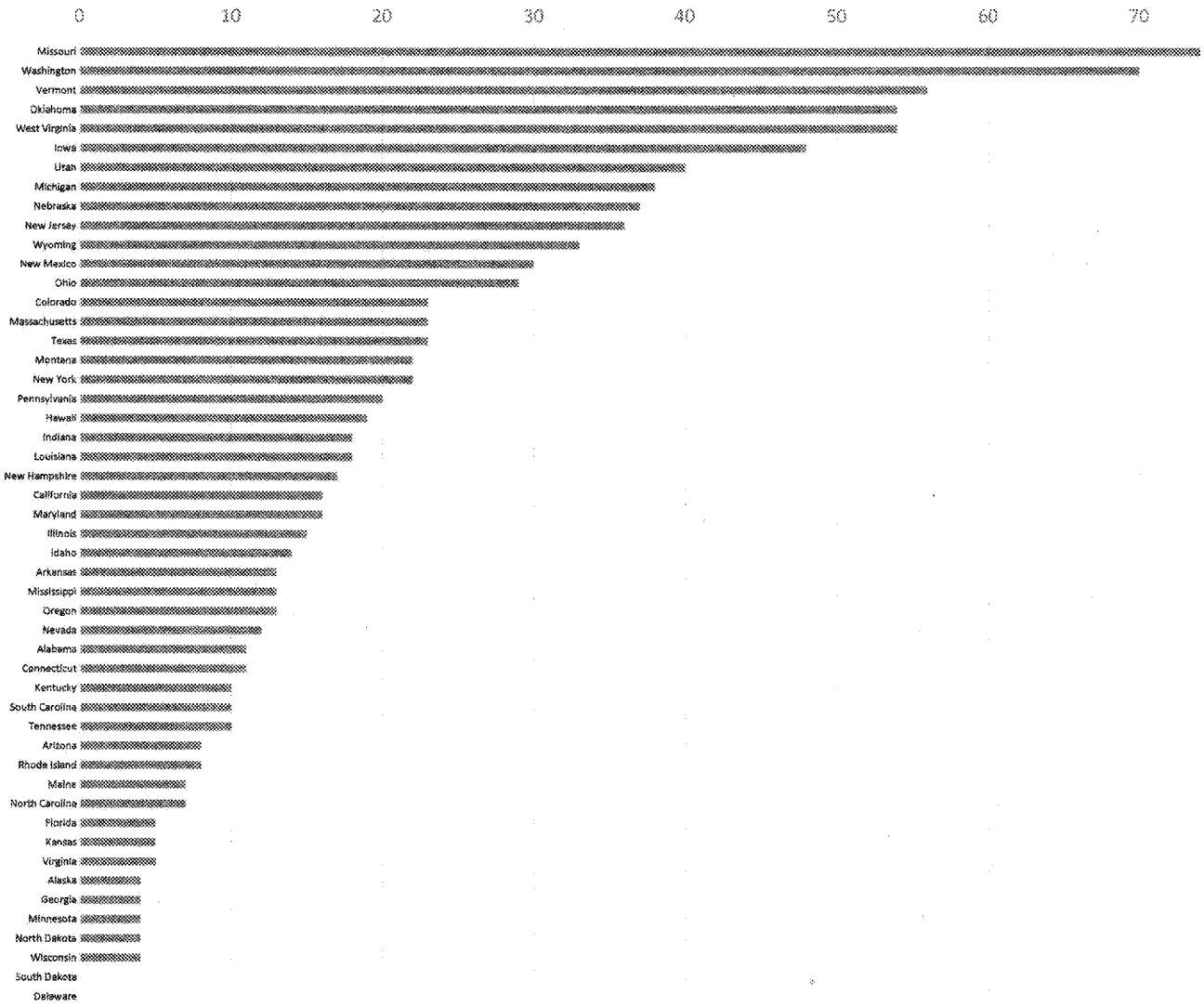
Enc: two charts of compliance data

Percent of Community Water Systems in Violation of the Safe Drinking Water Act in FY 2018, by State



All data from EPA website: Enforcement and Compliance History Online (ECHO), Drinking Water Dashboard, Performance Dashboard, FY 2018 (the most recent year for which complete data is available).

Percent of Major Water Dischargers in Significant Noncompliance with the Clean Water Act in FY 2018, by State



All data from EPA website: Enforcement and Compliance History Online (ECHO), State Water Dashboard, Performance Dashboard, FY 2018 (the most recent year for which complete data is available). Note: data for Delaware is not shown for FY2018.